

Congress of the United States
Washington, DC 20515

119

February 13, 2020

The Honorable Ajit Pai, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Pai,

We have all taken oaths to protect and defend our Constitution from all enemies foreign and domestic. This includes foreign governments that wage information warfare against our country. We write to express our deep concern that the FCC has failed to enforce its own rules as they apply to registered foreign agents, allowing hostile Russian propagandists to attack our democracy as another election is upon us. The FCC's continued inaction, after receiving many Congressional letters from us about this critically important issue, is a stunning abdication of its responsibility to protect American airwaves.¹

As you know, the FCC's sponsorship identification rule requires radio stations to "fully and fairly disclose the *true identity*" of the sponsor of any program broadcasted over American airwaves.² However, WZHF continues to air Russian propaganda in our nation's Capital, as it has for more than two years, without informing its listeners that the broadcast is truly sponsored by the Russian government.

In response to previous Congressional letters about this issue, the FCC opened an enforcement inquiry by April 2018 to determine whether WZHF and similar stations are complying with the sponsorship identification rule,³ and in a letter dated December 3, 2019, you confirmed that the inquiry is ongoing.⁴ It's shameful that the Commission has investigated this issue for over a year and a half and has yet to reach a conclusion about whether WZHF is complying with FCC rules. As a result of the Commission's apathetic approach to enforcement, American radio listeners remain in the dark.

We strongly urge the Commission to complete its enforcement inquiry as quickly as possible and compel broadcast licensees that air propaganda on behalf of the Russian government to identify themselves as such on the air. While we've made similar requests in the past, we do so with greater urgency today because the 2020 presidential election is fewer than nine months away and the presidential primaries have already begun. Americans are currently in the process of deciding who they will elect to lead our country, and it's critical that they are not unknowingly influenced by foreign propaganda.

Adding to the urgency of our request are troubling reports that RM Broadcasting LLC, a registered foreign agent, purchased six hours of daily airtime on KXCL in Kansas City.⁵ Today, the *New York Times*, reported that residents of Kansas City will hear this Russian

propaganda during prime driving hours.⁶ This expansion brings daily radio broadcasts of Russian propaganda to a second American city and advances Radio Sputnik's publicly-stated goal to "broadcast in all major U.S. markets."⁷ Considering this development, we urge the Commission to immediately add KXCL to its enforcement inquiry. As Radio Sputnik continues to expand, reaching more Americans in their effort to interfere in our democracy, the FCC *must* act to ensure that Radio Sputnik and the stations that air it comply with the laws and regulations of our country.

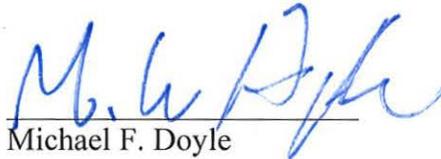
According to the Office of the Director of National Intelligence, "Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the U.S. presidential election,"⁸ and by all indications, he plans to do so again. In fact, Special Counsel Robert Mueller, in testimony before the House of Representatives, voiced his concern that Russia is planning to interfere in the 2020 presidential elections and warned that "much more needs to be done to protect against this intrusion."⁹ The Russian government's purposeful interference in our elections is to sow division among the American people and undermine public faith in our democratic institutions. They engage in this effort to harm our country and, importantly, to diminish liberal democracy globally in order to legitimize Russia's authoritarian system of government.

As public officials who have sworn an oath to protect and defend our Constitution, we have a duty to safeguard our democracy from Russia's campaign of foreign interference. As Chairman of the FCC, this duty compels you to instruct the Commission to fully enforce the sponsorship identification rule as it applies to adversarial foreign agents *immediately*.

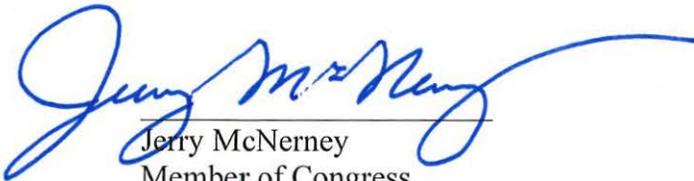
Sincerely,



Anna G. Eshoo
Member of Congress



Michael F. Doyle
Member of Congress



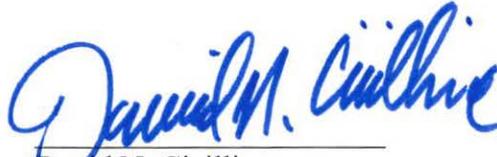
Jerry McNerney
Member of Congress



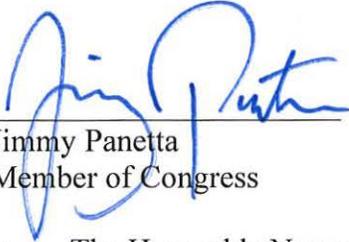
Eleanor Holmes Norton
Member of Congress



