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H. R. 4490

IN THE SENATE OF THE UNITED STATES

JULY 29, 2014

Received; read twice and referred to the Committee on Foreign Relations

AN ACT

To enhance the missions, objectives, and effectiveness of United States international communications, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “United States International Communications Reform Act
 4 of 2014”.

5 (b) TABLE OF CONTENTS.—The table of contents for
 6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and declarations.
- Sec. 3. Purposes.
- Sec. 4. Definitions.
- Sec. 5. Broadcasting standards.
- Sec. 6. Eligible broadcast areas.

**TITLE I—ESTABLISHMENT, ORGANIZATION, AND MANAGEMENT
 OF THE UNITED STATES INTERNATIONAL COMMUNICATIONS
 AGENCY**

**Subtitle A—Establishment of the United States International Communications
 Agency**

- Sec. 101. Existence within the Executive Branch.
- Sec. 102. Establishment of the board of the United States International Communications Agency.
- Sec. 103. Authorities and duties of the board of the United States International Communications Agency.
- Sec. 104. Establishment of the Chief Executive Officer of the United States International Communications Agency.
- Sec. 105. Authorities and duties of the Chief Executive Officer of the United States International Communications Agency.
- Sec. 106. Role of the Secretary of State.
- Sec. 107. Role of the Inspector General.
- Sec. 108. Enhanced coordination between United States International Communications Agency and the Freedom News Network; program content sharing; grantee independence.
- Sec. 109. Enhanced coordination among the United States International Communications Agency, the Freedom News Network, and the Department of State; Freedom News Network independence.
- Sec. 110. Grants to the Freedom News Network.
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- Sec. 112. Reporting requirements of the United States International Communications Agency.

Subtitle B—The Voice of America

- Sec. 121. Sense of Congress.
- Sec. 122. Principles of the Voice of America.
- Sec. 123. Duties and responsibilities of the Voice of America.
- Sec. 124. Limitation on voice of America news, programming, and content; exception for broadcasting to Cuba.

Sec. 125. Director of Voice of America.

Subtitle C—General Provisions

Sec. 131. Federal agency coordination in support of United States public diplomacy.

Sec. 132. Federal agency assistance and coordination with the United States International Communications Agency and the Freedom News Network during international broadcast surges.

Sec. 133. Freedom News Network right of first refusal in instances of Federal disposal of radio or television broadcast transmission facilities or equipment.

Sec. 134. Repeal of the United States International Broadcasting Act of 1994.

Sec. 135. Effective date.

TITLE II—THE FREEDOM NEWS NETWORK

Sec. 201. Sense of Congress.

Subtitle A—Consolidation of Existing Grantee Organizations

Sec. 211. Formation of the Freedom News Network from existing grantees.

Sec. 212. Mission of the Freedom News Network.

Sec. 213. Standards and principles of the Freedom News Network.

Subtitle B—Organization of the Freedom News Network

Sec. 221. Governance of the Freedom News Network.

Sec. 222. Budget of the Freedom News Network.

Sec. 223. Assistance from other government agencies.

Sec. 224. Reports by the Office of the Inspector General of the Department of State; audits by GAO.

Sec. 225. Amendments to the United States Information and Educational Exchange Act of 1948.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Preservation of United States National Security objectives.

Sec. 302. Requirement for authorization of appropriations.

1 **SEC. 2. FINDINGS AND DECLARATIONS.**

2 Congress finds and declares the following:

3 (1) United States international broadcasting ex-
 4 ists to advance the United States interests and val-
 5 ues by presenting accurate, objective, and com-
 6 prehensive news and information, which is the foun-
 7 dation for democratic governance, to societies that
 8 lack a free media.

1 (2) Article 19 of the Universal Declaration of
2 Human Rights states that “[e]veryone has the right
3 to freedom of opinion and expression”, and that
4 “this right includes freedom to hold opinions without
5 interference and to seek, receive and impart infor-
6 mation and ideas through any media and regardless
7 of frontiers”.

8 (3) Secretary of State Hillary Clinton testified
9 before the Committee on Foreign Affairs of the
10 House of Representatives on January 23, 2013, that
11 the Broadcasting Board of Governors (BBG) “is
12 practically a defunct agency in terms of its capacity
13 to be able to tell a message around the world. So
14 we’re abdicating the ideological arena and need to
15 get back into it.”.

16 (4) The BBG, which was created by Congress
17 to oversee the United States international broad-
18 casting in the wake of the Cold War, has, because
19 of structural and managerial issues, had limited suc-
20 cess to date in both coordinating the various compo-
21 nents of the international broadcasting framework
22 and managing the day-to-day operations of the Fed-
23 eral components of the international broadcasting
24 framework.

1 (5) The lack of regular attendance by board
2 members and a periodic inability to form a quorum
3 have plagued the BBG and, as a result, it has been
4 functionally incapable of running the agency.

5 (6) The board of governors has only achieved
6 the full slate of all nine governors for seven of its
7 17 years of existence, which highlights the difficul-
8 ties of confirming and retaining governors under the
9 current structure.

10 (7) Both the Department of State's Office of
11 Inspector General and the Government Account-
12 ability Office have issued reports which outline a se-
13 verely dysfunctional organizational structure of the
14 Broadcasting Board of Governors.

15 (8) The Inspector General of the Department of
16 State concluded in its January 2013 report that dys-
17 function of the BBG stems from "a flawed legisla-
18 tive structure and acute internal dissension".

19 (9) The Inspector General of the Department of
20 State also found that the BBG's structure of nine
21 part-time members "cannot effectively supervise all
22 United States Government-supported, civilian inter-
23 national broadcasting", and its involvement in day-
24 to-day operations has impeded normal management
25 functions.

1 (10) The Government Accountability Office re-
2 report determined that there was significant overlap
3 among the BBG's languages services, and that the
4 BBG did not systematically consider the financial
5 cost of overlap.

6 (11) According to the Office of the Inspector
7 General, the BBG's Office of Contracts is not in
8 compliance with the Federal Acquisition Regulation,
9 lacks appropriate contract oversight, and violates the
10 Anti-Deficiency Act. The Office of the Inspector
11 General also determined that the Broadcasting
12 Board of Governors has not adequately performed
13 full and open competitions or price determinations,
14 has entered into hundreds of personal service con-
15 tracts without statutory authority, and contractors
16 regularly work without valid contracts in place.

17 (12) The size and make-up of the BBG work-
18 force should be closely examined, given the agency's
19 broader broadcasting and technical mission, as well
20 as changing media technologies.

21 (13) The BBG should be structured to ensure
22 that more taxpayer dollars are dedicated to the sub-
23 stantive, broadcasting, and information-related ele-
24 ments of the agency's mission.

1 (14) The lack of a coherent and well defined
2 mission of the Voice of America has led to program-
3 ming that duplicates the efforts of the Office of
4 Cuba Broadcasting, Radio Free Asia, RFE/RL, In-
5 corporated, and the Middle East Broadcasting Net-
6 works, Incorporated that results in inefficient use of
7 tax-payer funding.

8 (15) The annual survey conducted by the
9 “Partnership for Public Service” consistently ranks
10 the Broadcasting Board of Governors at or near the
11 bottom of all Federal agencies in terms of “overall
12 best places to work” and “the extent to which em-
13 ployees feel their skills and talents are used effec-
14 tively”. The consistency of these low scores point to
15 structural, cultural, and functional problems at the
16 Broadcasting Board of Governors.

17 (16) The Federal and non-Federal organiza-
18 tions that comprise the United States international
19 broadcasting framework have different, yet com-
20plementary, missions that necessitate coordination at
21all levels of management.

22 (17) The Broadcasting Board of Governors has
23 an overabundance of senior civil service positions,
24 defined here as full-time employees encumbering

1 GS-14 and GS-15 positions on the General Sched-
2 ule pay scale.

3 (18) United States international broadcasting
4 should seek to leverage public-private partnerships,
5 including the licensing of content and the use of
6 technology owned or operated by non-governmental
7 sources, where possible to expand outreach capacity.

8 (19) Shortwave broadcasting has been an im-
9 portant method of communication that should be
10 utilized in regions as a component of United States
11 international broadcasting where a critical need for
12 the platform exists.

13 (20) Congressional action is necessary at this
14 time to improve international broadcasting oper-
15 ations, strengthen the United States public diplo-
16 macy efforts, enhance the grantee surrogate broad-
17 casting effort, restore focus to news, programming,
18 and content, and maximize the value of Federal and
19 non-Federal resources that are dedicated to public
20 diplomacy and international broadcasting.

21 **SEC. 3. PURPOSES.**

22 The purposes of this Act are as follows:

23 (1) To provide objective, accurate, credible, and
24 comprehensive news and information to societies
25 that lack freedom of expression and information.

1 (2) To improve the efficiency, effectiveness, and
2 flexibility of United States international broad-
3 casting to allow it to adapt to constantly changing
4 political and media environments through clarifica-
5 tion of missions, improved coordination, and organi-
6 zational restructuring.

7 (3) To coordinate the complementary efforts of
8 the Department of State and United States inter-
9 national broadcasting.

10 (4) To create a United States international
11 broadcasting framework that more effectively
12 leverages the broadcasting tools available and cre-
13 ates specialization of expertise in mission oriented
14 programming, while minimizing waste and ineffi-
15 ciency.

16 (5) To improve United States international
17 broadcasting workforce effectiveness, security, and
18 satisfaction.

