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# **U.S. Agency for Global Media: Background, Governance, and Issues for Congress**

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## U.S. Agency for Global Media: Background, Governance, and Issues for Congress

Since the beginning of modern U.S. international broadcasting during World War II, debates over the effectiveness, strategic direction, and necessity of broadcasting activities have persisted. Longstanding arguments over the structure and operation of the United States Agency for Global Media ([USAGM] formerly the Broadcasting Board of Governors [BBG]), have added to these debates, prompting recurring efforts to reform the organization and its programs. Many Members of Congress have shown interest in U.S. international broadcasting, conducting oversight over USAGM and its individual broadcasters, and calling for increased resources and programming for certain regions, countries, and language services, as well as streamlining of broadcast structures and resources. Perceived difficulties with the implementation of structural changes in USAGM directed by Congress in 2016 led to increased congressional interest in USAGM in the 116<sup>th</sup> Congress. Such interest is expected to continue during the 117<sup>th</sup> Congress as Congress and the Biden Administration consider how to improve and maintain USAGM's governance and operations.

Headed by a presidentially appointed, Senate-confirmed Chief Executive Officer, USAGM has responsibility for supervising, directing, and overseeing the operations of the International Broadcasting Bureau (IBB), the Voice of America (VOA), and the Office of Cuba Broadcasting (OCB, operating the Radio and TV Martí services to Cuba). It also has responsibility for funding and oversight of the grantee broadcasters Radio Free Europe/Radio Liberty (RFE/RL), Radio Free Asia (RFA), and the Middle East Broadcasting Networks (MBN). Together, these networks broadcast in 62 languages, reaching an estimated global audience of over 350 million.

**Current Issues Facing the BBG and U.S. International Broadcasting.** U.S. international broadcasters enjoy an audience in the hundreds of millions and seem to be effective in providing objective news coverage to populations that might otherwise not receive it. Many observers perceived the BBG, which was headed by a board of nine Governors, eight of which came from the private sector and served part-time, as a flawed structure that was inefficient, duplicative in its activities, and ineffective. Significant legislative changes to the structure of USAGM in 2016 produced some perceived gains in efficiency and executive direction, but also concerns over what some see as an erosion of journalistic independence within USAGM and its broadcast networks. A number of issues concerning USAGM and U.S. international broadcasting continue to spark debate in Congress, including

- USAGM operations and actions taken by executive leadership;
- the strategic direction and allocation of resources in U.S. international broadcasting;
- the need for greater efficiency of U.S. international broadcasting, including possible consolidation of the several U.S. international broadcast entities;
- continuing disagreements over the role of U.S. international broadcasting in advancing U.S. foreign policy goals and promoting democracy; and
- the means to assess and improve U.S. international broadcasting effectiveness.

**Recent Challenges and Legislative Reforms to USAGM and U.S. International Broadcasting.** In December 2016, Congress adopted provisions within the National Defense Authorization Act for Fiscal Year 2017 (P.L. 114-328) that made significant changes to the structure of U.S. international broadcasting, including abolishing the Broadcasting Board of Governors and replacing it with a Chief Executive Officer (CEO) as agency head with increased responsibilities and authorities. During the 2020 tenure of the first presidentially appointed, Senate-confirmed CEO, many observers and Members of Congress became concerned about the CEO's exercise of his concentrated authorities. In December 2020, Congress enacted a number of amendments to the United States International Broadcasting Act of 1994 in the National Defense Authorization Act for Fiscal Year 2021 (P.L. 116-283), aimed at bolstering journalistic and editorial independence of USAGM networks and limiting the authorities of the CEO in some areas. Currently, an Acting CEO heads USAGM, and to date, President Biden has not nominated a new USAGM CEO. A CEO nomination would likely engender further questions and interest from Congress, as well as proposals for further reform, as the governance, operations, and purpose of USAGM and U.S. international broadcasting continue to be debated.

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## Introduction

Modern U.S. government-funded international broadcasting began during World War II, with the creation of the Voice of America (VOA), and continued throughout the Cold War period, with Radio Free Europe broadcasting behind the Iron Curtain, and Radio Liberty targeting populations in the Soviet Union. Over the decades, VOA expanded its broadcasting and language services into other regions of the world, and new broadcast entities targeting Cuba and certain countries in East Asia were established.

For almost as long as these services have been in existence, debates over the effectiveness, strategic direction, and necessity of U.S. international broadcasting have persisted. Since the creation of the Broadcasting Board of Governors (BBG) in the 1990s, and its establishment as an independent government agency in 1999, arguments over its structure, as a government agency headed by a nine-member bipartisan board, have added to these debates.

This report discusses the history and current structure of U.S. international broadcasting, as well as key reforms enacted over decades to address perceived shortcomings. The report gives particular attention to reforms enacted by Congress in 2016 (which authorized the renaming of the BBG to the United States Agency for Global Media [USAGM], which took effect in 2018), actions taken by the first USAGM Chief Executive Officer (CEO) fully empowered by those reforms, and 2020 reform legislation. The report ends by discussing international broadcasting issues that may be of interest to the 117<sup>th</sup> Congress, including

- continuing disagreements over the role of U.S. international broadcasting in advancing U.S. foreign policy goals and promoting democracy;
- proposals for improving the efficiency of U.S. international broadcasting, including possible consolidation of the several U.S. international broadcasting entities;
- assessment and improvement of U.S. international broadcasting effectiveness;
- recommendations for the strategic direction and allocation of resources in U.S. international broadcasting; and
- meeting the informational and news-reporting challenge posed by certain countries of concern, including Russia and China.

## History of U.S. International Broadcasting<sup>1</sup>

The structure, purposes, and aims of U.S. government-funded broadcasting to foreign countries have evolved over seven decades, spanning World War II, the Cold War, the fall of communist regimes in the Soviet Union and Eastern Europe, the response to the threat of terrorism after the September 11, 2001, attacks on the United States, and the resurgent importance of propaganda from other great powers. Paralleling these global political shifts, the technology and delivery mechanisms of broadcasting to local, regional, and global audiences have also evolved, requiring U.S. international broadcasting to adapt and innovate to deliver programming and inform audiences, while effectively countering the growing problems of disinformation and internet censorship.

