

112TH CONGRESS
2^D SESSION

H. R. 5736

To amend the United States Information and Educational Exchange Act of 1948 to authorize the domestic dissemination of information and material about the United States intended primarily for foreign audiences, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2012

Mr. THORNBERRY (for himself and Mr. SMITH of Washington) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To amend the United States Information and Educational Exchange Act of 1948 to authorize the domestic dissemination of information and material about the United States intended primarily for foreign audiences, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Smith-Mundt Mod-
5 ernization Act of 2012”.

1 **SEC. 2. DISSEMINATION ABROAD OF INFORMATION ABOUT**
2 **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.

19 “(b)(1) Except as provided in paragraph (2), the Sec-
20 retary and the Broadcasting Board of Governors may,
21 upon request and reimbursement of the reasonable costs
22 incurred in fulfilling such a request, make available, in the
23 United States, motion pictures, films, video, audio, and
24 other materials prepared for dissemination abroad or dis-
25 seminated abroad pursuant to this Act, the United States
26 International Broadcasting Act of 1994 (22 U.S.C. 6201

1 et seq.), the Radio Broadcasting to Cuba Act (22 U.S.C.
2 1465 et seq.), or the Television Broadcasting to Cuba Act
3 (22 U.S.C. 1465aa et seq.). The Secretary and the Broad-
4 casting Board of Governors shall issue necessary regula-
5 tions—

6 “(A) to establish procedures to maintain such
7 material;

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

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

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

16 “(A) the Secretary and the Broadcasting Board
17 of Governors shall make available to the Archivist of
18 the United States, for domestic distribution, motion
19 pictures, films, videotapes, and other material 12
20 years after the initial dissemination of the material
21 abroad; and

22 “(B) the Archivist shall be the official custodian
23 of the material and shall issue necessary regulations
24 to ensure that persons seeking its release in the
25 United States have secured and paid for necessary

1 United States rights and licenses and that all costs
2 associated with the provision of the material by the
3 Archivist shall be paid by the persons seeking its re-
4 lease, in accordance with paragraph (3).

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

10 “(c) Nothing in this section may be construed to re-
11 quire the Secretary or the Broadcasting Board of Gov-
12 ernors to make material disseminated abroad available in
13 any format other than in the format disseminated
14 abroad.”.

15 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
16 tion may be construed to affect the allocation of funds ap-
17 propriated or otherwise made specifically available for
18 public diplomacy.

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

1 **“SEC. 208. CLARIFICATION ON DOMESTIC DISTRIBUTION OF**
2 **PROGRAM MATERIAL.**

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

19 “(b) **RULE OF CONSTRUCTION.**—Nothing in this sec-
20 tion shall be construed to prohibit the Department of
21 State or the Broadcasting Board of Governors from en-
22 gaging in any medium or form of communication, either
23 directly or indirectly, because a United States domestic
24 audience is or may be thereby exposed to program mate-
25 rial, or based on a presumption of such exposure. Such
26 material may be made available within the United States

1 and disseminated, when appropriate, pursuant to sections
2 502 and 1005 of the United States Information and Edu-
3 cational Exchange Act of 1948 (22 U.S.C. 1462 and
4 1437), except that nothing in this section may be con-
5 strued to authorize the Department of State or the Broad-
6 casting Board of Governors to disseminate within the
7 United States any program material prepared for dissemi-
8 nation abroad on or before the effective date of the Smith-
9 Mundt Modernization Act of 2012.

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

14 (d) CONFORMING AMENDMENTS.—The United
15 States Information and Educational Exchange Act of
16 1948 is amended—

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

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

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

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

1 (e) EFFECTIVE DATE.—This Act shall take effect
2 and apply on the date that is 180 days after the date of
3 the enactment of this Act.

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