19 **SEC. 4. DEFINITIONS.**

20 In this Act:

21 (1) APPROPRIATE CONGRESSIONAL COMMIT-
22 TEES.—The term “appropriate congressional com-
23 mittees” means the Committee on Foreign Affairs of
24 the House of Representatives, the Committee on
25 Foreign Relations of the Senate, the Committee on

1 Appropriations of the House of Representatives, and
2 the Committee on Appropriations of the Senate.

3 (2) GRANTEE.—The term “grantee” means the
4 non-Federal organization described in section
5 501(c)(3) of the Internal Revenue Code of 1986 and
6 exempt from tax under section 501(a) of such Code
7 as of day before the date of the enactment of this
8 Act that receives Federal funding from the Broad-
9 casting Board of Governors, and includes Radio
10 Free Asia, RFE/RL, Incorporated, and the Middle
11 East Broadcasting Networks, Incorporated.

12 (3) FREEDOM NEWS NETWORK.—The term
13 “Freedom News Network” refers to the non-Federal
14 organization described in section 501(c)(3) of the
15 Internal Revenue Code of 1986 and exempt from tax
16 under section 501(a) of such Code that would re-
17 ceive Federal funding and be responsible for pro-
18 moting democratic freedoms and free media oper-
19 ations for foreign audiences in societies that lack
20 freedom of expression and information, and con-
21 sisting of the consolidation of the grantee in accord-
22 ance with section 211.

23 (4) PUBLIC DIPLOMACY.—The term “public di-
24 plomacy” means the effort to achieve broad United
25 States foreign policy goals and objectives, advance

1 national interests, and enhance national security by
2 informing and influencing foreign publics and by ex-
3 panding and strengthening the relationship between
4 the people and Government of the United States and
5 citizens of other countries.

6 **SEC. 5. BROADCASTING STANDARDS.**

7 United States international broadcasting shall incor-
8 porate the following standards into all of its broadcasting
9 efforts:

10 (1) Be consistent with the broad foreign policy
11 objectives of the United States.

12 (2) Be consistent with the international tele-
13 communications policies and treaty obligations of the
14 United States.

15 (3) Not duplicate the activities of private
16 United States broadcasters.

17 (4) Be conducted in accordance with the high-
18 est professional standards of broadcast journalism
19 while remaining consistent with and supportive of
20 the broad foreign policy objectives of the United
21 States.

22 (5) Be based on reliable, research-based infor-
23 mation, both quantitative and qualitative, about its
24 potential audience.

1 (6) Be designed so as to effectively reach a sig-
2 nificant audience.

3 (7) Promote freedom of expression, religion,
4 and respect for human rights and human equality.

5 **SEC. 6. ELIGIBLE BROADCAST AREAS.**

6 (a) IN GENERAL.—The Board of the United States
7 International Communications Agency and the Board of
8 the Freedom News Network, in consultation with the Sec-
9 retary of State, shall ensure that United States inter-
10 national broadcasting is conducted only to countries and
11 regions that—

12 (1) lack democratic rule, or the indicia of demo-
13 cratic rule, such as demonstrable proof of free and
14 fair elections;

15 (2) lack the legal and political environment that
16 allows media organizations and journalists to oper-
17 ate free from government-led or permitted harass-
18 ment, intimidation, retribution, and from economic
19 impediments to the development, production, and
20 dissemination of news and related programming and
21 content;

22 (3) lack established, domestic, and widely acces-
23 sible media that provide accurate, objective, and
24 comprehensive news and related programming and
25 content; and

1 (4) by virtue of the criteria described in this
2 subsection, would benefit the national security and
3 related interests of the United States, and the safety
4 and security of United States citizens at home and
5 abroad.

6 (b) EXCEPTION.—The United States International
7 Communications Agency and the Freedom News Network
8 may broadcast to countries that fall outside of the criteria
9 described in subsection (a) if the Chief Executive Officer
10 of the Agency and the Freedom News Network, in con-
11 sultation with the Secretary of State, determine it is in
12 the national security interest of the United States, or in
13 the interests of preserving the safety and security of
14 United States citizens at home and abroad, to do so.

15 **TITLE I—ESTABLISHMENT, OR-**
16 **GANIZATION, AND MANAGE-**
17 **MENT OF THE UNITED**
18 **STATES INTERNATIONAL**
19 **COMMUNICATIONS AGENCY**

20 **Subtitle A—Establishment of the**
21 **United States International**
22 **Communications Agency**

23 **SEC. 101. EXISTENCE WITHIN THE EXECUTIVE BRANCH.**

24 There is hereby established a single Federal organiza-
25 tion consisting of the Voice of America and the offices that

1 constitute the International Broadcasting Bureau and re-
2 ferred to hereafter as the “United States International
3 Communications Agency”, which shall exist within the ex-
4 ecutive branch of Government as an independent estab-
5 lishment described in section 104 of title 5, United States
6 Code.

7 **SEC. 102. ESTABLISHMENT OF THE BOARD OF THE UNITED**
8 **STATES INTERNATIONAL COMMUNICATIONS**
9 **AGENCY.**

10 (a) COMPOSITION OF THE BOARD OF THE UNITED
11 STATES INTERNATIONAL COMMUNICATIONS AGENCY.—

12 (1) IN GENERAL.—The Board (in this section
13 referred to as the “Board”) of the United States
14 International Communications Agency shall consist
15 of nine members, as follows:

16 (A) Eight voting members who shall be ap-
17 pointed by the President, by and with the ad-
18 vice and consent of the Senate.

19 (B) The Secretary of State, who shall also
20 be a voting member.

21 (2) CHAIR.—The President shall appoint one
22 member (other than the Secretary of State) as Chair
23 of the Board, by and with the advice and consent of
24 the Senate.

1 (3) POLITICAL AFFILIATION.—Exclusive of the
2 Secretary of State, not more than four members of
3 the Board shall be of the same political party.

4 (4) RETENTION OF EXISTING BBG MEMBERS.—
5 The presidentially-appointed and Senate-confirmed
6 members of the Broadcasting Board of Governors
7 serving as of the date of the enactment of this Act
8 shall constitute the Board of the United States
9 International Communications Agency and hold of-
10 fice the remainder of their original terms of office
11 without reappointment to the Board.

12 (b) TERM OF OFFICE.—The term of office of each
13 member of the Board shall be 3 years, except that the
14 Secretary of State shall remain a member of the Board
15 during the Secretary's term of service. Of the other eight
16 voting members, the initial terms of office of two members
17 shall be 1 year, and the initial terms of office of three
18 other members shall be 2 years, as determined by the
19 President. The President shall appoint, by and with the
20 advice and consent of the Senate, Board members to fill
21 vacancies occurring prior to the expiration of a term, in
22 which case the members so appointed shall serve for the
23 remainder of such term. Members may not serve beyond
24 their terms. When there is no Secretary of State, the Act-

1 ing Secretary of State shall serve as a member of the
2 Board until a Secretary is appointed.

3 (c) SELECTION OF BOARD.—Members of the Board
4 shall be citizens of the United States who are not regular
5 full-time employees of the United States Government.
6 Such members shall be selected by the President from
7 among citizens distinguished in the fields of public diplo-
8 macy, mass communications, print, broadcast media, or
9 foreign affairs.

10 (d) COMPENSATION.—Members of the Board, while
11 attending meetings of the Board or while engaged in du-
12 ties relating to such meetings or in other activities of the
13 Board pursuant to this section (including travel time)
14 shall be entitled to receive compensation equal to the daily
15 equivalent of the compensation prescribed for level IV of
16 the Executive Schedule under section 5315 of title 5,
17 United States Code. While away from their homes or reg-
18 ular places of business, members of the Board may be al-
19 lowed travel expenses, including per diem in lieu of sub-
20 sistence, in accordance with section 5703 of such title for
21 persons in the Government service employed intermit-
22 tently. The Secretary of State shall not be entitled to any
23 compensation under this chapter.

24 (e) DECISIONS.—Decisions of the Board shall be
25 made by majority vote, a quorum being present. A quorum

1 shall consist of a majority of members then serving at the
2 time a decision of the Board is made.

3 (f) TRANSPARENCY.—The Board of the United
4 States International Communications Agency shall adhere
5 to the provisions specified in the Government in the Sun-
6 shine Act (Public Law 94–409).

7 **SEC. 103. AUTHORITIES AND DUTIES OF THE BOARD OF**
8 **THE UNITED STATES INTERNATIONAL COM-**
9 **MUNICATIONS AGENCY.**

10 The Board of the United States International Com-
11 munications Agency shall have the following authorities:

12 (1) To review and evaluate the mission and op-
13 eration of, and to assess the quality, effectiveness,
14 and professional integrity of, all programming pro-
15 duced by the United States International Commu-
16 nications Agency to ensure alignment with the broad
17 foreign policy objectives of the United States.

18 (2) To ensure that broadcasting of the United
19 States International Communications Agency is con-
20 ducted in accordance with the standards specified in
21 section 5.

22 (3) To review, evaluate, and recommend to the
23 Chief Executive of the United States International
24 Communications Agency, at least annually, in con-
25 sultation with the Secretary of State, the necessity

1 of adding or deleting of language services of the
2 Agency.

3 (4) To submit to the President and Congress
4 an annual report which summarizes and evaluates
5 activities of the United States International Commu-
6 nications Agency described in this title.