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<sup>1</sup> Sources for this section and the following section, “U.S. International Media Structure” include USAGM reports and budget documents, USAGM and individual broadcaster websites, and archived CRS products.

## **Beginnings of U.S. International Broadcasting**

The modern structure of U.S. international broadcasting had its beginnings in World War II. At the start of U.S. involvement in the war, President Franklin D. Roosevelt established an agency for foreign intelligence and propaganda that operated at first without congressional authorization. This agency's Foreign Information Service broadcast news and propaganda to Europe. In 1942, the agency was formally created as the Office of War Information, which established the Voice of America (VOA) as well as overseas operations constituted by a United States Information Service (USIS). VOA broadcast to Europe throughout the war, with a mission to provide accurate news to foreign publics that could not otherwise obtain it. Although some called for VOA to cease operations after the end of World War II, VOA was preserved, along with other U.S. government information programs, and transferred to the Department of State. From 1945 to 1953, VOA was housed under variously named offices at the State Department, including the Office of International Information and Cultural Affairs, the Office of International Information and Educational Exchange, and the International Information Administration. In 1953, President Eisenhower created the U.S. Information Agency (USIA), within which VOA remained until 1999, when USIA was abolished. Over the decades, VOA expanded its broadcasts to many other countries and continents, growing into a news organization with a global reach.

## **Post-War Broadcasting Expansion**

Following World War II, U.S. broadcasting gradually expanded its geographic reach, driven by evolving foreign policy objectives and technological capabilities.

### **Broadcasting in East Germany**

In 1946, the U.S. government established Radio in the American Sector (RIAS), based in West Berlin and broadcasting at first to Germans in Berlin and later to all of the German Democratic Republic (East Germany). For most of its existence, RIAS operated as a partnership between the U.S. government and the government of the former Federal Republic of Germany (West Germany), providing radio and, beginning in the late 1980s, television programming to large audiences in Berlin and East Germany. With the fall of the Berlin Wall in 1989, and German reunification in 1990, the U.S. government ceased funding for RIAS and the service was ended in the early 1990s.

### **Radio Free Europe and Radio Liberty**

While VOA was established as an official U.S. government broadcaster, the U.S. government also began support for Radio Free Europe (RFE) and Radio Liberty (RL), two radio services that started broadcasting to Central and Eastern Europe and the Soviet Union, respectively, in the early 1950s. RFE originally broadcast to Poland, Czechoslovakia, Hungary, Albania, Romania, and Bulgaria in 1950, while RL started broadcasting to the Soviet Union in 1953. RFE and RL were technically independent services, each overseen by a private U.S. corporation, the National Committee for a Free Europe and the American Committee for Freedom of the Peoples of the U.S.S.R. (later Radio Liberty Committee). Both were conceived, however, by the State Department and from their beginning received substantial funding from the Central Intelligence Agency (CIA).<sup>2</sup>

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<sup>2</sup> Radio Free Europe/Radio Liberty, *History*, <https://pressroom.rferl.org/history>.

RFE and RL initially broadcast programming to encourage the liberation of the populations of Central and Eastern Europe and the Soviet Union from rule by communist, totalitarian governments. These broadcasts responded to propaganda from the Soviet and other communist governments. Both RFE and RL used émigré broadcasting professionals from Central and Eastern Europe and the Soviet Union, and provided programming that concerned the domestic matters of each country, providing a surrogate “home service” that was intended to compete with and replace the communist government’s news media. By the late 1950s, as the Cold War continued and the Iron Curtain threatened to remain in place, RFE and RL transformed their programming focus from liberation to the encouragement of the gradual liberalization and democratization of the communist systems of Central and Eastern Europe and the Soviet Union. RFE and RL also developed internal research departments that provided intelligence and analysis of Central and Eastern Europe and the Soviet Union based on media sources from the Soviet Union and the Communist Bloc countries, archives of Soviet and Central and Eastern European documents, and other materials.<sup>3</sup>

### **Satellite Television Broadcasting**

In 1963, USIA began producing television programming, combining it with its longstanding film service. With the advent of satellite television technologies, USIA created its WORLDNET satellite television service in 1983. WORLDNET transmitted its television programming through USIS posts and U.S. embassies, as well as over foreign television and cable networks. In 2004, WORLDNET was merged into VOA.

### **Cuba Broadcasting: Radio and TV Martí**

Congress beginning in the 1980s authorized the creation of services that specifically targeted the population of Cuba, separate from VOA’s Spanish language programming.<sup>4</sup> In 1983, Radio Martí began broadcasting to Cuba and was joined in 1988 by TV Martí. These services were organized under the Office of Cuba Broadcasting (OCB), within the organization of USIA’s Bureau of Broadcasting, which also oversaw VOA and WORLDNET broadcasting. Although Congress created the Martí as part of USIA with close links to VOA and not as an independent grantee organization like RFE/RL, the Martí were established to act as surrogate broadcasters in Cuba, similar to the surrogate role of RFE/RL in Europe and the Soviet Union.

### **Radio Free Asia**

Recognizing that several of the most repressive regimes in the world ruled in East Asia, many observers and Members of Congress argued for increased broadcasting to that region. Congress eventually authorized creation of Radio Free Asia (RFA) in 1994,<sup>5</sup> and it began broadcasting in 1996, with a core mission to “provide accurate and timely news and information to Asian countries whose governments prohibit access to a free press.”<sup>6</sup> RFA provides news and information to Asian countries “whose people do not fully enjoy freedom of expression.”<sup>7</sup> Since its establishment, RFA has broadcast to the People’s Republic of China and its regions of Tibet

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<sup>3</sup> Ibid.

<sup>4</sup> Radio Broadcasting to Cuba Act, as amended (P.L. 98-111; 22 U.S.C. §§1465-1465f); Television Broadcasting to Cuba Act, (Part D of Title II of P.L. 101-246; 22 U.S.C. §§1465aa-1465ff).

<sup>5</sup> Section 309 of the United States International Broadcasting Act of 1994, as amended (P.L. 103-236; 22 U.S.C. §6208).

<sup>6</sup> See <http://www.rfa.org/english/about/mission.html>.

<sup>7</sup> Section 309(b)(2) of P.L. 103-236 (22 U.S.C. §6208(b)(2)).

and Xinjiang, as well as Burma, Cambodia, Laos, North Korea, and Vietnam. RFA was authorized as a nonfederal, private nonprofit corporation that would operate under a federal grant, much like the federal grant that funds RFE/RL.

