

United States Senate
WASHINGTON, DC 20510

January 16, 2018

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Dear Attorney General Sessions:

On November 13, 2017, the Department of Justice announced that T&R Productions, LLC, a District of Columbia company, registered under the Foreign Agents Registration Act (FARA) as an agent for the Russian government entity responsible for the worldwide broadcasts of the RT Network (RT).¹ Two days later, the U.S. broadcaster for Russian government-controlled Sputnik Radio also registered under FARA.² These developments reportedly followed certain FARA enforcement actions that the Department undertook. We write to ask you to provide information on the Department's actions and plans, if any, to require similar registration from Chinese state-controlled media outlets operating in the U.S.

As you know, FARA generally requires any person who acts in the United States as an agent of a foreign principal, including as a publicity agent or an information service employee, to register with the Attorney General.³ As Acting Assistant Attorney General for National Security Dana Boente stated, "Americans have a right to know who is acting in the United States to influence the U.S. government or public on behalf of foreign principals."⁴ While FARA contains an exception for certain news or press services, this exception does not apply to a news or press service owned, directed, supervised, controlled, subsidized, or financed by a foreign principal, or whose policies are determined by a foreign principal.⁵

Similar to Russia's state-controlled RT and Sputnik news services, the People's Republic of China controls several media organizations that disseminate news and propaganda domestically and internationally. For example, Xinhua News Agency is the largest media organization in China, and is a ministry-level entity directly under the control of China's State Council.⁶ According to Prof. David Shambaugh, Director of George Washington University's China Policy Program, "[f]rom its inception, Xinhua has always had a dual role: to report news and to disseminate Party and state propaganda... both domestically and internationally."⁷ The

¹ <https://www.justice.gov/opa/pr/production-company-registers-under-foreign-agent-registration-act-agent-russian-government>.

² See <https://www.fara.gov/docs/6490-Exhibit-AB-20171115-2.pdf>. The foreign principal in this case was the Federal State Unitary Enterprise Rossiya Segodnya International Information Agency, a news agency wholly owned and operated by the Russian government and the successor agency to RIA Novosti.

³ 22 U.S.C. § 611 *et seq.*

⁴ <https://www.justice.gov/opa/pr/production-company-registers-under-foreign-agent-registration-act-agent-russian-government>.

⁵ 22 U.S.C. § 611(d).

⁶ <https://www.cecc.gov/chinas-state-organizational-structure#sc>.

⁷ The China Journal, No. 57, Jan. 2007, *China's Propaganda System: Institutions, Processes and Efficacy*, at <https://myweb.rollins.edu/tlairson/china/chipropaganda.pdf>.

U.S.-China Economic and Security Review Commission also reports that “Xinhua serves some functions of an intelligence agency by gathering information and producing classified reports for the Chinese leadership...”⁸ The Chinese Communist Party is clear in viewing media as a political tool—functioning as a “mouthpiece” for its official positions and in shaping public opinion. In February 2016, Chinese President and Communist Party General Secretary Xi Jinping reiterated the primacy of the Party’s control of the media in visits to Xinhua, People’s Daily, and China Central Television (CCTV). President Xi also stated that the media “must be surnamed Party” and called for “absolute loyalty” to the Party from official media outlets and personnel.

Currently, Xinhua’s North American bureau supervises Xinhua bureaus in New York, Washington, D.C., Chicago, Los Angeles, Houston, and San Francisco.⁹ Prominent U.S. newspapers “have also featured inserts from the Chinese official media outlet *China Daily* without clearly marking them as Chinese propaganda.”¹⁰ CCTV has been rebranded as China Global Television Network (CGTN) and claims that, through cable and satellite broadcasts, it is “in nearly 30 million households (encompassing 75 million viewers) in the United States.”¹¹ A December 2017 *Foreign Policy* article reported that while CGTN has not registered as a foreign agent, Ogilvy Public Relations, which works on behalf of the network’s U.S. division, registered under FARA with the Justice Department in 2012, noting “CCTV falls under the supervision of the State Administration of Radio, Film, and Television, which is in turn subordinate to the State Council of the People’s Republic of China.”¹² Xinhua has even reportedly leased a 200 square-meter video screen in New York’s Times Square, on which it has run video asserting China’s “indisputable sovereignty” over the South China Sea.¹³ Yet only the U.S. distribution company for *China Daily* is currently registered under FARA.¹⁴

China’s increasingly active foreign influence and perception-management operations were the focus of a December 13, 2017 hearing of the Congressional-Executive Commission on China,¹⁵ and have been the subject of recent debate globally, including among U.S. allies such as Australia.¹⁶ According to the National Endowment for Democracy, both China and Russia exploit a “glaring asymmetry”: a lack of reciprocity caused by raising “barriers to external political and cultural influence at home while simultaneously taking advantage of the openness of democratic systems abroad.”¹⁷ A sensible step for the United States government to take is

⁸ https://www.uscc.gov/sites/default/files/Annual_Report/Chapters/Chapter%203%2C%20Section%205%20-%20China%27s%20Domestic%20Information%20Controls%2C%20Global%20Media%20Influence%2C%20and%20Cyber%20Diplomacy_0.pdf.