7 **SEC. 104. ESTABLISHMENT OF THE CHIEF EXECUTIVE OFFI-**
8 **CER OF THE UNITED STATES INTER-**
9 **NATIONAL COMMUNICATIONS AGENCY.**

10 (a) IN GENERAL.—There shall be a Chief Executive
11 Officer of the United States International Communica-
12 tions Agency, appointed by the Board of the Agency for
13 a five-year term, renewable at the Board's discretion, and
14 subject to the provisions of title 5, United States Code,
15 governing appointments, classification, and compensation.

16 (b) QUALIFICATIONS.—The Chief Executive Officer
17 shall be selected from among United States citizens with
18 two or more of the following qualifications:

19 (1) A distinguished career in managing a large
20 organization or Federal agency.

21 (2) Experience in the field of mass communica-
22 tions, print, or broadcast media.

23 (3) Experience in foreign affairs or inter-
24 national relations.

1 (4) Experience in directing United States public
2 diplomacy programs.

3 (c) TERMINATION AND TRANSFER.—Immediately
4 upon appointment of the Chief Executive Officer under
5 subsection (a), the Director of the International Broad-
6 casting Bureau shall be terminated, and all of the respon-
7 sibilities and authorities of the Director shall be trans-
8 ferred to and assumed by the Chief Executive Officer.

9 (d) REMOVAL OF CHIEF EXECUTIVE OFFICER.—The
10 Chief Executive Officer under subsection (a) may be re-
11 moved upon a two-thirds majority vote of the members
12 of the Board of the United States International Commu-
13 nications Agency then serving.

14 (e) COMPENSATION OF THE CHIEF EXECUTIVE OF-
15 FICER.—Any Chief Executive Officer of the United States
16 International Communications Agency hired after the date
17 of the enactment of this Act, shall be eligible to receive
18 compensation up to an annual rate of pay equivalent to
19 level I of the Executive Schedule under section 5315 of
20 title 5, United States Code.

21 **SEC. 105. AUTHORITIES AND DUTIES OF THE CHIEF EXECU-**
22 **TIVE OFFICER OF THE UNITED STATES**
23 **INTERNATIONAL COMMUNICATIONS AGENCY.**

24 (a) DUTIES.—The Chief Executive Officer under sec-
25 tion 104 shall direct operations of the United States Inter-

1 national Communications Agency and shall have the fol-
2 lowing non-delegable authorities, subject to the super-
3 vision of the Board of the United States International
4 Communications Agency:

5 (1) To supervise all Federal broadcasting activi-
6 ties conducted pursuant to title V of the United
7 States Information and Educational Exchange Act
8 of 1948 (22 U.S.C. 1461 et seq.) and the Voice of
9 America as described in subtitle B of title I of this
10 Act.

11 (2) To make and ensure compliance with the
12 terms and conditions of the grant agreement in ac-
13 cordance with section 110.

14 (3) To review engineering activities to ensure
15 that all broadcasting elements receive the highest
16 quality and cost-effective delivery services.

17 (4) To undertake such studies as may be nec-
18 essary to identify areas in which broadcasting activi-
19 ties under the authority of the United States Inter-
20 national Communications Agency could be made
21 more efficient and economical.

22 (5) To the extent considered necessary to carry
23 out the functions of the Board, procure supplies,
24 services, and other personal property, as well as pro-
25 curement pursuant to section 1535 of title 31,

1 United States Code (commonly referred to as the
2 “Economy Act”), of such goods and services from
3 other Federal agencies for the Board as the Board
4 determines are appropriate.

5 (6) To appoint such staff personnel for the
6 Board as the Board may determine to be necessary,
7 subject to the provisions of title 5, United States
8 Code, governing appointments in the competitive
9 service, and to fix their compensation in accordance
10 with the provisions of chapter 51 and subchapter III
11 of chapter 53 of such title relating to classification
12 and General Schedule pay rates.

13 (7) To obligate and expend, for official recep-
14 tion and representation expenses, such amounts as
15 may be made available through appropriations Acts.

16 (8) To make available in the annual reports re-
17 quired under section 103 information on funds ex-
18 pended on administrative and managerial services by
19 the Board of the United States Communications
20 Agency, and the steps the Board has taken to re-
21 duce unnecessary overhead costs for each of the
22 broadcasting services.

23 (9) To provide for the use of United States
24 Government broadcasting capacity to the Freedom
25 News Network.

1 (10)(A) To procure temporary and intermittent
2 personal services to the same extent as is authorized
3 by section 3109 of title 5, United States Code, at
4 rates not to exceed the daily equivalent of the rate
5 provided for positions classified above grade GS-15
6 of the General Schedule under section 5108 of such
7 title.

8 (B) To allow those individuals providing such
9 services, while away from their homes or their reg-
10 ular places of business, travel expenses (including
11 per diem in lieu of subsistence) as authorized by sec-
12 tion 5703 of title 5, United States Code, for persons
13 in the Government service employed intermittently,
14 while so employed.

15 (11) To utilize the provisions of titles III, IV,
16 V, VII, VIII, IX, and X of the United States Infor-
17 mation and Educational Exchange Act of 1948 (22
18 U.S.C. 1431 et seq.), and section 6 of Reorganiza-
19 tion Plan Number 2 of 1977, as in effect on the day
20 before the effective date of title XIII of the Foreign
21 Affairs Agencies Consolidation Act of 1998, to the
22 extent the Board considers necessary to carry out
23 the provisions and purposes of this Act.

24 (12) To utilize the authorities of any other stat-
25 ute, reorganization plan, Executive order, regulation,

1 agreement, determination, or other official document
2 or proceeding that had been available to the Director
3 of the United States Information Agency, the Inter-
4 national Broadcasting Bureau, or the Board of the
5 Broadcasting Board of Governors before the date of
6 the enactment of this Act.

7 (13)(A) To provide for the payment of primary
8 and secondary school expenses for dependents of
9 personnel stationed in the Commonwealth of the
10 Northern Mariana Islands (CNMI) at a cost not to
11 exceed expenses authorized by the Department of
12 Defense for such schooling for dependents of mem-
13 bers of the Armed Forces stationed in the Common-
14 wealth, if the Board determines that schools avail-
15 able in the Commonwealth are unable to provide
16 adequately for the education of the dependents of
17 such personnel.

18 (B) To provide transportation for dependents of
19 such personnel between their places of residence and
20 those schools for which expenses are provided under
21 subparagraph (A), if the Board determines that such
22 schools are not accessible by public means of trans-
23 portation.

24 (b) CONSULTATIONS.—The Chief Executive Officer
25 of the United States International Communications Agen-

1 cy shall regularly consult with the Chief Executive Officer
2 of the Freedom News Network and the Secretary of State
3 as described in sections 108 and 109.

4 **SEC. 106. ROLE OF THE SECRETARY OF STATE.**

5 To assist the Board of the United States Inter-
6 national Communications Agency in carrying out its func-
7 tions, the Secretary of State shall provide to the Board
8 information in accordance with section 109(b), as well as
9 guidance on United States foreign policy and public diplo-
10 macy priorities, as the Secretary determines appropriate.

11 **SEC. 107. ROLE OF THE INSPECTOR GENERAL.**

12 (a) IN GENERAL.—The Inspector General of the De-
13 partment of State shall exercise the same authorities with
14 respect to the United States International Communica-
15 tions Agency and the Freedom News Network as the In-
16 spector General exercises with respect to the Department.

17 (b) JOURNALIST INTEGRITY.—The Inspector General
18 of the Department of State shall respect the journalistic
19 integrity of all the broadcasters covered by this Act and
20 may not evaluate the philosophical or political perspectives
21 reflected in the content of the broadcasts of such broad-
22 casters.

1 **SEC. 108. ENHANCED COORDINATION BETWEEN UNITED**
2 **STATES INTERNATIONAL COMMUNICATIONS**
3 **AGENCY AND THE FREEDOM NEWS NET-**
4 **WORK; PROGRAM CONTENT SHARING;**
5 **GRANTEE INDEPENDENCE.**

6 (a) MEETINGS.—The chair of the Board and Chief
7 Executive Officer of the United States International Com-
8 munications Agency shall meet at least on a quarterly
9 basis with the chair and Chief Executive Officer, as identi-
10 fied in section 221, of the Freedom News Network to dis-
11 cuss mutual issues of concern, including the following:

- 12 (1) The strategic direction of their respective
13 organizations, including target audiences.
- 14 (2) Languages of information transmission.
- 15 (3) Prioritization of funding allocations.
- 16 (4) Areas for greater collaboration.
- 17 (5) Elimination of programming overlap.
- 18 (6) Efficiencies that can be realized through
19 best practices and lessons learned.
- 20 (7) Sharing of program content.

21 (b) INFORMATION SHARING.—The Chief Executive
22 Officer of the United States International Broadcasting
23 Agency and the Chief Executive Officer of the Freedom
24 News Network shall share all strategic planning docu-
25 ments, including the following:

- 26 (1) Results monitoring and evaluation.

1 (2) Annual planning documents.

2 (3) Audience surveys conducted.

3 (4) Budget formulation documents.

4 (c) PROGRAM CONTENT SHARING.—The United
5 States International Communications Agency and the
6 Freedom News Network shall make all original content
7 available to each other through a shared platform in ac-
8 cordance with section 112(a)(3).