### **New Middle East Broadcasting After 9/11**

After the terrorist attacks of September 11, 2001, the U.S. government undertook a number of initiatives to improve communications with the peoples of the Middle East and North Africa and to counter violent extremism and ideological support for terrorism. Among them included broadcasting on these topics. The BBG began increasing VOA broadcasting to the Middle East in 2002 and created within VOA the Middle East Radio Network (MERN), focusing on reaching larger, younger audiences on FM frequencies, as well as new VOA Arabic Internet and television programming. The next year, BBG proposed removing Middle East programming from VOA, ending the VOA Arabic service, and creating a new network for broadcasting to the Middle East. The new network would be a nonprofit corporation, similar to RFE/RL and RFA, operating under federal funding from the BBG. Congress first funded the new network, named the Middle East Broadcasting Networks (MBN), in FY2004 appropriations. MBN supervises Alhurra television and Radio Sawa.

### **Key Policy and Structural Reforms**

While the global reach of U.S. broadcasting was expanding, ongoing congressional oversight led to a series of changes addressing concerns about the structure and management of the proliferating broadcast entities. Select reforms are discussed below.

#### **Increasing Oversight**

As part of efforts in Congress and the executive branch to make U.S. government-funded broadcasting more transparent, the CIA ended its funding for RFE and RL in 1971. In 1973, Congress formally created the Board of International Broadcasting (BIB) to oversee and fund both RFE and RL under the International Broadcasting Act of 1973 (P.L. 93-129). The President appointed the nine members of the independent bipartisan board. The term “BIB” also referred to the independent federal agency created to administer and provide federal funding to RFE and RL. RFE and RL combined to form a single independent corporation, RFE/RL, Inc., in 1976.

During this period, RFE/RL adapted its programming to its Soviet and European target audiences. RFE/RL had been characterized by critics as broadcasting one-sided propaganda to combat Soviet and Communist Bloc media. These services now transitioned more fully to the role of a surrogate broadcaster, with the objective of providing an example of an independent broadcaster promoting journalistic integrity and democratic principles of a free media.

#### **BBG Becomes an Independent Agency**

In an effort to streamline U.S. government entities and activities in international affairs after the Cold War, Congress enacted the Foreign Affairs Agencies Consolidation Act of 1998. The act abolished a number of independent government foreign affairs agencies, including USIA, folding its public diplomacy authorities into the State Department. The BBG, which had been created in 1994 within USIA to oversee U.S. international broadcasting, was preserved as an independent government agency in the act.<sup>8</sup> The International Broadcasting Bureau, created under the United

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<sup>8</sup> See Title XIII of the Foreign Affairs Reform and Restructuring Act of 1998 (Division G of P.L. 105-277).

States International Broadcasting Act of 1994 (Title III of P.L. 103-236; USIB Act) as the government entity carrying out VOA and other federal government nonmilitary international broadcasting, was also preserved and placed directly under the supervision of the BBG.

### **Bipartisan Direction for International Broadcasting**

With the enactment of the United States International Broadcasting Act of 1994 (Title III of P.L. 103-236; USIB Act), Congress abolished the BIB and reorganized all existing U.S. international broadcasting services under a new Broadcasting Board of Governors within USIA. The USIB Act established BBG to be composed of nine presidentially appointed and Senate-confirmed members, with the Secretary of State serving as a voting member *ex officio* and providing foreign policy information and guidance to the board. By ensuring broadcasting independence, while at the same time institutionalizing guidance from the Secretary of State, the USIB Act aimed to produce U.S. international broadcasting that is both credible and supportive of U.S. foreign policy objectives.

### **Empowering a CEO as Head of Agency in Place of the Board**

For several years in the mid-2010s, the board supported a plan to strengthen executive leadership within the BBG, advocating for and eventually creating the position of BBG Chief Executive Officer (CEO) to assume overall supervision of the agency, replacing the Director of the International Broadcasting Bureau. In December 2016, following a number of attempts to enact standalone legislation to restructure U.S. international media efforts, Congress included reforms to the Broadcasting Board of Governors in the National Defense Authorization Act for Fiscal Year 2017.<sup>9</sup> Section 1288 of that act amended several of the provisions of the USIB Act, creating in law a presidentially appointed, Senate-confirmed CEO to replace the Broadcasting Board of Governors as the head of the agency. The legislation abolished the board and granted the board's authorities to the CEO. In June 2020, Michael Pack became the first CEO of the agency appointed by the President and confirmed by the Senate (for details, see the "Recent Reforms and Challenges" section).<sup>10</sup>

### **A New Name for the Agency**

Pursuant to part of the new authorities included in the 2016 amendments, acting CEO John Lansing in 2018 changed the name of the agency from the Broadcasting Board of Governors to the United States Agency for Global Media (USAGM).

### **Establishment of the Open Technology Fund**

As accessible online information communication became more important to the effectiveness of U.S. international broadcasting, the BBG responded to the challenges posed to delivering U.S. international media to audiences subject to state-sponsored internet censorship and surveillance, especially the "Great Firewall" deployed by the government of China. In 2012, RFA initiated operation of the Open Technology Fund (OTF) as a pilot program within RFA to promote the development and implementation of internet technologies to ensure secure access to USAGM broadcaster content and to the internet more broadly. In September 2019, USAGM established OTF as a nonprofit corporation receiving funding via a federal grant from USAGM. USAGM

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<sup>9</sup> Section 1288 of P.L. 114-328.