Sharice L. Davids
Member of Congress



David N. Cicilline
Member of Congress



Jimmy Panetta
Member of Congress

cc: The Honorable Nancy Pelosi, Speaker of the House of Representatives
The Honorable Michael O’Rielly, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Geoffrey Starks, Commissioner
The Honorable Brendan Carr, Commissioner

¹ Letters from Members of Congress include: (i) Letter from Reps. Anna G. Eshoo, Michael F. Doyle, David N. Cicilline, Judy Chu, Jimmy Panetta, Jerry McNerney, Mark Takano, Doris Matsui, Peter Welch, Eric Swalwell, and David Loebsack, May 3, 2017, <https://eshoo.house.gov/sites/eshoo.house.gov/files/migrated/wp-content/uploads/2017/05/05-03-17-AE-et-al-to-Pai-Re-RT.pdf>; (ii) Letter from Reps. Anna G. Eshoo, Michael F. Doyle, and Frank Pallone, Jr, September 18, 2017, <https://eshoo.house.gov/media/press-releases/eshoo-pallone-doyle-fcc-russia-may-be-using-our-countrys-airwaves-undermine>; (iii) Letter from Rep. Anna G. Eshoo, November 15, 2017, <https://docs.fcc.gov/public/attachments/DOC-350469A2.pdf>; (iv) Letter from Rep. Anna G. Eshoo, December 26, 2017, <https://docs.fcc.gov/public/attachments/DOC-350469A2.pdf>; (v) Letter from Rep. Anna G. Eshoo, January 30, 2018, <https://docs.fcc.gov/public/attachments/DOC-350469A2.pdf>; (vi) Letter from Reps. Anna G. Eshoo, Eleanor Holmes Norton, Norma J. Torres, Yvette D. Clarke, and Jerry McNerney, September 17, 2019, <https://docs.fcc.gov/public/attachments/DOC-361272A1.pdf>.

² 47 C.F.R. § 73.1212(e). “Sponsorship identification; list retention; related requirements” (emphasis added)

³ Letter from FCC Chairman Ajit Pai to Rep. Anna G. Eshoo, April 20, 2018, <https://docs.fcc.gov/public/attachments/DOC-350469A1.pdf>

⁴ Letters from FCC Chairman Ajit Pai to Rep. Anna G. Eshoo, Eleanor Holmes Norton, Norma J. Torres, Yvette D. Clarke, and Jerry McNerney, December 3, 2019, <https://docs.fcc.gov/public/attachments/DOC-361272A2.pdf>

⁵ Steve Vockrodt, “KCXL in Kansas City Begins Airing Russia’s Radio Sputnik,” *The Kansas City Star*, January 17, 2020, <https://www.kansascity.com/news/local/article239359868.html>.

⁶ Neil MacFarquhar. “Playing on Kansas City Radio: Russian Propaganda.” *The New York Times*, February 13, 2020. <https://www.nytimes.com/2020/02/13/us/russian-propaganda-radio.html>.

⁷ Chris Haxel, "Russian 'Propaganda Machine' Selects Kansas City As Its Second Radio Broadcast Site," *KCUR*, January 25, 2020, <https://www.kcur.org/post/russian-propaganda-machine-selects-kansas-city-its-second-radio-broadcast-site#stream/0>.

⁸ "Background to 'Assessing Russian Activities and Intentions in Recent US Elections': The Analytic Process and Cyber Incident Attribution" (Office of the Director of National Intelligence, January 6, 2017), https://www.dni.gov/files/documents/ICA_2017_01.pdf.

⁹ U.S. Congress, House Permanent Select Intelligence Committee, *Former Special Counsel Robert S. Mueller, III on the Investigation into Russian Interference in the 2016 Presidential Election*, 116th Cong., 1st Session, July 24, 2019.