9 (d) INDEPENDENCE OF FREEDOM NEWS NET-
10 WORK.—The United States International Communications
11 Agency, while conducting management of the grant de-
12 scribed in section 110, shall avoid even the appearance of
13 involvement in daily operations, decisions, and manage-
14 ment of the Freedom News Network, and ensure that the
15 distinctions between the United States International Com-
16 munications Agency and Freedom News Network remain
17 in accordance with this Act.

18 **SEC. 109. ENHANCED COORDINATION AMONG THE UNITED**
19 **STATES INTERNATIONAL COMMUNICATIONS**
20 **AGENCY, THE FREEDOM NEWS NETWORK,**
21 **AND THE DEPARTMENT OF STATE; FREEDOM**
22 **NEWS NETWORK INDEPENDENCE.**

23 (a) COORDINATION MEETINGS.—The Chief Execu-
24 tive Officer of the United States International Commu-
25 nications Agency and the Chief Executive Officer of the

1 Freedom News Network shall meet, at least on a quarterly
2 basis, with the Secretary of State to—

- 3 (1) review and evaluate broadcast activities;
- 4 (2) eliminate overlap of programming; and
- 5 (3) determine long-term strategies for inter-
6 national broadcasting to ensure such strategies are
7 in accordance with the broad foreign policy interests
8 of the United States.

9 (b) STRATEGIC PLANNING DOCUMENTS.—The Chief
10 Executive Officer of the United States International Com-
11 munications Agency, the Chief Executive Officer of the
12 Freedom News Network, and the Secretary of State shall
13 share all relevant unclassified strategic planning docu-
14 ments produced by the Agency, the Freedom News Net-
15 work, and the Department of State.

16 (c) FREEDOM NEWS NETWORK INDEPENDENCE.—
17 The Department of State, while coordinating with the
18 Freedom News Network in accordance with subsection (a),
19 shall avoid even the appearance of involvement in the daily
20 operations, decisions, and management of the Freedom
21 News Network.

22 **SEC. 110. GRANTS TO THE FREEDOM NEWS NETWORK.**

23 (a) IN GENERAL.—The Chief Executive Officer of the
24 United States International Communications Agency shall
25 make grants to RFE/RL, Incorporated, Radio Free Asia,

1 or the Middle East Broadcasting Networks, Incorporated
2 only after the Chief Executive Officer of the Agency and
3 the Chief Executive Officer of Freedom News Network
4 certify to the appropriate congressional committees that
5 the headquarters of the Freedom News Network and its
6 senior administrative and managerial staff are in a loca-
7 tion which ensures economy, operational effectiveness, and
8 accountability, and the following conditions have been sat-
9 isfied:

10 (1) RFE/RL, Incorporated, Radio Free Asia,
11 and the Middle East Broadcasting Networks, Incor-
12 porated have submitted to the Chief Executive Offi-
13 cer of the United States International Communica-
14 tions Agency a plan for consolidation and reconstitu-
15 tion as described in section 211 under the new cor-
16 porate name “Freedom News Network” with a sin-
17 gle organizational structure and management frame-
18 work, as described in section 221.

19 (2) The necessary steps towards the consolida-
20 tion described in paragraph (1) have been com-
21 pleted, including the selection of a Board, Chair, and
22 Chief Executive Officer for the Freedom News Net-
23 work, the establishment of bylaws to govern the
24 Freedom News Network, and the filing of articles of
25 incorporation.

1 (3) A plan for content sharing has been devel-
2 oped in accordance with section 112(a)(3).

3 (4) A strategic plan for programming imple-
4 mentation has been developed in accordance with
5 section 222(c).

6 (b) REPORT.—Not later than 180 days after the date
7 of the enactment of this Act, the Board of the United
8 States International Communications Agency shall submit
9 to Congress a report on the status of any grants made
10 to the Freedom News Network.

11 (c) ALTERNATIVE GRANTEE.—If the Chief Executive
12 Officer of the United States International Communica-
13 tions Agency, after consultation with the Board of the
14 Agency and the appropriate congressional committees, de-
15 termines at any time that the Freedom News Network is
16 not carrying out the mission described in section 212 and
17 adhering to the standards and principles described in sec-
18 tion 213 in an effective and economical manner for which
19 a grant has been awarded, the Chief Executive Officer of
20 the Agency, upon approval of the Board, may award to
21 another entity the grant at issue to carry out such func-
22 tions after soliciting and considering applications from eli-
23 gible entities in such manner and accompanied by such
24 information as the Board may require.

1 (d) NOT A FEDERAL ENTITY.—Nothing in this Act
2 may be construed to make the Freedom News Network
3 a Federal agency or instrumentality.

4 (e) AUTHORITY.—Grants authorized under this sec-
5 tion for the United States International Communications
6 Agency shall be available to make annual grants to the
7 Freedom News Network for the purpose of carrying out
8 the mission described in section 212 and adhering to the
9 standards and principles described in section 213.

10 (f) GRANT AGREEMENT.—Grants authorized under
11 this section to the Freedom News Network by the Chief
12 Executive Officer of the United States International Com-
13 munications Agency shall only be made in accordance with
14 a grant agreement. Such grant agreement shall include
15 the following provisions:

16 (1) A grant shall be used only for activities in
17 accordance with carrying out the mission described
18 in section 212 and adhering to the standards and
19 principles described in section 213.

20 (2) The Freedom News Network shall comply
21 with the requirements of this section.

22 (3) Failure to comply with the requirements of
23 this section may result in suspension or termination
24 of a grant without further obligation by the United

1 States International Communications Agency or the
2 United States.

3 (4) Use of broadcasting technology owned and
4 operated by the United States International Commu-
5 nications Agency shall be made available through an
6 International Cooperative Administrative Support
7 Service (ICASS) agreement or memorandum of un-
8 derstanding.

9 (5) The Freedom News Network shall, upon re-
10 quest, provide to the Chief Executive Officer of the
11 United States International Communications Agency
12 documentation which details the expenditure of any
13 grant funds.

14 (6) A grant may not be used to require the
15 Freedom News Network to comply with any require-
16 ments other than the requirements specified in this
17 Act.

18 (7) A grant may not be used to allocate re-
19 sources within the Freedom News Network in a
20 manner that is inconsistent with the Freedom News
21 Network strategic plan described in section 222(c).

22 (g) PROHIBITIONS ON THE USE OF GRANTS.—
23 Grants authorized under this section may not be used for
24 the following purposes:

1 (1)(A) Except as provided in subparagraph (B)
2 or (C), to pay any salary or other compensation, or
3 enter into any contract providing for the payment of
4 salary or compensation, in excess of the rates estab-
5 lished for comparable positions under title 5, United
6 States Code, or the foreign relations laws of the
7 United States, except that no employee may be paid
8 a salary or other compensation in excess of the rate
9 of pay payable for level II of the Executive Schedule
10 under section 5315 of such title.

11 (B) Salary and other compensation limitations
12 under subparagraph (A) shall not apply with respect
13 to any employee covered by a union agreement re-
14 quiring a salary or other compensation in excess of
15 such limitations before the date of the enactment of
16 this Act.

17 (C) Notwithstanding the limitations specified in
18 subparagraph (A), grants authorized under this sec-
19 tion may be used by the Freedom News Network to
20 pay up to six employees employed in the Wash-
21 ington, D.C. area, salary or other compensation not
22 to exceed the rate of pay payable for level I of the
23 Executive Schedule under section 5314 of title 5,
24 United States Code, except that such shall not apply

1 to the Chief Executive Officer of the Freedom News
2 Network in accordance with section 221(d).

3 (2) For any activity intended to influence the
4 passage or defeat of legislation being considered by
5 Congress.

6 (3) To enter into a contract or obligation to pay
7 severance payments for voluntary separation for em-
8 ployees hired after December 1, 1990, except as may
9 be required by United States law or the laws of the
10 country where such an employee is stationed.

11 (4) For first class travel for any employee of
12 the Freedom News Network, or the relative of any
13 such employee.

14 **SEC. 111. OTHER PERSONNEL AND COMPENSATION LIMITA-**
15 **TIONS.**

16 (a) IN GENERAL.—Subject to the organizational and
17 personnel restrictions described in subsection (c), the
18 Chief Executive Officer of the United States International
19 Communications Agency shall have the discretion to deter-
20 mine the distribution of all personnel within the Agency,
21 subject to the approval of the Board of the Agency.

22 (b) LIMITATION ON COMPENSATION.—

23 (1) IN GENERAL.—No employee of the United
24 States International Communications Agency, other
25 than the Chief Executive Officer or Director of the

1 Voice of America, shall be eligible to receive com-
2 pensation at a rate in excess of step 10 of GS-15
3 of the General Schedule under section 5332 of title
4 5, United States Code.

5 (2) EXCEPTION.—The limitation described in
6 paragraph (1) does not apply in the case of members
7 of the Board in accordance with section 102(d) or
8 affect the rights of employees covered under the
9 Fair Labor Standards Act of 1938.

10 (c) PROHIBITION ON CERTAIN NEW EMPLOY-
11 MENT.—

12 (1) IN GENERAL.—Beginning on the date of the
13 enactment of this Act and ending on the date that
14 is 5 years after such date, the United States Inter-
15 national Communications Agency may not fill any
16 currently unfilled full-time or part-time position
17 compensated at an annual rate of basic pay for
18 grade GS-14 or GS-15 of the General Schedule
19 under section 5332 of title 5, United States Code,
20 including any currently filled position in which the
21 incumbent resigns, retires, or otherwise leaves such
22 position during the such 5-year period.