⁹ *Id.*

¹⁰ *Id.*

¹¹ <https://america.cgtn.com/2016/12/28/about-cgtn>.

¹² <http://foreignpolicy.com/2017/12/19/why-isnt-chinas-flagship-tv-network-registered-as-a-foreign-agent-fara-russia-cctv-america-beijing/>

¹³ <https://www.voanews.com/a/china-airs-propaganda-video-over-new-york-times-square/3454457.html>.

¹⁴ See the FARA filings for China Daily Distribution Corp., e.g., <https://www.fara.gov/docs/3457-Supplemental-Statement-20171109-26.pdf>.

¹⁵ <https://www.cecc.gov/events/hearings/the-long-arm-of-china-exporting-authoritarianism-with-chinese-characteristics>.

¹⁶ See, e.g., <https://www.reuters.com/article/us-australia-politics-foreign/australia-citing-concerns-over-china-cracks-down-on-foreign-political-influence-idUSKBN1DZ0CN>.

¹⁷ <https://www.ned.org/wp-content/uploads/2017/12/Introduction-Sharp-Power-Rising-Authoritarian-Influence.pdf>.

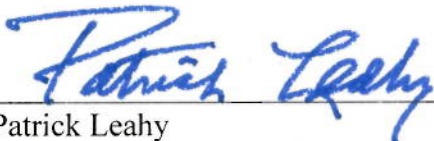
appropriately enforcing existing laws, such as FARA, designed to protect against just such concerns.

Accordingly, please provide written responses to the following questions about the status of the Department's FARA enforcement with respect to the activities of Chinese state-controlled media operating in the U.S.:

1. What steps has the Department taken to assess whether Chinese state-controlled media organizations operating in the U.S. including Xinhua, *China Daily* (beyond its U.S. distribution company that is already registered), and CGTN (collectively referred to herein as the "PRC media organizations"), and their employees, are required to register as agents of a foreign principal under FARA or other applicable statutes such as 18 U.S.C. § 951?
 - a. If the Department assesses that the PRC media organizations do not incur reporting requirements under FARA similar to those of U.S.-based affiliates of RT and Sputnik, please state why.
2. What steps has the Department taken to assess whether all disseminations in the U.S. by PRC media organizations comply with FARA's filing and labeling requirements under 22 U.S.C. § 614, as applicable?
 - a. What about such disseminations via inserts in U.S. newspapers?
 - b. What about such disseminations via social media?
3. What steps has the Department taken to enforce fully the reporting, filing, and labeling obligations of the PRC media organizations and their employees, if any, under either FARA or other applicable statutes such as 18 U.S.C. § 951?
4. Please describe the Department's plans for future enforcement with respect to the issues addressed in questions 1 through 3 above.

Thank you in advance for your cooperation with this request. If you have any questions, please contact Nima Binara of Senator Leahy's Judiciary Committee staff at Nima_Binara@judiciary-dem.senate.gov or (202) 224-3712 or Elyse Anderson of Senator Rubio's staff at (202) 226-3821.

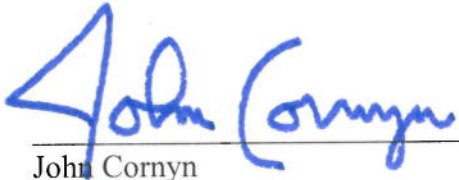
Sincerely,



Patrick Leahy
United States Senator



Marco Rubio
United States Senator



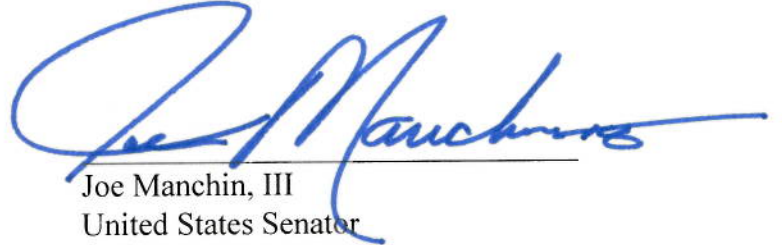
John Cornyn
United States Senator



Tom Cotton
United States Senator



Amy Klobuchar
United States Senator



Joe Manchin, III
United States Senator



Ted Cruz
United States Senator