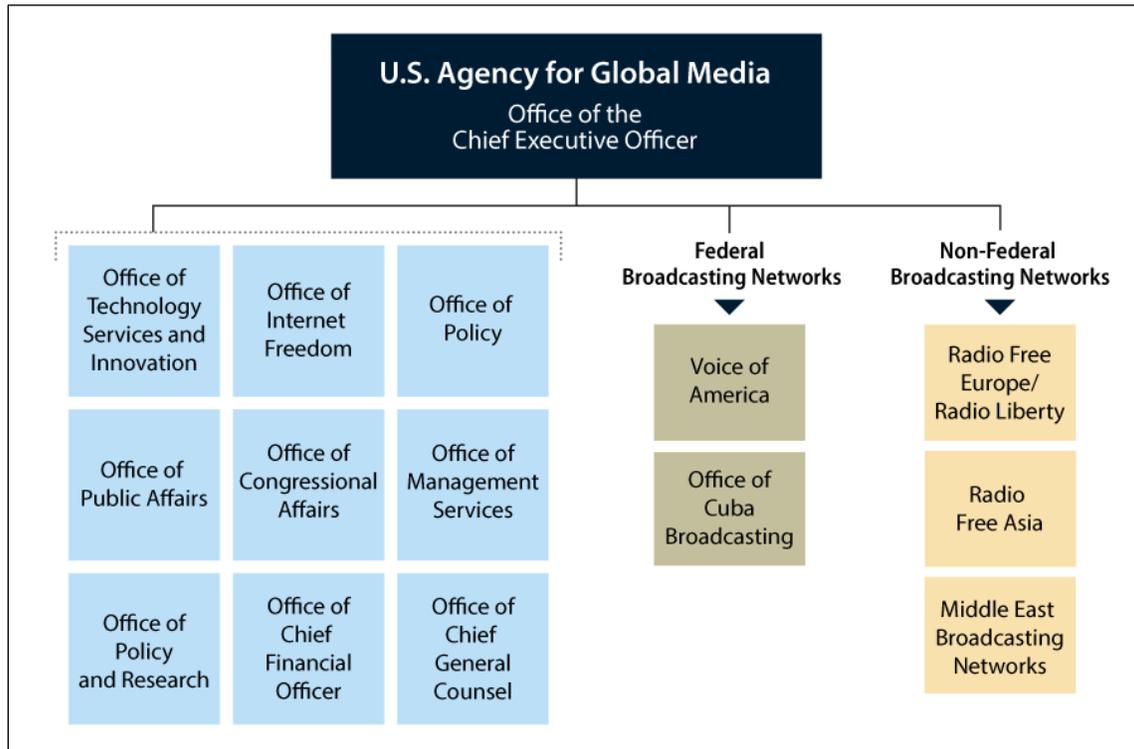
<sup>10</sup> U.S. President (Obama), "Statement on Signing the National Defense Authorization Act for Fiscal Year 2017," *Compilation of Presidential Documents*, December 23, 2016.

shifted resources and responsibilities from its own Office of Internet Freedom (OIF) to OTF, tasking OIF instead with overseeing OTF’s operational activities in accordance with OTF’s grant agreement with USAGM. OTF represents an effort, according to USAGM, to institute a “new structure ... to support internet freedom efforts with the flexibility, speed, diligence, and strategic oversight ... [and to] increase long-term support for core internet freedom tools while expanding funding for innovative, next generation solutions to stay ahead of evolving censorship threats.”<sup>11</sup>

## U.S. International Media Structure

An independent agency of the U.S. federal government, USAGM today operates a global broadcasting organization, including five separate broadcasters with varied missions and programming, agency and personnel administration, and operations and management of international communications technology and transmission, among other authorities. This section provides background information on USAGM, its broadcasters, its broadcasting missions, and activities.

**Figure 1. USAGM Organizational Chart**



**Source:** Figure created by CRS using data from USAGM, <https://www.usagm.gov/who-we-are/organizational-chart/>.

## USAGM Executive Organization

USAGM’s Office of the Chief Executive Officer administers the operations of the agency, overseeing several offices formerly under the supervision of the Director of the International Broadcasting Bureau, including the Office of Technology, Services, and Innovation, which

<sup>11</sup> USAGM, *FY2021 Congressional Budget Justification*, p. 83.

manages technological broadcast infrastructure for the USAGM broadcasters. The CEO's office also directs and supervises the operations of the federal broadcasters VOA and OCB, as well as the grantee broadcasters RFE/RL, RFA, and MBN.

### **USAGM's Predecessor: The Broadcasting Board of Governors**

The Broadcasting Board of Governors was the name of both the independent federal agency now known as the United States Agency for Global Media, as well as the nine-member board that provided executive leadership for the agency and each of the individual U.S. international broadcasters that operated under its authority: VOA, OCB, RFE/RL, RFA, and MBN. The board membership was bipartisan, with eight presidentially appointed governors, no more than four of whom were from the same political party, and who were confirmed by the Senate. Appointed governors served three-year terms. The Secretary of State served as the ninth voting member ex officio. The Under Secretary of State for Public Diplomacy and Public Affairs served as the Secretary's representative on and chief State Department liaison to the board. Within the BBG's agency structure, the board oversaw the operations of the International Broadcasting Bureau (IBB, an organizational holdover from the bureau's establishment in the former U.S. Information Agency), responsible for maintaining the broadcasting network and providing technical support for U.S. international broadcasters. The IBB, headed by a presidentially appointed, Senate-confirmed Director, was tasked with implementing the BBG's strategic plan and supported the broadcasting services worldwide, including providing technology and transmission services to each of the broadcasters and conducting audience and performance research and assessment. With the 2016 changes to the USIB Act, the board's authorities were transferred to the CEO. Due to issues related to the President's authority under the Appointments Clause of the Constitution, the board remained the head of the agency until June 2020, with the confirmation of the first presidentially appointed, Senate-confirmed agency CEO.

## **Broadcasters**

Two types of broadcasting entity are under USAGM supervision. The "federal" entities—VOA and OCB (Radio and TV Martí)—are part of USAGM as a federal agency. USAGM also funds and oversees independent broadcasting corporations that carry out the mission of U.S. international broadcasting under grant agreements that require them to broadcast under certain objectives, guidelines, and principles. The "grantee" broadcasters are RFE/RL, RFA, and MBN (Alhurra and Radio Sawa).

Another broad distinction between broadcasters relates to their role. VOA is often considered to be the flagship "general" or "global" broadcaster in U.S. international broadcasting, providing world news and news about the United States and its policies. On the other hand, RFE/RL, for example, provides programming that is meant to inform foreign populations in place of an indigenous free media in countries and regions that do not possess it or where some sort of media repression is present. In this way, RFE/RL acts as a "surrogate" free media in those countries and regions. RFA is also a "surrogate" broadcaster. OCB's Radio and TV Martí, as well as the MBN networks, Alhurra and Radio Sawa, appear to be a blend of entity and broadcasting types.

