

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

S. 3654

To amend the United States International Broadcasting Act of 1994, to avoid the duplication of public diplomacy programs and efforts, to improve the research and evaluation of public diplomacy, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. MENENDEZ

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "U.S. Agency for Global
5 Media Reform Act".

6 **SEC. 2. LIMITATION ON CORPORATE LEADERSHIP OF**
7 **GRANTEES.**

8 Section 305 of the United States International
9 Broadcasting Act of 1994 (22 U.S.C. 6204) is amended
10 by inserting after subsection (b) the following:

1 “(c) LIMITATION ON CORPORATE LEADERSHIP OF
2 GRANTEES.—The Chief Executive Officer may not award
3 any grant under subsection (a) to RFE/RL, Inc., Radio
4 Free Asia, the Middle East Broadcasting Networks, or
5 any other statutorily authorized grantee (collectively re-
6 ferred to as the ‘Agency Grantee Networks’) unless the
7 incorporation documents of the grantee require that the
8 corporate leadership and Board of Directors of the grantee
9 be selected in accordance with this Act.”.

10 **SEC. 3. INTERNATIONAL BROADCASTING ADVISORY**
11 **BOARD.**

12 Section 306 of the United States International
13 Broadcasting Act of 1994 (22 U.S.C. 6205) is amended—

14 (1) by striking subsection (a) through (c) and
15 inserting the following:

16 “(a) IN GENERAL.—The International Broadcasting
17 Advisory Board (referred to in this section as the ‘Advi-
18 sory Board’) shall advise the Chief Executive Officer of
19 the United States Agency for Global Media, as appro-
20 priate.

21 “(b) RETENTION OF EXISTING BROADCASTING
22 BOARD OF GOVERNORS MEMBERS.—The presidentially
23 appointed and Senate-confirmed members of the Board of
24 the Broadcasting Board of Governors who were serving
25 as of December 23, 2016, shall—

1 “(1) constitute the first Advisory Board; and

2 “(2) hold office until replaced without re-
3 appointment to the Advisory Board.

4 “(c) COMPOSITION OF THE ADVISORY BOARD.—

5 “(1) IN GENERAL.—The Advisory Board shall
6 consist of 7 members, of whom—

7 “(A) 6 shall be appointed by the President,
8 by and with the advice and consent of the Sen-
9 ate, in accordance with subsection (d); and

10 “(B) 1 shall be the Secretary of State.

11 “(2) CHAIR.—The President shall designate,
12 with the advice and consent of the Senate 1 of the
13 members appointed under paragraph (1)(A) as
14 Chair of the Advisory Board.

15 “(3) PARTY LIMITATION.—Not more than 3
16 members of the Advisory Board appointed under
17 paragraph (1)(A) may be affiliated with the same
18 political party.

19 “(4) TERMS OF OFFICE.—

20 “(A) IN GENERAL.—Except as provided in
21 subparagraph (B), members of the Advisory
22 Board shall serve for a single term of 4 years,
23 except that, of the first group of members ap-
24 pointed under paragraph (1)(A)—

1 “(i) 2 members who are not affiliated
2 with the same political party, shall be ap-
3 pointed for terms ending on the date that
4 is 2 years after the date of the enactment
5 of the U.S. Agency for Global Media Re-
6 form Act;

7 “(ii) 2 members who are not affiliated
8 with the same political party, shall be ap-
9 pointed for terms ending on the date that
10 is 4 years after the date of the enactment
11 of the U.S. Agency for Global Media Re-
12 form Act; and

13 “(iii) 2 members who are not affili-
14 ated with the same political party, shall be
15 appointed for terms ending on the date
16 that is 6 years after the date of the enact-
17 ment of the U.S. Agency for Global Media
18 Reform Act.

19 “(B) SECRETARY OF STATE.—The Sec-
20 retary of State shall serve as a member of the
21 Advisory Board for the duration of his or her
22 tenure as Secretary of State.

