

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 fol-
2 lowing:

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 4
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 continual 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 (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 (20), by striking
15 “Board” and inserting “Agency”; and

16 (iv) in paragraph (22), by striking
17 “Board” and inserting “Agency”;

18 (B) in subsection (b), by striking “Board”
19 each place such term appears and inserting
20 “Agency”;

21 (3) in section 308—

22 (A) in subsection (a), in the matter pre-
23 ceding paragraph (1), by striking “Board” and
24 inserting “Agency”;

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

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

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

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

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

13 (4) in section 309—

14 (A) in subsection (c)(1), by striking
15 “Board” each place such term appears and in-
16 serting “Agency”;

17 (B) in subsection (e), in the matter pre-
18 ceding paragraph (1), by striking “Board” and
19 inserting “Agency”;

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

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

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

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

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

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

10 (9) in section 314, by striking “(4) the terms
11 ‘Board and Chief Executive Officer of the Board’
12 means the Broadcasting Board of Governors” and
13 inserting the following:

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

17 (10) in section 315—

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

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

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

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

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

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

14 **SEC. 6. IMPROVING RESEARCH AND EVALUATION OF PUB-**
15 **LIC DIPLOMACY.**

16 (a) DEFINITIONS.—In this section:

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

23 (2) DIGITAL ANALYTICS.—The term “digital
24 analytics” means the analysis of qualitative and
25 quantitative data, accumulated in digital format, to

1 indicate the outputs and outcomes of a public diplo-
2 macy program or campaign.

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

8 (4) PUBLIC DIPLOMACY BUREAUS AND OF-
9 FICES.—The term “public diplomacy bureaus and
10 offices” means—

11 (A) the Bureau of Educational and Cul-
12 tural Affairs;

13 (B) the Bureau of Public Affairs;

14 (C) the Bureau of International Informa-
15 tion Programs;

16 (D) the Office of Policy, Planning, and Re-
17 sources for Public Diplomacy and Public Af-
18 fairs;

19 (E) the Global Engagement Center; and

20 (F) the public diplomacy functions within
21 the regional and functional bureaus.

22 (b) RESEARCH AND EVALUATION ACTIVITIES.—The
23 Secretary of State shall—

24 (1) conduct regular research and evaluation of
25 public diplomacy programs and activities of the De-

1 partment of State, including through the routine use
2 of audience research, digital analytics, and impact
3 evaluations, to plan and execute such programs and
4 activities; and

5 (2) make the findings of the research and eval-
6 uations conducted under paragraph (1) available to
7 Congress.

8 (c) DIRECTOR OF RESEARCH AND EVALUATION.—

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

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

19 (3) RESPONSIBILITIES.—The Director shall—

20 (A) coordinate and oversee the research
21 and evaluation of public diplomacy programs of
22 the Department of State—

23 (i) to improve public diplomacy strate-
24 gies and tactics; and

1 (ii) to ensure that programs are in-
2 creasing the knowledge, understanding,
3 and trust of the United States by relevant
4 target audiences;

5 (B) report to the Director of Policy Plan-
6 ning in the Office of Policy, Planning, and Re-
7 sources for Public Diplomacy and Public Af-
8 fairs;

9 (C) routinely organize and oversee audi-
10 ence research, digital analytics, and impact
11 evaluations across all public diplomacy bureaus
12 and offices of the Department of State;

13 (D) support embassy public affairs sec-
14 tions;

15 (E) share appropriate public diplomacy re-
16 search and evaluation information within the
17 Department of State and with other Federal de-
18 partments and agencies;

19 (F) regularly design and coordinate stand-
20 ardized research questions, methodologies, and
21 procedures to ensure that public diplomacy ac-
22 tivities across all public diplomacy bureaus and
23 offices are designed to meet appropriate foreign
24 policy objectives; and

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

8 (4) GUIDANCE AND TRAINING.—Not later than
9 1 year after the appointment of the Director pursu-
10 ant to paragraph (1), the Director shall create guid-
11 ance and training, including curriculum for use by
12 the Foreign Service Institute, for all public diplo-
13 macy officers regarding the reading and interpreta-
14 tion of public diplomacy program evaluation findings
15 to ensure that such findings and lessons learned are
16 implemented in the planning and evaluation of all
17 public diplomacy programs and activities throughout
18 the Department of State.

19 (d) PRIORITIZING RESEARCH AND EVALUATION.—

20 (1) IN GENERAL.—The Director of Policy Plan-
21 ning shall ensure that research and evaluation, as
22 coordinated and overseen by the Director of Re-
23 search and Evaluation, supports strategic planning
24 and resource allocation across all public diplomacy
25 bureaus and offices of the Department of State.

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

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

19 (e) LIMITED EXEMPTION.—Chapter 35 of title 44,
20 United States Code (commonly known as the “Paperwork
21 Reduction Act”) shall not apply to collections of informa-
22 tion directed at any individuals conducted by, or on behalf
23 of, the Department of State for the purpose of audience
24 research, monitoring, and evaluations, and in connection
25 with the Department’s activities conducted pursuant to—

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

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

6 (3) section 1287 of the National Defense Au-
7 thorization Act for Fiscal Year 2017 (Public Law
8 114-328; 22 U.S.C. 2656 note); or

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

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

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

18 (2) CONDITIONS.—Research and data analysis
19 under paragraph (1) shall be—

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

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

24 (g) UNITED STATES ADVISORY COMMISSION ON
25 PUBLIC DIPLOMACY.—

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

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

17 **SEC. 7. PERMANENT REAUTHORIZATION OF THE UNITED**
18 **STATES ADVISORY COMMISSION ON PUBLIC**
19 **DIPLOMACY.**

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

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