## **Federal Government Broadcasters**

### *Voice of America*

As of FY2020, VOA broadcast in 47 languages to an estimated audience of 278 million people on radio, television, and digital media. VOA continues to broadcast via radio and television on satellites and foreign-based affiliates, while expanding access through digital platforms. According to its charter, VOA "serve[s] as a consistently reliable and authoritative source of news"; "present[s] a balanced and comprehensive projection of significant American thought and institutions"; and "present[s] the policies of the United States clearly and effectively, [as well as]

discussions and opinion on these policies.”<sup>12</sup> The U.S. government is permitted VOA airtime on a scheduled basis to present editorial comments. These editorials by law are to represent the only nonindependent, federally mandated content on broadcasts under BBG supervision.

### ***Cuba Broadcasting (Radio and TV Martí)***

The Office of Cuba Broadcasting (OCB), with its headquarters in Miami, broadcasts Radio and TV Martí programs to Cuba via shortwave and AM radio, as well as the internet and satellite television. Because of the Cuban government’s severe restrictions on and jamming of Martí broadcasts, OCB also distributes news and information to the Cuban people through email and texts, and physical media including flash drives and DVDs. These broadcasts seek to provide a reliable source of news and information that is otherwise unavailable to the Cuban people. According to USAGM, “the Martí’s are a one-of-a-kind service that brings unbiased, objective information to all Cubans.”<sup>13</sup>

## **Grantee Broadcasters**

### ***Radio Free Europe/Radio Liberty (RFE/RL)***

Radio Free Europe/Radio Liberty is a surrogate broadcaster that operates under a USAGM grant. It broadcasts in 27 languages to countries in Eastern Europe, Russia, the Caucasus, Central Asia, Iran, Afghanistan, and Pakistan, with a measured weekly audience of 41.1 million. RFE/RL provides content on country and regional issues in places where free media does not exist or is “not fully established.”<sup>14</sup>

### ***Radio Free Asia***

Congress authorized creation of Radio Free Asia as a surrogate broadcaster in 1994, and it began broadcasting in 1996, with a core mission to provide “domestic journalism and uncensored content” in Asian countries that “restrict free speech, freedom of the press, and access to reliable information beyond their borders.”<sup>15</sup> RFA’s target audiences are mandated by legislation and include countries in Asia where governments prohibit access to a free press, specifically the People’s Republic of China and its regions of Tibet and Xinjiang, as well as Burma, Cambodia, Laos, North Korea, and Vietnam. RFA broadcasts in nine languages and three dialects.

### ***Middle East Broadcasting Networks***

Middle East Broadcasting Networks, Inc., provides news and information to the Arabic-speaking population of the Middle East. As an independent nonprofit corporation, MBN, like RFE/RL and RFA, operates under a grant agreement with USAGM. According to USAGM, MBN’s mission is to “provide objective, accurate, and relevant news and information to the people of the Middle East about the region, the world, and the United States,” and “support[] democratic values by expanding the spectrum of ideas, opinions, and perspectives available in the region’s media.”<sup>16</sup> MBN, therefore, has a mission somewhat similar to that of VOA, while also including what might

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<sup>12</sup> Section 303(c) of the USIB Act (22 U.S.C. §6202(c)).

<sup>13</sup> USAGM, *Office of Cuba Broadcasting*, <https://www.usagm.gov/networks/ocb/>.

<sup>14</sup> USAGM, *FY2021 Congressional Budget Justification*, p. 51.

<sup>15</sup> USAGM, *Radio Free Asia*, <https://www.usagm.gov/networks/rfa/>.

<sup>16</sup> USAGM, *Middle East Broadcasting Networks*, <https://www.usagm.gov/networks/mbn/>.

be considered surrogate programming. MBN succeeded VOA's Arabic service, which was ended as Congress initially funded what became MBN. MBN's networks include

- Alhurra, a "Pan-Arab" network that provides satellite television news to the Middle East, and Alhurra-Iraq, targeting terrestrial television programming to Iraq;
- Radio Sawa, which broadcasts to Iraq and the Levant (including Syria, Lebanon, Jordan, the Palestinian Territories, and Arabic speakers in Israel), providing news reporting and radio call-in programming; and
- several digital properties and platforms in addition to Alhurra.com and RadioSawa.com: Irfaa Sawtak (Irfaasawtak.com), targeting Iraq; Aswat Magharibyya (MaghrebVoices.com), targeting the Maghreb (North Africa); and Elsaha (Elsaha.com), targeting Egypt.

MBN has restructured and refocused its programming in recent years, transitioning Radio Sawa from a popular music-based format to news programming, streamlining Alhurra programming, and expanding its digital presence across the Middle East, the Maghreb, and other Arabic-speaking countries.

## **U.S. International Broadcasting Standards and Principles**

Journalistic integrity and independence have long been considered essential to the effectiveness of U.S. international broadcasting. As such, standards to uphold these principles are codified in the USIB and laid out in the internal guidance and practices of individual broadcasters. The standards have drawn particular attention in recent years, as legislated reforms in 2016 increased the structural independence of broadcasters.

### **USIB Act Provisions**

The principle of broadcasting independence is explicitly included in provisions of the USIB Act. Section 305 of the act, which generally describes the authorities and responsibilities of the CEO, states:

(b) PROFESSIONAL INDEPENDENCE OF BROADCASTERS.—The Secretary of State and the Chief Executive Officer, in carrying out their functions, shall respect the professional independence and integrity of the Board, its broadcasting services, and the grantees of the Board.<sup>17</sup>

Section 310A of the act provides protection of the journalistic integrity of USAGM's broadcast networks by prohibiting the Department of State Office of Inspector General (the duties of which include oversight of USAGM) from scrutinizing the political content of broadcasts:

(b) RESPECT FOR JOURNALISTIC INTEGRITY OF BROADCASTERS.—The Inspector General of the Department of State and the Foreign Service shall respect the journalistic integrity of all the broadcasters covered by this act and may not evaluate the philosophical or political perspectives reflected in the content of broadcasts.

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<sup>17</sup> Section 305(b) of the USIB Act (22 U.S.C. §6204(b)).