23 (2) WAIVER.—The Chief Executive Officer of
24 the United States International Communications
25 Agency may waive the prohibition specified in para-

1 graph (1) if the position is determined essential to
2 the functioning of the Agency and documented as
3 such in the report required under section 112(a), or
4 necessary for the acquisition of skills or knowledge
5 not sufficiently represented in the current workforce
6 of the Agency. The Chief Executive Officer of the
7 Agency shall consult with the appropriate congressional
8 committees before issuing a waiver under this
9 paragraph.

10 (d) CONTINUATION OF FEDERAL STATUS.—Nothing
11 in this Act may be interpreted to change the Federal status
12 or rights of employees of the Voice of America or the
13 International Broadcasting Bureau by the consolidation
14 and establishment of the United States International
15 Communications Agency.

16 **SEC. 112. REPORTING REQUIREMENTS OF THE UNITED**
17 **STATES INTERNATIONAL COMMUNICATIONS**
18 **AGENCY.**

19 (a) REORGANIZATION REPORT.—Not later than 180
20 days after the date of the enactment of this Act, the Chief
21 Executive Officer of the United States International Communications
22 Agency shall submit to the appropriate Congressional
23 committees a report that includes the following:

24 (1) A plan to assess and provide recommendations
25 on the appropriate size and necessity of all

1 current offices and positions (also referred to as a
2 “staffing pattern”) within the Agency, including full-
3 time employee positions rated at the Senior Execu-
4 tive Service (SES) level or at GS–14 or GS–15 on
5 the General Schedule under section 5332 of title 5,
6 United States Code. Such plan shall include a de-
7 tailed organizational structure that delineates lines
8 of authority and reporting between junior staff,
9 management, and leadership.

10 (2) A plan to consolidate the Voice of America
11 and the International Broadcasting Bureau into a
12 single Federal entity identified as the “United
13 States International Communications Agency”, and
14 how the structure and alignment of resources sup-
15 port the fulfillment of the Agency’s mission and
16 standards and principles as described in sections 5
17 and 122.

18 (3) A plan for developing a platform to share
19 all programming content between the United States
20 International Communications Agency and the Free-
21 dom News Network, including making available for
22 distribution all programming content licensed or pro-
23 duced by the Agency and the Freedom News Net-
24 work, and expanding the functionality of the plat-

1 forms already in existence, such as the web content
2 management system “Pangea”.

3 (4) A joint plan written with the Chief Execu-
4 tive Officer of the Freedom News Network to coordi-
5 nate the transition of language services between the
6 United States International Communications Agency
7 and the Freedom News Network in accordance with
8 sections 6, 123, 124, 212, and 214.

9 (b) CONTRACTING REPORT.—The Chief Executive
10 Officer of the United States International Communica-
11 tions Agency shall annually submit to the appropriate con-
12 gressional committees a report on the Agency’s compliance
13 with the Federal Acquisition Regulation (the “FAR”) and
14 the Anti-Deficiency Act, including a review of contracts
15 awarded on a non-competitive basis, compliance with the
16 FAR requirement for publicizing contract actions, the use
17 of any personal service contracts without explicit statutory
18 authority, and processes for contract oversight in compli-
19 ance with the FAR.

20 (c) LISTENERSHIP REPORT.—The Chief Executive
21 Officer of the United States International Communica-
22 tions Agency shall annually submit to the appropriate con-
23 gressional committees a report that details the trans-
24 mission capacities, market penetration, and audience
25 listenership of all mediums of international communication

1 deployed by the United States International Communica-
2 tions Agency, including a plan for how target audiences
3 can be reached if the first medium of delivery is unavail-
4 able.

5 (d) GAO REPORT.—Every 5 years after the date of
6 the enactment of this Act, the Comptroller General of the
7 United States shall submit to the appropriate congres-
8 sional committees a report that reviews the effectiveness
9 of content sharing between the United States Inter-
10 national Communications Agency and the Freedom News
11 Network and makes recommendations on how content
12 sharing can be improved.

13 (e) LANGUAGE REPORT.—Not later than 1 year after
14 the date of the enactment of this Act, the Chief Executive
15 Officer of the United States International Communica-
16 tions Agency and the Chief Executive Officer of the Free-
17 dom News Network shall submit to the appropriate con-
18 gressional committees a joint report detailing—

19 (1) information outlining the criteria and anal-
20 ysis used to determine broadcast recipient countries
21 and regions; and

22 (2) an initial list of broadcast countries and re-
23 gions.

1 **Subtitle B—The Voice of America**

2 **SEC. 121. SENSE OF CONGRESS.**

3 It is the sense of Congress that—

4 (1) the Voice of America has been an indispen-
5 sable element of United States foreign policy and
6 public diplomacy efforts since 1942, and should re-
7 main the flagship brand of the United States Inter-
8 national Communications Agency;

9 (2) the Voice of America has been a reliable
10 source of accurate, objective, and comprehensive
11 news and related programming and content for the
12 millions of people around the world who cannot ob-
13 tain such news and related programming and con-
14 tent from indigenous media outlets;

15 (3) the Voice of America’s success over more
16 than seven decades has created valuable brand iden-
17 tity and international recognition that justifies the
18 maintenance of the Voice of America;

19 (4) the Voice of America’s public diplomacy
20 mission remains essential to broader United States
21 Government efforts to communicate with foreign
22 populations; and

23 (5) despite its tremendous historical success,
24 the Voice of America would benefit substantially
25 from a recalibration of Federal international broad-

1 casting agencies and resources, which would provide
2 the Voice of America with greater mission focus and
3 flexibility in the deployment of news, programming,
4 and content.

5 **SEC. 122. PRINCIPLES OF THE VOICE OF AMERICA.**

6 The Voice of America shall adhere to the following
7 principles in the course of fulfilling its duties and respon-
8 sibilities:

9 (1) Serving as a consistently reliable and au-
10 thoritative source of news on the United States, its
11 policies, its people, and the international develop-
12 ments that affect the United States.

13 (2) Providing accurate, objective, and com-
14 prehensive information, with the understanding that
15 these three values provide credibility among global
16 news audiences.

17 (3) Presenting the official policies of the United
18 States, and related discussions and opinions about
19 those policies, clearly and effectively.

20 (4) Representing the whole of the United
21 States, and shall accordingly work to produce pro-
22 gramming and content that presents a balanced and
23 comprehensive projection of the diversity of thought
24 and institutions of the United States.

1 **SEC. 123. DUTIES AND RESPONSIBILITIES OF THE VOICE OF**
2 **AMERICA.**

3 The Voice of America shall have the following duties
4 and responsibilities:

5 (1) Producing accurate, objective, and com-
6 prehensive news and related programming that is
7 consistent with and promotes the broad foreign poli-
8 cies of the United States.

9 (2) Producing news and related programming
10 and content that accurately represents the diversity
11 of thoughts and institutions of the United States as
12 a whole.

13 (3) Presenting the law and policies of the
14 United States clearly and effectively.

15 (4) Promoting the civil and responsible ex-
16 change of information and differences of opinion re-
17 garding policies, issues, and current events.

18 (5) Making all of its produced news and related
19 programming and content available to the Freedom
20 News Network for use and distribution.

21 (6) Producing or otherwise allowing editorials,
22 commentary, and programming, in consultation with
23 the Department of State, that present the official
24 views of the United States Government and its offi-
25 cials.

1 (7) Maximizing foreign national information ac-
2 cess through both the use of existing broadcasting
3 tools and resources and the development and dis-
4 semination of circumvention technology.

5 (8) Providing training and technical support for
6 independent indigenous media and journalist enter-
7 prises in order to facilitate or enhance independent
8 media environments and outlets abroad.

9 (9) Reaching identified foreign audiences in
10 local languages and dialects when possible, particu-
11 larly when such audiences form a distinct ethnic,
12 cultural, or religious group within a country critical
13 to United States national security interests.

14 (10) Being capable of providing a broadcasting
15 surge capacity under circumstances where overseas
16 disasters, crises, or other events require increased or
17 heightened international public diplomacy engage-
18 ment.

19 **SEC. 124. LIMITATION ON VOICE OF AMERICA NEWS, PRO-**
20 **GRAMMING, AND CONTENT; EXCEPTION FOR**
21 **BROADCASTING TO CUBA.**

22 (a) IN GENERAL.—Except as provided in subsection
23 (b), the Voice of America shall be limited to providing re-
24 porting in accordance with the principles specified in sec-
25 tion 122. Nothing in this section may preclude the Voice

1 of America from broadcasting programming content pro-
2 duced by the Freedom News Network.

3 (b) EXCEPTION FOR BROADCASTING TO CUBA.—
4 Radio Marti and Television Marti, which constitute the
5 Office of Cuba Broadcasting, shall continue programming
6 and content production consistent with the mission and
7 activities as described in the Radio Broadcasting to Cuba
8 Act (Public Law 98–111) and the Television Broadcasting
9 to Cuba Act (Public Law 101–246), and continue existing
10 within the Voice of America of the United States Inter-
11 national Communications Agency, established in section
12 101.

13 **SEC. 125. DIRECTOR OF VOICE OF AMERICA.**

14 (a) ESTABLISHMENT.—There shall be a Director of
15 the Voice of America, who shall be responsible for exe-
16 cuting the duties and responsibilities of the Voice of Amer-
17 ica described in subsection (b).

