

**AMENDMENT TO THE RULES COMMITTEE PRINT  
OF H.R. 4310  
OFFERED BY MR. THORNBERRY OF TEXAS**

At the end of title X, add the following new section:

1 **SEC. 10 \_\_\_\_ . DISSEMINATION ABROAD OF INFORMATION**  
2 **ABOUT THE UNITED STATES.**

3 (a) UNITED STATES INFORMATION AND EDU-  
4 CATIONAL EXCHANGE ACT OF 1948.—Section 501 of the  
5 United States Information and Educational Exchange Act  
6 of 1948 (22 U.S.C. 1461) is amended to read as follows:

7 “GENERAL AUTHORIZATION

8 “SEC. 501. (a) The Secretary and the Broadcasting  
9 Board of Governors are authorized to use funds appro-  
10 priated or otherwise made available for public diplomacy  
11 information programs to provide for the preparation, dis-  
12 semination, and use of information intended for foreign  
13 audiences abroad about the United States, its people, and  
14 its policies, through press, publications, radio, motion pic-  
15 tures, the Internet, and other information media, includ-  
16 ing social media, and through information centers, in-  
17 structors, and other direct or indirect means of commu-  
18 nication.

1           “(b)(1) Except as provided in paragraph (2), the Sec-  
2 retary and the Broadcasting Board of Governors may,  
3 upon request and reimbursement of the reasonable costs  
4 incurred in fulfilling such a request, make available, in the  
5 United States, motion pictures, films, video, audio, and  
6 other materials prepared for dissemination abroad or dis-  
7 seminated abroad pursuant to this Act, the United States  
8 International Broadcasting Act of 1994 (22 U.S.C. 6201  
9 et seq.), the Radio Broadcasting to Cuba Act (22 U.S.C.  
10 1465 et seq.), or the Television Broadcasting to Cuba Act  
11 (22 U.S.C. 1465aa et seq.). The Secretary and the Broad-  
12 casting Board of Governors shall issue necessary regula-  
13 tions—

14           “(A) to establish procedures to maintain such  
15 material;

16           “(B) for reimbursement of the reasonable costs  
17 incurred in fulfilling requests for such material; and

18           “(C) to ensure that the persons seeking release  
19 of such material have secured and paid for necessary  
20 United States rights and licenses.

21           “(2) With respect to material prepared for dissemina-  
22 tion abroad or disseminated abroad before the effective  
23 date of the Smith-Mundt Modernization Act of 2012—

24           “(A) the Secretary and the Broadcasting Board  
25 of Governors shall make available to the Archivist of

1 the United States, for domestic distribution, motion  
2 pictures, films, videotapes, and other material 12  
3 years after the initial dissemination of the material  
4 abroad; and

5 “(B) the Archivist shall be the official custodian  
6 of the material and shall issue necessary regulations  
7 to ensure that persons seeking its release in the  
8 United States have secured and paid for necessary  
9 United States rights and licenses and that all costs  
10 associated with the provision of the material by the  
11 Archivist shall be paid by the persons seeking its re-  
12 lease, in accordance with paragraph (3).

13 “(3) The Archivist may charge fees to recover the  
14 costs described in paragraph (2), in accordance with sec-  
15 tion 2116 (c) of title 44. Such fees shall be paid into, ad-  
16 ministered, and expended as part of the National Archives  
17 Trust Fund.

18 “(c) Nothing in this section may be construed to re-  
19 quire the Secretary or the Broadcasting Board of Gov-  
20 ernors to make material disseminated abroad available in  
21 any format other than in the format disseminated  
22 abroad.”.

23 (b) RULE OF CONSTRUCTION.—Nothing in this sec-  
24 tion may be construed to affect the allocation of funds ap-

1 appropriated or otherwise made specifically available for  
2 public diplomacy.

3 (c) FOREIGN RELATIONS AUTHORIZATION ACT, FIS-  
4 CAL YEARS 1986 AND 1987.—Section 208 of the Foreign  
5 Relations Authorization Act, Fiscal Years 1986 and 1987  
6 (22 U.S.C. 1461-1a) is amended to read as follows:

7 **“SEC. 208. CLARIFICATION ON DOMESTIC DISTRIBUTION OF**  
8 **PROGRAM MATERIAL.**

9 “(a) IN GENERAL.—No funds authorized to be ap-  
10 propriated to the Department of State or the Broad-  
11 casting Board of Governors shall be used to influence pub-  
12 lic opinion in the United States. This section shall apply  
13 only to programs carried out pursuant to the United  
14 States Information and Educational Exchange Act of  
15 1948 (22 U.S.C. 1431 et seq.), the United States Inter-  
16 national Broadcasting Act of 1994 (22 U.S.C. 6201 et  
17 seq.), the Radio Broadcasting to Cuba Act (22 U.S.C.  
18 1465 et seq.), and the Television Broadcasting to Cuba  
19 Act (22 U.S.C. 1465aa et seq.). This section shall not pro-  
20 hibit or delay the Department of State or the Broad-  
21 casting Board of Governors from providing information  
22 about its operations, policies, programs, or program mate-  
23 rial, or making such available, to the media, public, or  
24 Congress, in accordance with other applicable law.

1           “(b) RULE OF CONSTRUCTION.—Nothing in this sec-  
2 tion shall be construed to prohibit the Department of  
3 State or the Broadcasting Board of Governors from en-  
4 gaging in any medium or form of communication, either  
5 directly or indirectly, because a United States domestic  
6 audience is or may be thereby exposed to program mate-  
7 rial, or based on a presumption of such exposure. Such  
8 material may be made available within the United States  
9 and disseminated, when appropriate, pursuant to sections  
10 502 and 1005 of the United States Information and Edu-  
11 cational Exchange Act of 1948 (22 U.S.C. 1462 and  
12 1437), except that nothing in this section may be con-  
13 strued to authorize the Department of State or the Broad-  
14 casting Board of Governors to disseminate within the  
15 United States any program material prepared for dissemi-  
16 nation abroad on or before the effective date of the Smith-  
17 Mundt Modernization Act of 2012.

18           “(c) APPLICATION.—The provisions of this section  
19 shall apply only to the Department of State and the  
20 Broadcasting Board of Governors and to no other depart-  
21 ment or agency of the Federal Government.”.

22           (d) CONFORMING AMENDMENTS.—The United  
23 States Information and Educational Exchange Act of  
24 1948 is amended—

25                   (1) in section 502 (22 U.S.C. 1462)—

1 (A) by inserting “and the Broadcasting  
2 Board of Governors” after “Secretary”; and

3 (B) by inserting “or the Broadcasting  
4 Board of Governors” after “Department”; and

5 (2) in section 1005 (22 U.S.C. 1437), by insert-  
6 ing “and the Broadcasting Board of Governors”  
7 after “Secretary” each place it appears.

8 (e) EFFECTIVE DATE.—This section shall take effect  
9 and apply on the date that is 180 days after the date of  
10 the enactment of this section.