Section 303<sup>18</sup> of the USIB Act sets out a number of standards and principles to which U.S. international broadcasting must adhere, spanning a diverse number of different issues and interests. The USIB Act requires U.S. international broadcasting, among other things,

- to be consistent with the broad foreign policy objectives of the United States;
- to provide a balanced and comprehensive presentation of U.S. thought, institutions, culture, society, and government policies, and for VOA particularly, to represent America, not any single segment of American society;
- to not duplicate the activities of U.S. private broadcasters or government-supported broadcasting entities of democratic countries;
- to be conducted in accordance with the highest professional standards of broadcast journalism, providing news that is consistently authoritative, objective, and comprehensive;<sup>19</sup>
- to promote respect for human rights, including freedom of religion;
- to provide programming to meet needs which remain unserved by the media available to the people of certain nations, as well as to provide a variety of opinions and voices from within particular nations and regions prevented by censorship or repression from speaking to others in their country or region.

As is noted in the broadcasting principles set out in the USIB Act, U.S. international broadcasting is intended to serve the “broad” foreign policy interests of the United States. To this end, the act grants the Secretary of State a consultative role on U.S. foreign policy interests in U.S. international broadcasting:

**SEC. 310B. ROLE OF THE SECRETARY OF STATE.**

(a) FOREIGN POLICY GUIDANCE.—To assist the Board in carrying out its functions, the Chief Executive Officer shall regularly consult with and seek from the Secretary of State guidance on foreign policy issues.<sup>20</sup>

## **Internal USAGM Journalistic Standards Practices**

USAGM’s broadcast networks have created internal practices and guidelines that integrate the standards and principles contained in the USIB Act into their broadcast activities. These internal practices and guidelines are communicated to USAGM staff and monitored and enforced in the course of the broadcasters’ work. According to a December 2020 report by the Department of State Office of Inspector General (OIG),

Examples of journalistic tradecraft standards include using identified, authoritative sources and double-sourcing stories for accuracy; avoiding stereotypes and slurs; denying terrorist or extremist groups a platform to promote violence; including opposing voices to provide fairness while avoiding false balance not supported by fact; and clearly delineating commentary and opinion from straight news coverage. Additionally, the five networks

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<sup>18</sup> 22 U.S.C. §6202.

<sup>19</sup> Amendments to Section 303 in the FY2021 National Defense Authorization Act added language specifying that the agency and its broadcasters would practice “editorial independence” as part of their standards and principles. See section below entitled “New USAGM Reforms in the FY2021 National Defense Authorization Act.”

<sup>20</sup> 22 U.S.C. §6209b. See also Section 1(b)(3)(D) and (E) of the State Department Basic Authorities Act of 1956, as amended (P.L. 84-885; 22 U.S.C. §2651a(b)(3)(D) and (E)), which sets out the role of the Under Secretary of State for Public Diplomacy and Public Affairs in assisting the BBG in presenting the policies of the United States and submitting editorial materials to the BBG for broadcast on VOA.

developed written ethics standards that prohibited plagiarism and copyright violations; staging or recreating events; giving and accepting payments; and avoiding actual or apparent conflict of interest through outside activities, including political activism.<sup>21</sup>

Each of the USAGM broadcasters employ in most cases multiple levels of editorial review. OIG reported that USAGM broadcasters had devoted more resources to standards compliance, hiring new standards editors specifically to oversee and guide adherence to journalistic best practices and ethics. OCB, which has had lapses in journalistic standards, was in the process of installing a permanent standards editor position at the time of the OIG report's publication.<sup>22</sup> In early 2020, USAGM reportedly moved to more robustly enforce the use of best practices and journalistic standards by some broadcasters and broadcast services via improved compliance procedures.<sup>23</sup>

## June 2020 Journalistic Standards Regulation

The former BBG Board, as a bipartisan body, served in part as a structural barrier between the U.S. international broadcasters and other U.S. government entities, authorities, and officials (including the individual Governors of the board itself). This insulated broadcast independence and objectivity from influences that could be, or could be perceived to be, politically motivated. With the transfer of board authorities to the CEO in the 2016 amendments to the USIB Act, that structural protection of journalistic independence was removed: a presidentially appointed head of agency would now oversee and direct U.S. international broadcasting in a similar fashion to other federal agencies run by political appointees.

As the final Broadcasting Board of Governors prepared to give way fully to the leadership of a presidentially appointed, Senate-confirmed CEO in June 2020, it finalized a set of regulations to codify the concepts of journalistic independence and integrity within USAGM and its broadcast networks.<sup>24</sup> Pursuant to the regulations, editorial decisionmaking would be insulated from outside influence, and only individuals within each network would make decisions with regard to reporting. Oversight of broadcast operations and content would be permitted to ensure adherence to journalistic standards. The regulations would require network heads and personnel to meet the “highest professional standards of journalism.” Best practices would need to be established and published by each network.

The regulations set out the definition and requirements of the “firewall”<sup>25</sup> as that term is used to represent the protection of journalistic independence for all USAGM broadcast networks required

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<sup>21</sup> U.S. Department of State Office of the Inspector General, *Targeted Inspection of the Governance of the United States Agency for Global Media: Journalistic Standards and Principles*, December 2020, p. 5.

<sup>22</sup> *Ibid.*, pp. 6-7.

<sup>23</sup> *Ibid.*, pp. 8-10.

<sup>24</sup> Broadcasting Board of Governors, “Firewall and Highest Standards of Professional Journalism,” 85 *Federal Register* 36150, June 15, 2020 (codified at 22 C.F.R. Part 531).

