

ALERT

Chinese State-Run Media Companies Required to Register Under the Foreign Agents Registration Act

September 20, 2018

According to media reports, on Tuesday, the U.S. Department of Justice (DOJ) ordered Chinese state-run media organizations Xinhua News Agency (XNA) and China Global Television Network (CGTN) to register as foreign agents under the Foreign Agents Registration Act (FARA). DOJ's requirement that both XNA and CGTN register follows closely behind Congressional pressure that Chinese state-run media outlets register as well as the DOJ's August 2017 determination that RTTV America, Inc. register as a foreign agent of the Russian government.

Although DOJ's letter to XNA and CGTN has not yet been made public, presumably, the agency concluded that both media outlets are engaged in "political activities," activities as "publicity agents," and/or activities as "information-service employees" for the Chinese government – the very activities for which DOJ determined that RTTV America, Inc. was required to register under FARA.

As was the case with RTTV America, it is also likely that DOJ concluded that as a proxy of the Chinese government with editorial control over programming content, neither XNA nor CGTN qualify for the statute's "news/press exemption" or any of the other exemptions to FARA registration. We will know DOJ's rationale for requiring registration if and when DOJ's letter to XNA and CGTN becomes publicly available.

This recent development underscores DOJ's continued heightened focus on FARA enforcement, specifically, ensuring that all entities that trigger a registration requirement and are not eligible for an

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exemption – whether lobbyists, public relations companies, or even media outlets – are registered under the statute.