18 (b) DUTIES AND RESPONSIBILITIES.—The Director
19 of the Voice of America shall, subject to the final approval
20 of the Chief Executive Officer of the United States Inter-
21 national Communications Agency carry out the following
22 duties and responsibilities:

23 (1) Determine the organizational structure of,
24 and personnel allocation or relocation within, the
25 Voice of America, subject to section 105.

1 (2) Make recommendations to the Chief Execu-
2 tive Officer of the United States International Com-
3 munications Agency regarding the production, devel-
4 opment, and termination of Voice of America news
5 programming and content.

6 (3) Make recommendations to the Chief Execu-
7 tive Officer of the United States International Com-
8 munications Agency about the establishment, termi-
9 nation, prioritization, and adjustments of language
10 services utilized by the Voice of America to reach its
11 international audience.

12 (4) Allocate funding and material resources
13 under the jurisdiction of the Voice of America for
14 the furtherance of the other duties and responsibil-
15 ities established under this subsection.

16 (5) Oversee the daily operations of the Voice of
17 America, including programming content.

18 (c) APPOINTMENT AND QUALIFICATIONS OF DIREC-
19 TOR.—

20 (1) IN GENERAL.—The position of Director of
21 the Voice of America shall be filled by a person who
22 shall serve at the pleasure of the Chief Executive Of-
23 ficer of the United States International Communica-
24 tions Agency.

1 (2) ELIGIBILITY.—To be eligible to be ap-
2 pointed Director of the Voice of America, a person
3 shall have at least two of the following qualifications:

4 (A) Prior, extensive experience managing
5 or operating a private-sector media or journalist
6 enterprise.

7 (B) Prior, extensive experience managing
8 or operating a large organization.

9 (C) Prior, extensive experience engaged in
10 mass media or journalist program development,
11 including the development of circumvention
12 technologies.

13 (D) Prior, extensive experience engaged in
14 international journalism or other related activi-
15 ties, including the training of international jour-
16 nalists and the promotion of democratic institu-
17 tional reforms abroad.

18 (3) COMPENSATION.—Any Director who is
19 hired after the date of the enactment of this Act
20 shall be entitled to receive compensation at a rate
21 equal to the annual rate of basic pay for level III of
22 the Executive Schedule under section 5315 of title
23 5, United States Code.

1 **Subtitle C—General Provisions**

2 **SEC. 131. FEDERAL AGENCY COORDINATION IN SUPPORT**
3 **OF UNITED STATES PUBLIC DIPLOMACY.**

4 (a) IN GENERAL.—The Board of the United States
5 International Communications Agency and the Freedom
6 News Network shall conduct periodic, unclassified con-
7 sultations with the Department of State, the United
8 States Agency for International Development, the Depart-
9 ment of Defense, and the Office of the Director of Na-
10 tional Intelligence, for the purpose of assessing the fol-
11 lowing:

12 (1) Progress toward democratization, the devel-
13 opment of free and independent media outlets, and
14 the free flow of information in countries that receive
15 programming and content from the United States
16 International Communications Agency and the Free-
17 dom News Network.

18 (2) Foreign languages that have increased or
19 decreased in strategic importance, and the factors
20 supporting such assessments.

21 (3) Any other international developments, in-
22 cluding developments with regional or country-spe-
23 cific significance, that might be of value in assisting
24 the United States International Communications

1 Agency and the Freedom News Network in the de-
2 velopment of their programming and content.

3 (b) GUIDANCE.—The Board of the United States
4 International Communications Agency shall use the un-
5 classified consultations required under subsection (a) as
6 guidance for its distribution and calibration of Federal re-
7 sources in support of United States public diplomacy.

8 **SEC. 132. FEDERAL AGENCY ASSISTANCE AND COORDINA-**
9 **TION WITH THE UNITED STATES INTER-**
10 **NATIONAL COMMUNICATIONS AGENCY AND**
11 **THE FREEDOM NEWS NETWORK DURING**
12 **INTERNATIONAL BROADCAST SURGES.**

13 (a) IN GENERAL.—Subject to a formal request from
14 the Chair of the Board of the United States International
15 Communications Agency, Federal agency heads shall as-
16 sist and coordinate with the Agency to facilitate a tem-
17 porary broadcasting surge or enhance transmission capac-
18 ity for such a temporary broadcasting surge for the Agen-
19 cy, the Freedom News Network, or both.

20 (b) ACTIONS.—In accordance with subsection (a),
21 Federal agency heads shall assist or coordinate with the
22 United States International Communications Agency by—

23 (1) supplying or facilitating access to, or use
24 of—

1 (A) United States Government-owned
2 transmission capacity, including the use of
3 transmission facilities, equipment, resources,
4 and personnel; and

5 (B) other non-transmission-related United
6 States Government-owned facilities, equipment,
7 resources, and personnel;

8 (2) communicating and coordinating with for-
9 eign host governments on behalf of, or in conjunc-
10 tion with, the Agency or the Freedom News Net-
11 work;

12 (3) providing, or assisting in the obtaining of,
13 in-country security services for the safety and pro-
14 tection of Agency or Freedom News Network per-
15 sonnel; and

16 (4) providing or facilitating access to any other
17 United States Government-owned resources.

18 (c) PROHIBITION.—Notwithstanding any other provi-
19 sion of law, neither Federal agency heads nor their agen-
20 cies shall receive any reimbursement or compensatory ap-
21 propriations for complying with implementing this section.

1 **SEC. 133. FREEDOM NEWS NETWORK RIGHT OF FIRST RE-**
2 **FUSAL IN INSTANCES OF FEDERAL DISPOSAL**
3 **OF RADIO OR TELEVISION BROADCAST**
4 **TRANSMISSION FACILITIES OR EQUIPMENT.**

5 (a) IN GENERAL.—Notwithstanding any other provi-
6 sion of law, it shall be the policy of the United States
7 International Communications Agency to, in the event it
8 intends to dispose of any radio or television broadcast
9 transmission facilities or equipment, provide the Freedom
10 News Network with the right of first refusal with respect
11 to the acquisition of such facilities and equipment.

12 (b) TRANSFER AND DISPOSAL.—Pursuant to sub-
13 section (a)—

14 (1) in the event the Freedom News Network is
15 willing to accept the facilities and equipment re-
16 ferred to in such subsection, the United States
17 International Communications Agency shall transfer
18 to the Freedom News Network such facilities and
19 equipment at no cost to the Freedom News Net-
20 work; or

21 (2) in the event the Freedom News Network
22 opts to not accept such facilities and equipment, the
23 United States International Communications Agency
24 may sell such facilities and equipment at market
25 price, and retain any revenue from such sales.

1 (c) RULES REGARDING CERTAIN FUNDS.—Pursuant
 2 to subsections (b) and (c), any revenues that the United
 3 States International Communications Agency shall derive
 4 from such sales shall be used entirely for the purposes or
 5 research, development, and deployment of innovative
 6 broadcasting or circumvention technology.

7 **SEC. 134. REPEAL OF THE UNITED STATES INTERNATIONAL**
 8 **BROADCASTING ACT OF 1994.**

9 The United States International Broadcasting Act of
 10 1994 (22 U.S.C. 6201 et seq.; title III of Public Law 103–
 11 236) is repealed (and the items relating to title III in the
 12 table of contents of such Public Law are struck).

13 **SEC. 135. EFFECTIVE DATE.**

14 This title shall take effect on the date that is 180
 15 days after the date of the enactment of this Act.

16 **TITLE II—THE FREEDOM NEWS**
 17 **NETWORK**

18 **SEC. 201. SENSE OF CONGRESS.**

19 It is the sense of Congress that RFE/RL, Incor-
 20 porated, Radio Free Asia, and the Middle East Broad-
 21 casting Networks, Incorporated share a common mission
 22 with distinct geographic foci, and should therefore be
 23 merged into a single organization, with distinct marketing
 24 brands to provide the news and related programming and
 25 content in countries where free media are not established.

1 **Subtitle A—Consolidation of**
2 **Existing Grantee Organizations**

3 **SEC. 211. FORMATION OF THE FREEDOM NEWS NETWORK**
4 **FROM EXISTING GRANTEES.**

5 (a) IN GENERAL.—When the conditions specified in
6 section 110 are satisfied, the Freedom News Network,
7 comprised of the consolidation of RFE/RL Incorporated,
8 Radio Free Asia, and the Middle East Broadcasting Net-
9 works, Incorporated, shall exist to carry out all inter-
10 national broadcasting activities supported by the United
11 States Government, in accordance with sections 212 and
12 213.

13 (b) MAINTENANCE OF THE EXISTING INDIVIDUAL
14 GRANTEE BRANDS.—RFE/RL, Incorporated, Radio Free
15 Asia, and the Middle East Broadcasting Networks, Incor-
16 porated shall remain brand names under which news and
17 related programming and content may be disseminated by
18 the Freedom News Network. Additional brands may be
19 created as necessary.