<sup>25</sup> The term “firewall” was in the past applied to the board itself: Congress originally created the Broadcasting Board of Governors as an internal mechanism within the U.S. Information Agency to oversee international broadcasting, ensuring broadcasting met journalistic standards and protecting networks from improper political and policy influence within the agency and from the rest of the U.S. foreign policy apparatus of the federal government. See, for example, USAGM, *The history of U.S. civilian international broadcasting*, <https://www.usagm.gov/who-we-are/history/> (statement explaining the BBG “serves as a firewall between U.S. government policymakers and journalists”); U.S. Congress, Senate Committee on Foreign Relations, *U.S. International Broadcasting:—Is Anybody Listening?—Keeping the U.S. Connected*, committee print, 111<sup>th</sup> Cong., 2<sup>nd</sup> sess., June 9, 2010, S.Prt. 111-49 (Washington: GPO, 2010), p. 9 (statement of BBG Chairman Marc Nathanson: “It is our responsibility to serve as a firewall between the international broadcasters and the policy-making institutions in the foreign affairs community”). At the same time, Congress enacted provisions that required the board and other relevant government actors not to interfere with the journalistic

in Section 305(b) of the USIB Act (22 U.S.C. § 6204(b)). The firewall provision stated that such protection exists in all credible news organizations, with a division between those involved in the creation and distribution of news content on the one hand, and everyone else in the organization on the other. “For purposes of USAGM, firewalls exist between the newsroom of a USAGM-network; everyone else in the organization; and the Executive Branch of the U.S. Government.” Pursuant to the regulations’ provisions, the firewall is violated when “any person within the Executive Branch or a Network, but outside the newsroom, attempts to direct, pressure, coerce, threaten, interfere with, or otherwise impermissibly influence” the journalistic and broadcasting work of a USAGM network, as well as when someone inside a USAGM network newsroom acts to impermissibly influence such work.<sup>26</sup>

The regulation stated that no violation of the firewall occurs when

- USAGM network journalists interview U.S. government officials;
- U.S. government officials comment on USAGM network reporting or communicate or interact with USAGM network journalists and personnel in the same fashion as private sector journalists and personnel;
- the CEO directs or oversees USAGM networks in the same fashion as leadership in other news organizations do;
- USAGM prioritizes certain language services, foreign countries, and foreign audiences to carry out the mission of the agency; or
- VOA publishes editorials and opinions of U.S. government officials as authorized in the USIB Act.

## Performance Evaluation

USAGM uses a number of different metrics to measure the performance of its broadcasters, including quantitative measurements of total audience size and broadcaster website visits. From FY2015 to FY2020, USAGM networks generally saw increases in audiences. New data from China show significantly increased audience size for RFA beginning with FY2018 data (see **Table 1**).

**Table 1. Audience for U.S. International Broadcasters, FY2015-FY2022**

Weekly audience in millions

Network	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	Target FY2021	Target FY2022
VOA	187.7	236.6	236.8	275.2	280.9	278.0	305.0	310.0
MBN	25.7	27.5	25.7	24.7	25.7	27.5	32.0	34.0
RFE/RL	23.6	26.9	25.8	33.9	38.1	41.1	36.2	36.6
RFA	7.5	6.4	6.9	50.7	50.7	49.5	55.0	57.5
OCB	No data	No data	1.0	1.0	1.0	1.0	1.2	1.2

**Sources:** USAGM *Fiscal Year 2020 Performance and Accountability Report*; USAGM, *FY2022 Congressional Budget Justification*; USAGM, *FY2021 Congressional Budget Justification*; USAGM, *FY2020 Congressional Budget Justification*.

independence of the broadcast networks. With the termination of the board, these legislative protections, and the internal practices created to carry out such protections, are now the elements of international broadcasting regularly referred to as the “firewall.”

<sup>26</sup> 22 C.F.R. § 531.3 (repealed).

USAGM also relies on “audience reach” as a primary measure of performance. As used by USAGM, “audience reach” is the percentage of a target adult population that watches or listens to a broadcast service on a weekly basis.<sup>27</sup> USAGM also uses data to measure qualitative aspects of its programming under seven distinct “impact objectives”:

1. Produce exceptional journalism and content that informs and engages audiences;
2. Reach audiences in key strategic areas;
3. Overcome censorship to connect to audiences;
4. Optimize program delivery by market and expand digital engagement;
5. Serve as an authoritative source on U.S. news, policy, and society;
6. Serve as surrogate local media delivering information not otherwise available;  
and
7. Engage local media and empower citizen information gathering and exchange.

Within these objectives, individual goals include, among several others,

- ensuring credibility of programming;
- reaching audiences targeted by state-sponsored disinformation;
- reaching audiences in information-denied environments;
- increasing audiences’ understanding of the United States; and
- increasing audiences’ understanding of current events in their own countries and communities.

In addition to performance evaluation of each broadcast entity, USAGM reviews each language service individually on an annual basis. Data included in USAGM’s annual service reviews include information on baseline performance, as well as data from independent sources on the stability, political freedom, and press freedom in the countries where the language service is broadcast. It also provides information on media outlets competing with the U.S. international broadcaster in the country, and whether the targeted country’s government is prohibiting or inhibiting distribution of the broadcaster’s programming. The USAGM CEO is required “to review, evaluate, and determine, at least annually, after consultation with the Secretary of State, the addition or deletion of language services” pursuant to Section 305(a)(4) of the USIB Act, as amended.<sup>28</sup> USAGM on an annual basis suggests eliminating or adding language services to countries where press and political freedoms have either improved or worsened significantly.

## **BBG Funding Information and Trends**

USAGM, as an independent government agency, submits its own annual budget request. **Table 2**, below, provides appropriations and budget numbers for USAGM and its nonfederal grantees from FY2020 to the FY2022 request.

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<sup>27</sup> USAGM has explained that the British Broadcasting Corporation, Radio France International, and Deutsche Welle all rely on this metric as a primary measure of broadcaster performance.

<sup>28</sup> 22 U.S.C. §6204(a)(4).

**Table 2. U.S. Agency for Global Media Budget Information, FY2020-FY2022**  
(\$ in thousands)

	<b>FY2020 Actual</b>	<b>FY2021 Estimate</b>	<b>FY2022 Request</b>
<b>International Broadcasting Operations</b>			
<b>Federal Entities</b>			
Voice of America	253,113	253,504	257,000
Office of Cuba Broadcasting	24,866	19,758	12,973
<i>Buying Power Maintenance Transfer Supporting     OCB Reform (not additional)</i>	3,967	7,000	a
International Broadcasting Bureau	46,873	54,599	48,793
<i>Internet Freedom and Circumvention Activities     (not additional)</i>		179	
Office of Technology, Services, and Innovation	175,661	176,413	177,515
<i>Total, Federal Entities</i>	<i>500,513</i>	<i>504,274</i>	<i>496,281</i>
<b>Nonfederal Entities</b>			
Radio Free Europe/Radio Liberty	124,578	124,322	126,500
Radio Free Asia	44,166	46,402	47,603
Middle East Broadcasting Networks	108,866	110,312	110,312
Open Technology Fund	10,998	19,878	20,000
<i>Total, Nonfederal Entities</i>	<i>288,608</i>	<i>296,468</i>	<i>304,415</i>
<b>Total, International Broadcasting Operations</b>	<b>789,121</b>	<b>800,742</b>	<b>800,696</b>
<b>Broadcasting Capital Improvements</b>	<b>15,928</b>	<b>9,215</b>	<b>9,700</b>
<b>Total, USAGM</b>	<b>805,049</b>	<b>809,957</b>	<b>810,396</b>

**Source:** USAGM, FY2022 Congressional Budget Justification.

- a. For FY2022, \$3 million in Buying Power Maintenance funding is available; the FY2022 budget includes transfer authority renewal request for continuing OCB reform efforts.