23 “(5) VACANCIES.—

24 “(A) IN GENERAL.—The President shall
25 appoint, with the advice and consent of the

1 Senate, additional members to fill vacancies on
2 the Advisory Board occurring before the expira-
3 tion of a term.

4 “(B) TERM.—Any members appointed pur-
5 suant to subparagraph (A) shall serve for the
6 remainder of such term.

7 “(C) SERVICE BEYOND TERM.—Any mem-
8 ber whose term has expired shall continue to
9 serve as a member of the Advisory Board until
10 a qualified successor has been appointed and
11 confirmed by the Senate.

12 “(D) SECRETARY OF STATE.—When there
13 is a vacancy in the office of Secretary of State,
14 the Acting Secretary of State shall serve as a
15 member of the Advisory Board until a new Sec-
16 retary of State is appointed.”;

17 (2) in subsection (d)—

18 (A) in the subsection heading, by inserting
19 “ADVISORY” before “BOARD”; and

20 (B) in paragraph (2), by inserting “who
21 are” before “distinguished”; and

22 (3) by striking subsections (e) and (f) and in-
23 serting the following:

24 “(e) FUNCTIONS OF THE ADVISORY BOARD.—The
25 members of the Advisory Board shall—

1 “(1) provide the Chief Executive Officer of the
2 United States Agency for Global Media with advice
3 and recommendations for improving the effectiveness
4 and efficiency of the Agency and its programming;

5 “(2) meet with the Chief Executive Officer at
6 least twice annually and at additional meetings at
7 the request of the Chief Executive Officer or the
8 Chair of the Advisory Board;

9 “(3) report periodically, or upon request, to the
10 congressional committees specified in subsection
11 (d)(2) regarding its advice and recommendations for
12 improving the effectiveness and efficiency of the
13 United States Agency for Global Media and its pro-
14 gramming;

15 “(4) obtain information from the Chief Execu-
16 tive Officer, as needed, for the purposes of fulfilling
17 the functions described in this subsection;

18 “(5) consult with the Chief Executive Officer
19 regarding budget submissions and strategic plans
20 before they are submitted to the Office of Manage-
21 ment and Budget or to Congress;

22 “(6) advise the Chief Executive Officer to en-
23 sure that—

24 “(A) the Chief Executive Officer fully re-
25 spects the professional integrity and editorial

1 independence of United States Agency for Glob-
2 al Media broadcasters, networks, and grantees;
3 and

4 “(B) agency networks, broadcasters, and
5 grantees adhere to the highest professional
6 standards and ethics of journalism, including
7 taking necessary actions to uphold professional
8 standards to produce consistently reliable and
9 authoritative, accurate, objective, and com-
10 prehensive news and information; and

11 “(7) provide other strategic input to the Chief
12 Executive Officer.

13 “(f) APPOINTMENT OF HEADS OF NETWORKS.—

14 “(1) IN GENERAL.—The head of Voice of
15 America, of the Office of Cuba Broadcasting, of
16 RFE/RL, Inc., of Radio Free Asia, of the Middle
17 East Broadcasting Networks, or of any other statu-
18 torily authorized grantee may only be appointed or
19 removed if such action has been approved by a ma-
20 jority vote of the Advisory Board.

21 “(2) REMOVAL.—After consulting with the
22 Chief Executive Officer, 5 or more members of the
23 Advisory Board may unilaterally remove any such
24 head of network or grantee network described in
25 paragraph (1).

1 “(3) QUORUM.—

2 “(A) IN GENERAL.—A quorum shall con-
3 sist of 4 members of the Advisory Board (ex-
4 cluding the Secretary of State).

5 “(B) DECISIONS.—Except as provided in
6 paragraph (2), decisions of the Advisory Board
7 shall be made by majority vote, a quorum being
8 present.

9 “(C) CLOSED SESSIONS.—The Advisory
10 Board may meet in closed sessions in accord-
11 ance with section 552b of title 5, United States
12 Code.

13 “(g) COMPENSATION.—

14 “(1) IN GENERAL.—Members of the Advisory
15 Board, while attending meetings of the Advisory
16 Board or while engaged in duties relating to such
17 meetings or in other activities of the Advisory Board
18 under this section (including travel time) shall be en-
19 titled to receive compensation equal to the daily
20 equivalent of the compensation prescribed for level
21 IV of the Executive Schedule under section 5315 of
22 title 5, United States Code.