20 **SEC. 212. MISSION OF THE FREEDOM NEWS NETWORK.**

21 The Freedom News Network established under sec-
22 tion 211 shall—

23 (1) provide uncensored local and regional news
24 and analysis to people in societies where a robust,

1 indigenious, independent, and free media does not
2 exist;

3 (2) strengthen civil societies by promoting
4 democratic values and promoting equality and the
5 rights of the individual, including for marginalized
6 groups, such as women and minorities;

7 (3) help countries improve their indigenous ca-
8 pacity to enhance media professionalism and inde-
9 pendence, and develop partnerships with local media
10 outlets, as appropriate; and

11 (4) promote access to uncensored sources of in-
12 formation, especially via the internet, and use all ef-
13 fective and efficient mediums of communication to
14 reach target audiences.

15 **SEC. 213. STANDARDS AND PRINCIPLES OF THE FREEDOM**
16 **NEWS NETWORK.**

17 The broadcasting of the Freedom News Network
18 shall—

19 (1) be consistent with the broad foreign policy
20 objectives of the United States;

21 (2) be consistent with the international tele-
22 communications policies and treaty obligations of the
23 United States;

24 (3) be conducted in accordance with the highest
25 professional standards of broadcast journalism;

1 (4) be based on reliable information about its
2 potential audience;

3 (5) be designed so as to effectively reach a sig-
4 nificant audience; and

5 (6) prioritize programming to populations in
6 countries without independent indigenous media out-
7 lets.

8 **Subtitle B—Organization of the**
9 **Freedom News Network**

10 **SEC. 221. GOVERNANCE OF THE FREEDOM NEWS NET-**
11 **WORK.**

12 (a) BOARD OF THE FREEDOM NEWS NETWORK.—
13 A board shall oversee the Freedom News Network and
14 consist of nine individuals with a demonstrated back-
15 ground in media or the promotion of democracy and expe-
16 rience in measuring media impact.

17 (b) COMPOSITION OF FIRST BOARD OF THE FREE-
18 DOM NEWS NETWORK.—Not later than 90 days after the
19 date of the enactment of this Act, the Presidents of RFE/
20 RL Incorporated, Radio Free Asia, and the Middle East
21 Broadcasting Networks shall—

22 (1) identify, in consultation with the appro-
23 priate congressional committees, candidates for the
24 first board of the Freedom News Network;

1 (2) direct the appointment of board members;
2 and

3 (3) select the first chair of the board of the
4 Freedom News Network.

5 (c) CONGRESSIONAL CONSULTATION REGARDING
6 THE FIRST BOARD OF THE FREEDOM NEWS NET-
7 WORK.—The individuals appointed pursuant to subsection
8 (b) shall serve as members of the first board of the Free-
9 dom News Network unless a joint resolution of disapproval
10 is enacted.

11 (d) OPERATIONS OF THE FIRST BOARD OF THE
12 FREEDOM NEWS NETWORK.—

13 (1) IN GENERAL.—The board of the Freedom
14 News Network shall have nine members charged
15 with the sole responsibility to operate the Freedom
16 News Network within the legal jurisdiction of its
17 state of incorporation. The board of the Freedom
18 New Network shall exercise due diligence, and exe-
19 cute its fiduciary duties to the corporation without
20 conflict of interests and consistent with section 212.
21 At no time may the United States International
22 Communications Agency add requirements to a
23 grant agreement with the Freedom News Network
24 that could be construed as inappropriate supervision,
25 oversight, or management under chapter 63 of title

1 31, United States Code. Nothing in this title may be
2 construed to make the Freedom News Network an
3 agency, establishment, or instrumentality of the
4 United States Government, or to make the members
5 of the board of Freedom News Network, or the offi-
6 cers or employees of Freedom News Network, offi-
7 cers of employees of the United States Government.

8 (2) BYLAWS.—The first board of the Freedom
9 News Network shall write the bylaws of the organi-
10 zation.

11 (3) OVERSIGHT.—The Freedom News Network
12 shall be subject to the appropriate oversight proce-
13 dures of Congress.

14 (4) TERM LIMITS.—The board members of the
15 first board of the Freedom News Network may not
16 serve more than a 3-year term, and shall be replaced
17 in accordance with the bylaws referred to in para-
18 graph (2) and the succession process described in
19 paragraph (5).

20 (5) SUCCESSION OF BOARD MEMBERS.—The
21 board members of the first board of the Freedom
22 News Network and all subsequent boards shall fill
23 vacancies on the board due to death, resignation, re-
24 moval, or term expiration through an election proc-
25 ess described in the bylaws referred to in paragraph

1 (2) and in accordance with the principle of a “self-
2 replenishing” body.

3 (6) SELECTION OF BOARD MEMBERS.—The
4 board members of the Freedom News Network may
5 not be current employees or officers of RFE/RL In-
6 corporated, Radio Free Asia, the Middle East
7 Broadcasting Networks, or the United States Inter-
8 national Communications Agency.

9 (e) COMPENSATION OF BOARD AND OFFICERS OF
10 THE FREEDOM NEWS NETWORK.—Members of the board
11 of the Freedom News Network may not receive any fee,
12 salary, or remuneration of any kind for their service as
13 members, except that such members may be reimbursed
14 for reasonable expenses, such as board-related travel, in-
15 curred with approval of the board upon presentation of
16 vouchers. No officers of the Freedom News Network, other
17 than the Chief Executive Officer, shall be eligible to re-
18 ceive compensation at a rate in excess of the annual rate
19 of basic pay for level II on the Executive Schedule under
20 section 5315 of title 5, United States Code.

21 (f) ABOLISHMENT OF EXISTING BOARDS.—The
22 boards of directors of RFE/RL, Incorporated, Radio Free
23 Asia, and the Middle East Broadcasting Networks, Incor-
24 porated in existence on the day before the date of the en-
25 actment of this Act shall be abolished on the date of the

1 first official meeting of the first board of the Freedom
2 News Network.

3 (g) CHIEF EXECUTIVE OFFICER.—The Chief Execu-
4 tive Officer of the Freedom News Network shall serve at
5 the pleasure of the board of the Freedom News Network,
6 and be responsible for the day-to-day management and op-
7 erations of the Freedom News Network, including the se-
8 lection of individuals for management positions, ensuring
9 compliance with all applicable rules, regulations, laws, and
10 circulars, providing strategic vision for the execution of its
11 mission as specified in section 212, and carrying out such
12 other responsibilities as set forth in the laws of the State
13 of its incorporation.

14 (h) PLAN FOR CONSOLIDATION OF EXISTING INDIVIDUAL GRANTEES.—
15

16 (1) IN GENERAL.—Not later than 180 days
17 after the date of the first official meeting of the first
18 board of the Freedom News Network, the chair of
19 the board of the Freedom News Network shall submit a report to, and consult with, the appropriate
20 congressional committees on the plan to consolidate
21 RFE/RL, Incorporated, Radio Free Asia, and the
22 Middle East Broadcasting Networks, Incorporated
23 into a single non-Federal grantee organization.
24

1 (2) COMPONENTS.—The consolidation plan re-
2 ferred to in paragraph (1) shall include the following
3 components:

4 (A) The location and distribution of em-
5 ployees, including administrative, managerial,
6 and technical staff, of the Freedom News Net-
7 work that will be located within and outside the
8 metropolitan area of Washington, D.C.

9 (B) An organizational chart identifying the
10 managerial and supervisory lines of authority
11 among all employees of the Freedom News Net-
12 work, including the members of the board and
13 chair.

14 (3) TIME FOR IMPLEMENTATION.—Not later
15 than 3 years after the date of the enactment of this
16 Act, the chair of the board of the Freedom News
17 Network shall fully implement the consolidation plan
18 referred to in paragraph (1) after consultation with
19 the appropriate congressional committees.

20 (4) REPORT.—Not later than 5 years after the
21 date on which initial funding is provided for the pur-
22 pose of operating the Freedom News Network, the
23 chair of the board of the Freedom News Network
24 shall submit to the appropriate congressional com-
25 mittees a report that details the following:

1 (A) Whether the Freedom News Network
2 is technically sound and cost-effective.

3 (B) Whether the Freedom News Network
4 consistently meets the standards for quality and
5 impact established by this title.

6 (C) Whether the Freedom News Network
7 is receiving a sufficient audience to warrant its
8 continued operation.

9 (D) The extent to which the Freedom
10 News Network's programming and content is
11 already being received by the target audience
12 from other credible indigenous or external
13 sources.

14 (E) The extent to which the broad foreign
15 policy and national security interests of the
16 United States are being served by maintaining
17 operations of the Freedom News Network.

18 **SEC. 222. BUDGET OF THE FREEDOM NEWS NETWORK.**

19 (a) IN GENERAL.—The annual budget of the Free-
20 dom News Network shall consist of the following:

21 (1) A grant described in section 110, consisting
22 of the total grants to RFE/RL, Incorporated, Radio
23 Free Asia, and the Middle East Broadcasting Net-
24 works, Incorporated before the date of the enact-
25 ment of this Act.

1 (2) Any grants or transfers from other Federal
2 agencies.

3 (3) Other funds described in subsection (b).

4 (b) OTHER SOURCES OF FUNDING.—The Freedom
5 News Network may, to the extent authorized by its board
6 and in accordance with applicable laws and the mission
7 of the Freedom News Network under section 212 and eli-
8 gible broadcast areas under section 6, collect and utilize
9 non-Federal funds, except that the Freedom News Net-
10 work may not accept funds from the following:

11 (1) Any foreign governments or foreign govern-
12 ment officials.

13 (2) Any agents, representatives, or surrogates
14 of any foreign government or foreign government of-
15 ficial.

