



U.S. Department of Justice
National Security Division

Counterintelligence and Export Control Section

Washington, D.C. 20530

September 12, 2017

VIA EMAIL AND FEDEX

John F. Garziglia, Esq.
c/o Mark Schamel, Esq.
Womble Carlyle Sandridge & Rice LLC
1200 Nineteenth Street NW, Suite 500
Washington, DC 20036

Re: Reston Translator LLC – Obligation to Register

Dear Mr. Garziglia:

Thank you for your cooperation as we have examined whether Reston Translator LLC (Reston Translator) has an obligation to register under the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. §§ 611-621 (FARA or the Act). In particular, we appreciate the discussion we had on July 20, 2017, and your subsequently providing us with the June 2, 2017, contract (the Contract) between Reston Translator and the Federal State Unitary Enterprise Rossiya Segodnya International Information Agency (Rossiya Segodnya).

As set forth below in greater detail, we have concluded that Reston Translator has an obligation to register under FARA as an agent for Rossiya Segodnya, a foreign principal that is also a proxy for and part of the Russian government. Under the Contract, Reston Translator acts directly as a “publicity agent” and “information-service employee” for Rossiya Segodnya by disseminating its radio broadcasts (under the name of Sputnik Radio) over public airwaves. Such activity gives rise to a registration obligation under the Act.

FARA

The purpose of FARA is to inform the American public of the activities of agents working for foreign principals to influence U.S. Government officials or the American public with reference to the domestic or foreign policies of the United States, or with reference to the political or public interests, policies, or relations of a foreign country or a foreign political party.

The term “foreign principal” includes “a government of a foreign country” and “a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.” 22 U.S.C. § 611(b).

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FARA – Reston Translator Letter of Determination
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An “agent of a foreign principal” is defined, in pertinent part, as “any person who acts as an agent . . . or . . . at the order, request, or under the direction or control” of a “foreign principal” and “who directly or through any other person (i) engages within the United States in political activities for or in the interests of such foreign principal;” or “(ii) acts within the United States as a . . . publicity agent, [or] information-service employee . . . for or in the interests of such foreign principal.” 22 U.S.C. § 611(c)(1)(i)-(ii).

A “publicity agent” refers to “any person who engages directly or indirectly in the publication or dissemination of oral, visual, graphic, written, or pictorial information or matter of any kind, including publication by means of . . . broadcasts, motion pictures, or otherwise.” 22 U.S.C. § 611(h). An “information-service employee” includes “any person who is engaged in furnishing, disseminating, or publishing accounts, descriptions, information, or data with respect to the political, industrial, employment, economic, social, cultural, or other benefits, advantages, facts, or conditions of any country other than the United States or of any government of a foreign country” 22 U.S.C. § 611(i).

Rossiya Segodnya Is a Foreign Principal and a Part of the Russian Government, Acting as Its Proxy

As the Contract makes clear, Rossiya Segodnya is incorporated under the laws of the Russian Federation, with a registered office in Moscow, Russia.¹ Those facts, alone, are sufficient to make Rossiya Segodnya a foreign principal for purposes of FARA. *See* 22 U.S.C. § 611(b)(3).

Nevertheless, it is also important to recognize that Rossiya Segodnya is a foreign principal because it is part of the Russian government. *See* 22 U.S.C. § 611(b)(1). Russian president Vladimir Putin created Rossiya Segodnya by a decree issued on December 13, 2013, in which he dissolved the state-owned news agency RIA Novosti and replaced it with Rossiya Segodnya²

Moreover, Rossiya Segodnya is indistinguishable from Sputnik International (Sputnik), whose radio broadcasts Reston Translator transmits pursuant to the Contract. If one clicks on the Rossiya Segodnya website link on the internet, one lands automatically on the Sputnik International web page.³ In fact, Rossiya Segodnya created the Sputnik brand on November 10, 2014.⁴

¹ Contract at p. 2.

² “Putin Dissolves State News Agency, Tightens Grip on Russia Media,” Reuters (December 9, 2013), <http://www.reuters.com/article/us-russia-media/putin-dissolves-state-news-agency-tightens-grip-on-russia-media-idUSBRE9B80I120131209>.

³ *See* https://sputniknews.com/tags/tag_Rossiya_Segodnya/.

⁴ “About Us,” Sputnik International, <https://sputniknews.com/docs/about/> (“Sputnik International’s predecessors are the state-run news agency RIA-Novosti and the Voice of Russia radio service, which were disbanded in 2013 [upon the creation of Rossiya Segodnya].”).

Significantly, Rossiya Segodnya and Sputnik, along with RT (formerly Russia Today), form the backbone of the Russian government's propaganda apparatus.⁵ They do not operate independently of one another, and are under the control of the same senior management, as Margarita Simonyan serves as the editor-in-chief of both RT and Sputnik.⁶ Indeed, the English translation of Rossiya Segodnya is "Russia Today."⁷

Reston Translator Has an Obligation to Register under FARA

As described above, Reston Translator has an obligation to register under FARA because it serves as a "publicity agent" and "information-service employee" for Rossiya Segodnya.

Under the Contract, Reston Translator broadcasts Rossiya Segodnya's programming (*i.e.*, Sputnik) on a 24-hour, 7 days a week basis without interruption.⁸ Rossiya Segodnya transmits the programming to Reston Translator via satellite from Moscow.⁹ Reston Translator then modifies the signal for re-broadcast on its HD-2 radio station in the Washington, D.C. area on the 105.5 Mhz FM radio band,¹⁰ without any alteration of the programming content.

Reston Translator's contractual work constitutes the "dissemination of oral . . . information . . . by means of . . . broadcasts" for Rossiya Segodnya and fits squarely within the definition of a "publicity agent" in FARA. *See* 22 U.S.C. § 611(h). The contract likewise engages Reston Translator, by virtue of its transmissions of the Sputnik broadcasts, in "furnishing, disseminating, or publishing accounts, descriptions, information, or data with respect to the political, industrial, employment, economic, social, cultural, or other benefits, advantages, facts, or conditions of . . . [a] government of a foreign country," to wit, Russia. *See* 22 U.S.C. § 611(i). Reston Translator therefore is also an "information-service employee" of Rossiya Segodnya for purposes of FARA.

⁵ *See* Office of the Director of National Intelligence, *Assessing Russian Activities and Intentions in Recent US Elections* (2017) ("Intelligence Community Report"), https://www.dni.gov/files/documents/ICA_2017_01.pdf.

⁶ *See* "RT Editor Simonyan to Head Kremlin-Backed News Agency," BBC (December 13, 2013), <http://www.bbc.com/news/world-europe-25560434>.

⁷ "About," Rossiya Segodnya Facebook page, <https://www.facebook.com/pages/Rossiia-Segodnya/111728602178128?rf=604773772929615>.

⁸ Contract at Part 1, "Definitions," and Part 2, "Subject of the Agreement."

⁹ *Id.*

¹⁰ *Id.* at Part 2.

Effecting the Registration Obligation

In light of the foregoing, please effect Reston Translator's registration within thirty (30) calendar days of the date of this letter.

Useful information and forms needed for registration may be found on our website at <http://www.fara.gov>. If you have any questions regarding registration, or have additional information to provide, please contact (b) (6), (b) (7)(C) by telephone at (202) 233-0776 or by e-mail at FARA.public@usdoj.gov.

Sincerely,

Heather H. Hunt, Chief
FARA Registration Unit

Caplin & Drysdale, Chartered