23 “(2) TRAVEL EXPENSES.—While away from
24 their homes or regular places of business, members
25 of the Board may be allowed travel expenses, includ-

1 ing per diem in lieu of subsistence, as authorized
2 under section 5703 of such title for persons in the
3 Government service employed intermittently.

4 “(3) SECRETARY OF STATE.—The Secretary of
5 State is not entitled to any compensation under this
6 title, but may be allowed travel expenses in accord-
7 ance with paragraph (2).

8 “(h) SUPPORT STAFF.—The Chief Executive Officer
9 shall, from within existing United States Agency for Glob-
10 al Media personnel, provide the Advisory Board with an
11 Executive Secretary and such administrative staff and
12 support as may be necessary to enable the Advisory Board
13 to carry out subsections (e) and (f).”.

14 **SEC. 4. CONFORMING AMENDMENTS.**

15 The United States International Broadcasting Act of
16 1994 (22 U.S.C. 6201 et seq.) is amended—

17 (1) in section 304—

18 (A) in the section heading, by striking
19 “**BROADCASTING BOARD OF GOVERNORS**”
20 and inserting “**UNITED STATES AGENCY FOR**
21 **GLOBAL MEDIA**”;

22 (B) in subsection (a), by striking “Broad-
23 casting Board of Governors” and inserting
24 “United States Agency for Global Media”;

1 (C) in subsection (b)(1), by striking
2 “Broadcasting Board of Governors” and insert-
3 ing “United States Agency for Global Media”;
4 and

5 (D) in subsection (c), by striking “Board”
6 each place such term appears and inserting
7 “Agency”;

8 (2) in section 305—

9 (A) in subsection (a)—

10 (i) in paragraph (6), by striking
11 “Board” and inserting “Agency”;

12 (ii) in paragraph (13), by striking
13 “Board” and inserting “Agency”;

14 (iii) in paragraph (18), by striking
15 “Chief Executive Officer” the first place it
16 appears and inserting “Agency formerly
17 known as the Broadcasting Board of Gov-
18 ernors”;

19 (iv) in paragraph (20), by striking
20 “Board” and inserting “Agency”; and

21 (v) in paragraph (22), by striking
22 “Board” and inserting “Agency”;

23 (B) in subsection (b), by striking “Board”
24 each place such term appears and inserting
25 “Agency”;

1 (3) in section 308—

2 (A) by striking subsection (a);

3 (B) in subsection (b), by striking “Board”
4 each place such term appears and inserting
5 “Agency”;

6 (C) in subsection (d), by striking “Board”
7 and inserting “Agency”;

8 (D) in subsection (g), by striking “Board”
9 each place such term appears and inserting
10 “Agency”;

11 (E) in subsection (h)(5), by striking
12 “Board” and inserting “Agency”; and

13 (F) in subsection (i), by striking “Board”
14 and inserting “Agency”;

15 (4) in section 309—

16 (A) in subsection (e)(1), by striking
17 “Board” each place such term appears and in-
18 serting “Agency”;

19 (B) in subsection (e), in the matter pre-
20 ceeding paragraph (1), by striking “Board” and
21 inserting “Agency”;

22 (C) in subsection (f), by striking “Board”
23 each place such term appears and inserting
24 “Agency”; and

1 (D) in subsection (g), by striking “Board”
2 and inserting “Agency”;

3 (5) in section 310(d), by striking “Board” and
4 inserting “Agency”;

5 (6) in section 310A(a), by striking “Broad-
6 casting Board of Governors” and inserting “United
7 States Agency for Global Media”;

8 (7) in section 310B, by striking “Board” and
9 inserting “Agency”;

10 (8) in section 313(a), in the matter preceding
11 paragraph (1), strike “Board” and insert “Agency”;

12 (9) in section 314, by striking “(4) the terms
13 ‘Board and Chief Executive Officer of the Board’
14 mean the Broadcasting Board of Governors” and in-
15 serting the following:

16 “(2) the terms ‘Agency’ and ‘Chief Executive
17 Officer of the Agency’ mean the United States Agen-
18 cy for Global Media”; and

19 (10) in section 316—

20 (A) in subsection (a)(1), by striking
21 “Broadcasting Board of Governors” and insert-
22 ing “United States Agency for Global Media”;
23 and

1 (B) in subsection (c), by striking “Broad-
2 casting Board of Governors” and inserting
3 “United States Agency for Global Media”.