16 (3) Any foreign-owned corporations or any sub-
17 sidiaries of any foreign-owned corporation, regard-
18 less of whether such subsidiary is United States-
19 owned.

20 (4) Any foreign national or individual who is
21 not either a citizen or a legal permanent resident of
22 the United States.

23 (c) ANNUAL STRATEGIC PLAN OF THE FREEDOM
24 NEWS NETWORK.—The Freedom News Network shall
25 submit to the appropriate congressional committees and

1 the United States International Communications Agency
2 an annual strategic plan to satisfy the requirements speci-
3 fied in section 110. Each such strategic plan shall outline
4 the following:

5 (1) The strategic goals and objectives of the
6 Freedom News Network for the upcoming fiscal
7 year.

8 (2) The alignment of the Freedom News Net-
9 work's resources with the strategic goals and objec-
10 tives referred to in paragraph (1).

11 (3) Clear benchmarks that establish the
12 progress made towards achieving the strategic goals
13 and objectives referred to in paragraph (1).

14 (4) A plan to monitor and evaluate the success
15 of the Freedom News Network's broadcasting ef-
16 forts.

17 (5) A reflective analysis on the activities on the
18 past fiscal year.

19 (6) Any changes to facility leases, contracts, or
20 ownership that would result in the relocation of staff
21 or personnel.

22 (d) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that administrative and managerial costs for oper-
24 ation of the Freedom News Network should be kept to
25 a minimum and, to the maximum extent feasible, should

1 not exceed the costs that would have been incurred if
2 RFE/RL, Incorporated, Radio Free Asia, and the Middle
3 East Broadcasting Networks, Incorporated had been oper-
4 ated as independent grantees or as a Federal entity within
5 the Voice of America.

6 **SEC. 223. ASSISTANCE FROM OTHER GOVERNMENT AGEN-**
7 **CIES.**

8 (a) **SURPLUS PROPERTIES.**—In order to assist the
9 Freedom News Network in carrying out the provisions of
10 this title, any agency or instrumentality of the United
11 States may sell, loan, lease, or grant property (including
12 interests therein) to the Freedom News Network as nec-
13 essary.

14 (b) **FACILITIES AND BROADCASTING INFRASTRUC-**
15 **TURE.**—The United States International Communications
16 Agency and the Freedom News Network shall negotiate
17 an International Cooperative Administrative Support
18 Service (ICASS) agreement or memorandum of under-
19 standing permitting the continued use of technological in-
20 frastructure for broadcasting and information dissemina-
21 tion, except that the Freedom News Network may choose
22 to procure such services through negotiated contracts with
23 private-sector providers.

1 **SEC. 224. REPORTS BY THE OFFICE OF THE INSPECTOR**
2 **GENERAL OF THE DEPARTMENT OF STATE;**
3 **AUDITS BY GAO.**

4 (a) IG REPORTS.—The Inspector General of the De-
5 partment of State shall, as appropriate, submit to the ap-
6 propriate congressional committees reports on manage-
7 ment practices of the Freedom News Network, including
8 financial reports on unobligated balances.

9 (b) GAO AUDITS.—

10 (1) IN GENERAL.—Financial transactions of the
11 Freedom News Network, as such relate to functions
12 carried out under this Act, may be audited by the
13 Government Accountability Office in accordance with
14 such principles and procedures and under such rules
15 and regulations as may be prescribed by the Comp-
16 troller General of the United States. Any such audit
17 shall be conducted at the place or places where ac-
18 counts of the Freedom News Network are normally
19 kept.

20 (2) ACCESS.—Representatives of the Govern-
21 ment Accountability Office shall have access to all
22 books, accounts, records, reports, files, papers, and
23 property belonging to or in use by the Freedom
24 News Network pertaining to the financial trans-
25 actions referred to in paragraph (1) and necessary
26 to facilitate an audit in accordance with such para-

1 graph. All such books, accounts, records, reports,
2 files, papers, and property of the Freedom News
3 Network shall remain in the possession and custody
4 of the Freedom News Network.

5 (c) TRANSFER OF FUNDS.—Notwithstanding any
6 other provision of law, 1 percent of the funds made avail-
7 able by the United States International Communications
8 Agency shall be transferred to the Inspector General of
9 the Department of State to cover the expenses of carrying
10 out the activities of the Inspector General under this sec-
11 tion.

12 **SEC. 225. AMENDMENTS TO THE UNITED STATES INFORMA-**
13 **TION AND EDUCATIONAL EXCHANGE ACT OF**
14 **1948.**

15 The United States Information and Educational Ex-
16 change Act of 1948 is amended—

17 (1) in title V (22 U.S.C. 1461 et seq.), by strik-
18 ing “Broadcasting Board of Governors” and insert-
19 ing “United States International Communications
20 Agency” each place it appears;

21 (2) by amending paragraph (1) of section
22 501(b) (22 U.S.C. 1461(b)) to read as follows:

23 “(1) Except as provided in paragraph (2), the
24 Secretary and the United States International Com-
25 munications Agency may, upon request and reim-

1 bursement of the reasonable costs incurred in ful-
2 filling such a request, make available, in the United
3 States, motion pictures, films, video, audio, and
4 other materials disseminated abroad pursuant to
5 this Act. Any reimbursement pursuant to this para-
6 graph shall be credited to the applicable appropria-
7 tion account of the Department of State or the
8 United States International Communications Agen-
9 cy, as appropriate. The Secretary and the United
10 States International Communications Agency shall
11 issue necessary regulations.”;

12 (3) by repealing sections 504 and 505 (22
13 U.S.C. 1464 and 1464a);

14 (4) by redesignating section 506 (22 U.S.C.
15 1464b) as section 504;

16 (5) in section 504, as so redesignated, in sub-
17 section (c), in the matter preceding paragraph (1),
18 by striking “Board” each place it appears and in-
19 serting “Agency”;

20 (6) in clause (iii) of section 604(d)(1)(A) (22
21 U.S.C. 1469(d)(1)(A)), by striking “Broadcasting
22 Board of Governors” and inserting “United States
23 International Communications Agency”;

24 (7) in paragraph (3) of section 801 (22 U.S.C.
25 1471), by striking “Director of the United States

1 Information Agency” and inserting “Chief Executive
2 Officer of the United States International Commu-
3 nications Agency”;

4 (8) in subsection (b) of section 802 (22 U.S.C.
5 1472)—

6 (A) in paragraph (1)(B), by striking “Di-
7 rector of the United States Information Agen-
8 cy” and inserting “Chief Executive Officer of
9 the United States International Communica-
10 tions Agency”; and

11 (B) in paragraph (4)(A), by striking
12 “Broadcasting Board of Governors” and insert-
13 ing “United States International Communica-
14 tions Agency”;

15 (9) in paragraph (1) of section 804 (22 U.S.C.
16 1474), by striking “Director of the United States
17 Information Agency” and inserting “Chief Executive
18 Officer of the United States International Commu-
19 nications Agency”;

20 (10) in section 810(b) (22 U.S.C. 1475e(b))—

21 (A) in the matter preceding paragraph (1),
22 by striking “United States Information Agen-
23 cy” and inserting “United States International
24 Communications Agency”; and

1 (B) in paragraph (4), by striking “Inter-
2 national Broadcasting Bureau” and inserting
3 “United States International Communications
4 Agency”; and
5 (11) in subsection (a) of section 1011 (22
6 U.S.C. 1442), by striking “Director of the United
7 States Information Agency” and inserting “Chief
8 Executive Officer of the United States International
9 Communications Agency”.

10 **TITLE III—MISCELLANEOUS** 11 **PROVISIONS**

12 **SEC. 301. PRESERVATION OF UNITED STATES NATIONAL** 13 **SECURITY OBJECTIVES.**

14 The Chief Executive Officer of the United States
15 International Communications Agency and the Chief Ex-
16 ecutive Officer of the Freedom News Network shall each
17 establish procedures to vet and monitor employees of each
18 such agency for affiliations to terrorist organizations, for-
19 eign governments, or agents of foreign governments to
20 protect against espionage, sabotage, foreign propaganda
21 messaging, and other subversive activities that undermine
22 United States national security objectives.

1 **SEC. 302. REQUIREMENT FOR AUTHORIZATION OF APPRO-**
2 **PRIATIONS.**

3 (a) LIMITATION ON OBLIGATION AND EXPENDITURE
4 OF FUNDS.—Notwithstanding any other provision of law,
5 for the fiscal year 2015 and for each subsequent fiscal
6 year, any funds appropriated for the purposes of broad-
7 casting subject to supervision of the Board of the United
8 States International Communications Agency shall not be
9 available for obligation or expenditure—

10 (1) unless such funds are appropriated pursu-
11 ant to an authorization of appropriations; or

12 (2) in excess of the authorized level of appro-
13 priations.

14 (b) SUBSEQUENT AUTHORIZATION.—The limitation
15 under subsection (a) of this section shall not apply to the
16 extent that an authorization of appropriations is enacted
17 after such funds are appropriated.

18 (c) APPLICATION.—The provisions of this section—

19 (1) may not be superseded, except by a provi-
20 sion of law which specifically repeals, modifies, or
21 supersedes the provisions of this section; and

22 (2) shall not apply to, or affect in any manner,
23 permanent appropriations, trust funds, and other

- 1 similar accounts which are authorized by law and
2 administered under or pursuant to this Act.

Passed the House of Representatives July 28, 2014.

Attest: KAREN L. HAAS,
Clerk.