4 **SEC. 5. AVOIDING DUPLICATION OF PROGRAMS AND EF-**
5 **FORTS.**

6 The Under Secretary for Public Diplomacy and Pub-
7 lic Affairs of the Department of State shall—

8 (1) identify opportunities for greater efficiency
9 of operations, including through improved coordina-
10 tion of efforts across public diplomacy bureaus and
11 offices of the Department of State; and

12 (2) maximize shared use of resources between,
13 and within, such public diplomacy bureaus and of-
14 fices in cases in which programs, facilities, or admin-
15 istrative functions are duplicative or substantially
16 overlapping.

17 **SEC. 6. IMPROVING RESEARCH AND EVALUATION OF PUB-**
18 **LIC DIPLOMACY.**

19 (a) DEFINITIONS.—In this section:

20 (1) AUDIENCE RESEARCH.—The term “audi-
21 ence research” means research conducted at the out-
22 set of a public diplomacy program or campaign plan-
23 ning and design on specific audience segments to un-
24 derstand the attitudes, interests, knowledge, and be-
25 haviors of such audience segments.

14

1 (2) DIGITAL ANALYTICS.—The term “digital
2 analytics” means the analysis of qualitative and
3 quantitative data, accumulated in digital format, to
4 indicate the outputs and outcomes of a public diplo-
5 macy program or campaign.

6 (3) IMPACT EVALUATION.—The term “impact
7 evaluation” means an assessment of the changes in
8 the audience targeted by a public diplomacy program
9 or campaign that can be attributed to such program
10 or campaign.

11 (4) PUBLIC DIPLOMACY BUREAUS AND OF-
12 FICES.—The term “public diplomacy bureaus and
13 offices” means—

14 (A) the Bureau of Educational and Cul-
15 tural Affairs;

16 (B) the Bureau of Public Affairs;

17 (C) the Bureau of International Informa-
18 tion Programs;

19 (D) the Office of Policy, Planning, and Re-
20 sources for Public Diplomacy and Public Af-
21 fairs;

22 (E) the Global Engagement Center; and

23 (F) the public diplomacy functions within
24 the regional and functional bureaus.

1 (b) RESEARCH AND EVALUATION ACTIVITIES.—The
2 Secretary of State shall—

3 (1) conduct regular research and evaluation of
4 public diplomacy programs and activities of the De-
5 partment of State, including through the routine use
6 of audience research, digital analytics, and impact
7 evaluations, to plan and execute such programs and
8 activities; and

9 (2) make the findings of the research and eval-
10 uations conducted under paragraph (1) available to
11 Congress.

12 (c) DIRECTOR OF RESEARCH AND EVALUATION.—

13 (1) APPOINTMENT.—Not later than 90 days
14 after the date of the enactment of this Act, the Sec-
15 retary of State shall appoint a Director of Research
16 and Evaluation (referred to in this subsection as the
17 “Director”) in the Office of Policy, Planning, and
18 Resources for Public Diplomacy and Public Affairs.

19 (2) LIMITATION ON APPOINTMENT.—The ap-
20 pointment of the Director pursuant to paragraph (1)
21 shall not result in an increase in the overall full-time
22 equivalent positions within the Department of State.

23 (3) RESPONSIBILITIES.—The Director shall—

- 1 (A) coordinate and oversee the research
2 and evaluation of public diplomacy programs of
3 the Department of State—
- 4 (i) to improve public diplomacy strate-
5 gies and tactics; and
- 6 (ii) to ensure that programs are in-
7 creasing the knowledge, understanding,
8 and trust of the United States by relevant
9 target audiences;
- 10 (B) report to the Director of Policy Plan-
11 ning in the Office of Policy, Planning, and Re-
12 sources for Public Diplomacy and Public Af-
13 fairs;
- 14 (C) routinely organize and oversee audi-
15 ence research, digital analytics, and impact
16 evaluations across all public diplomacy bureaus
17 and offices of the Department of State;
- 18 (D) support embassy public affairs sec-
19 tions;
- 20 (E) share appropriate public diplomacy re-
21 search and evaluation information within the
22 Department of State and with other Federal de-
23 partments and agencies;
- 24 (F) regularly design and coordinate stand-
25 ardized research questions, methodologies, and

1 procedures to ensure that public diplomacy ac-
2 tivities across all public diplomacy bureaus and
3 offices are designed to meet appropriate foreign
4 policy objectives; and

5 (G) report biannually to the United States
6 Advisory Commission on Public Diplomacy,
7 through the Subcommittee on Research and
8 Evaluation established pursuant to subsection
9 (g), regarding the research and evaluation of all
10 public diplomacy bureaus and offices of the De-
11 partment of State.

12 (4) GUIDANCE AND TRAINING.—Not later than
13 1 year after the appointment of the Director pursu-
14 ant to paragraph (1), the Director shall create guid-
15 ance and training, including curriculum for use by
16 the Foreign Service Institute, for all public diplo-
17 macy officers regarding the reading and interpreta-
18 tion of public diplomacy program evaluation findings
19 to ensure that such findings and lessons learned are
20 implemented in the planning and evaluation of all
21 public diplomacy programs and activities throughout
22 the Department of State.

23 (d) PRIORITIZING RESEARCH AND EVALUATION.—

24 (1) IN GENERAL.—The Director of Policy Plan-
25 ning shall ensure that research and evaluation, as

1 coordinated and overseen by the Director of Re-
2 search and Evaluation, supports strategic planning
3 and resource allocation across all public diplomacy
4 bureaus and offices of the Department of State.

5 (2) ALLOCATION OF RESOURCES.—Amounts al-
6 located for the purposes of research and evaluation
7 of public diplomacy programs and activities pursu-
8 ant to subsection (b) shall be made available to be
9 disbursed at the direction of the Director of Re-
10 search and Evaluation among the research and eval-
11 uation staff across all public diplomacy bureaus and
12 offices of the Department of State.

13 (3) SENSE OF CONGRESS.—It is the sense of
14 Congress that the Department of State should
15 gradually increase its allocation of funds made avail-
16 able under the headings “EDUCATIONAL AND CUL-
17 TURAL EXCHANGE PROGRAMS” and “DIPLOMATIC
18 AND CONSULAR PROGRAMS” for research and evalua-
19 tion of public diplomacy activities and programs pur-
20 suant to subsection (a) to a percentage of program
21 funds that is commensurate with government best
22 practices.

23 (e) LIMITED EXEMPTION.—Chapter 35 of title 44,
24 United States Code (commonly known as the “Paperwork
25 Reduction Act”) shall not apply to collections of informa-

1 tion directed at any individuals conducted by, or on behalf
2 of, the Department of State for the purpose of audience
3 research, monitoring, and evaluations, and in connection
4 with the Department's activities conducted pursuant to—

5 (1) the United States Information and Edu-
6 cational Exchange Act of 1948 (22 U.S.C. 1431 et
7 seq.);

8 (2) the Mutual Educational and Cultural Ex-
9 change Act of 1961 (22 U.S.C. 2451 et seq.);

10 (3) section 1287 of the National Defense Au-
11 thorization Act for Fiscal Year 2017 (Public Law
12 114-328; 22 U.S.C. 2656 note); or

13 (4) the Foreign Assistance Act of 1961 (22
14 U.S.C. 2151 et seq.).

15 (f) LIMITED EXEMPTION TO THE PRIVACY ACT.—

16 (1) IN GENERAL.—The Department of State
17 shall maintain, collect, use, and disseminate records
18 (as defined in section 552a(a)(4) of title 5, United
19 States Code) for research and data analysis of com-
20 munications related to public diplomacy efforts in-
21 tended for foreign audiences.

22 (2) CONDITIONS.—Research and data analysis
23 under paragraph (1) shall be—

24 (A) reasonably tailored to meet the pur-
25 poses of this subsection; and

1 (B) carried out with due regard for privacy
2 and civil liberties guidance and oversight.

3 (g) UNITED STATES ADVISORY COMMISSION ON
4 PUBLIC DIPLOMACY.—

5 (1) SUBCOMMITTEE FOR RESEARCH AND EVAL-
6 UATION.—The United States Advisory Commission
7 on Public Diplomacy shall establish a Subcommittee
8 for Research and Evaluation to monitor and advise
9 regarding the research and evaluation activities of
10 the Department of State and the United States
11 Agency for Global Media.

12 (2) REPORT.—The Subcommittee for Research
13 and Evaluation established pursuant to paragraph
14 (1) shall submit an annual report to Congress in
15 conjunction with the Commission on Public Diplo-
16 macy's Comprehensive Annual Report on the per-
17 formance of the Department and the United States
18 Agency for Global Media in carrying out research
19 and evaluations of their respective public diplomacy
20 programming.

21 **SEC. 7. PERMANENT REAUTHORIZATION OF THE UNITED**
22 **STATES ADVISORY COMMISSION ON PUBLIC**
23 **DIPLOMACY.**

24 Section 1334 of the Foreign Affairs Reform and Re-
25 structuring Act of 1998 (22 U.S.C. 6553) is amended—

- 1 (1) in the section heading, by striking “**SUN-**
2 **SET**” and inserting “**CONTINUATION**”; and
3 (2) by striking “until October 1, 2020”.

4 **SEC. 8. REPORTING REQUIREMENTS.**

5 (a) **DEFINED TERM.**—In this section, the term “ap-
6 propriate congressional committees” means—

7 (1) the Committee on Foreign Relations of the
8 Senate;

9 (2) the Committee on Appropriations of the
10 Senate;

11 (3) the Committee on Foreign Affairs of the
12 House of Representatives; and

13 (4) the Committee on Appropriations of the
14 House of Representatives.

15 (b) **REPORT ON UNITED STATES AGENCY FOR GLOB-**
16 **AL MEDIA EMPLOYEES SUSPENDED OR PLACED ON AD-**
17 **MINISTRATIVE LEAVE.**—

18 (1) **IN GENERAL.**—Not later than 30 days after
19 the date of the enactment of this Act and every 90
20 days thereafter, the Chief Executive Officer of the
21 United States Agency for Global Media shall brief,
22 or submit a report to, the appropriate congressional
23 committees on any employee of the Agency or Agen-
24 cy Grantee Network who has been suspended or
25 placed on administrative leave for more than 45

1 days without a formal disciplinary determination for
2 writing or approving content in programming incon-
3 sistent with the Agency’s mission to “inform, en-
4 gage, and connect people around the world in sup-
5 port of freedom and democracy”.

6 (2) ADDITIONAL INFORMATION.—The briefing
7 or report required under paragraph (1) shall include
8 information regarding—

9 (A) the suspended employee’s employment
10 status; and

11 (B) the reasons for the Agency’s failure to
12 make a formal disciplinary determination.

13 (c) ANNUAL REPORT.—

14 (1) THREATS TO JOURNALISTS.—The United
15 States Agency For Global Media should continue to
16 highlight, in its annual report, threats to journalists
17 around the world, including a comprehensive list of
18 restrictions imposed by foreign governments on the
19 activities of networks and grantees of the Agency,
20 including intimidation, harassment, and arrests of
21 journalists.

22 (2) AVAILABILITY.—The report referred to in
23 paragraph (1)—

24 (A) should be submitted to the appropriate
25 congressional committees; and

1 (B) should continue to be made publicly
2 available.

3 (3) PRESS FREEDOM.—The Department of
4 State should continue to stress to foreign govern-
5 ments that press freedom is—

6 (A) a key component of democratic govern-
7 ance; and

8 (B) an important priority of United States
9 foreign policy.