USAGM’s budget request for FY2022 calls for funding levels to remain largely flat across categories and networks. Funding for OCB has fluctuated, with dedicated funding being reduced but largely replaced by Buying Power Maintenance Account funds. These funds were transferred for the purpose of OCB reform, which has encountered management, operations, and broadcast standards issues in recent years.

## Recent Reforms and Challenges

### The FY2017 NDAA

During the 113<sup>th</sup> and 114<sup>th</sup> Congresses, the House Foreign Affairs Committee, led by Chairperson Edward Royce and Ranking Member Eliot Engel, undertook oversight activities concerning reform of U.S. international media and the Broadcasting Board of Governors. Committee leaders and several other Members of Congress co-sponsored legislation during those two Congresses.<sup>29</sup>

<sup>29</sup> Chairman Royce, Ranking Member Engel, and 12 co-sponsors introduced the United States International Communications Reform Act of 2015 (H.R. 2323), which was reported favorably out of the Foreign Affairs Committee

The legislation sought to remedy what was perceived as the BBG's flawed structure, inefficient operation, and unclear mission.

While these proposals did not become law, they served as a basis for reform provisions eventually included in the National Defense Authorization Act for Fiscal Year 2017 (NDAA; P.L. 114-328), enacted by Congress in December 2016. Section 1288 of that act instituted major changes to the structure of U.S. international media as overseen and directed by the agency now known as USAGM. Among other things, the provisions

- replaced the BBG Board with a permanent CEO position at the head of the agency;
- created in the BBG Board's place a successor advisory board without any executive powers but with a duty to advise the CEO and report to appropriate congressional committees;
- transferred all powers of the board to the CEO and authorized the CEO to "direct" all U.S. international broadcasting activities within the agency's purview;
- provided the CEO with blanket personnel appointment authority, including authority to appoint heads of federal and grantee broadcasters, and expanded, detailed procurement authority;
- authorized the CEO to change the name of the agency from "Broadcasting Board of Governors" (presumably to reflect new agency structure without a board heading the agency);
- authorized the CEO to establish a new grantee broadcaster and condition continued federal grants to existing grantees (RFE/RL, RFA, and MBN) on their agreement to merge into one surrogate broadcaster; and
- authorized the CEO to appoint the board of any grantee broadcaster, including a possible consolidated grantee broadcaster.

## **Transition to a CEO-Led USAGM**

The former Broadcasting Board of Governors had for some time recommended that Congress create a formal CEO position within the agency in order to improve efficiency and effectiveness in executive leadership. In 2015, the board reorganized executive leadership within the agency, creating and filling the CEO position before Congress created the position in legislation. The transition to CEO was slow, in part due to concerns expressed in the Obama Administration signing statement about the President's prerogative pursuant to the Appointments Clause of the Constitution.<sup>30</sup>

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in May 2015, but did not receive further consideration. Previously, during the 113<sup>th</sup> Congress, Chairman Royce, with Ranking Member Engel and seven other co-sponsors, introduced the United States International Communications Reform Act of 2014 (H.R. 4490), which was nearly identical to the 2015 bill. H.R. 4490 passed the House but did not receive formal consideration in the Senate before the 113<sup>th</sup> Congress ended.

<sup>30</sup> According to the statement, Congress's purported abolition of the board, made up of Governors that the President had appointed after Senate confirmation, could not effectively remove the appointed Governors until a CEO had been appointed under the new legislative provisions. Thus, the board remained as the official head of the agency, with the CEO continuing to report to the board, until Senate confirmation of USAGM CEO Michael Pack in June 2020. See U.S. President (Obama), "Statement on Signing the National Defense Authorization Act for Fiscal Year 2017," *Compilation of Presidential Documents*, December 23, 2016, p. 3; see also Article II, Section 2, clause 2, of the U.S.

During the 2015-2020 period, when the CEO reported to the board, the agency adapted to the CEO's leadership role as it transitioned away from the operational leadership structure headed primarily by the former IBB Director. The board delegated many of its authorities to the CEO, allowing the CEO to consolidate oversight and direction over the agency and its broadcasters. The new CEO leadership structure seemed to effectively address the formerly perceived gap in leadership: in December 2019, for instance, the Department of State Office of the Inspector General (OIG) found that the CEO had "significantly improved executive direction of the agency compared to the board-led governance structure," and that the USAGM CEO had "respected the broadcasting entities' editorial independence."<sup>31</sup> An OIG inspection<sup>32</sup> covering the first half of 2020 found that USAGM CEO Grant Turner had strengthened oversight of standards by improving annual program reviews of broadcast content, and that USAGM and broadcaster leadership generally adhered to and supported journalistic standards and independence and clearly communicated such standards, except in the case of OCB.<sup>33</sup>

### First Confirmed USAGM CEO: Michael Pack's Tenure<sup>34</sup>

Some of the 2016 reforms to USAGM did not enter into force until the first Senate-confirmed CEO, Michael Pack, took office (the board had remained head of agency, for example) in June 2020. As such, Mr. Pack's tenure as the first fully empowered CEO in some ways represented a test of those expanded executive powers and position.

Mr. Pack stated that he had "three goals: making the agency more effective; ensuring that nothing interferes with the ability to report the news; and improving agency morale."<sup>35</sup> He emphasized the increased authorities of the CEO to accomplish significant change and criticized what he described as internal agency efforts to blunt the CEO's powers. Several of Mr. Pack's decisions during his tenure as CEO spurred criticism from many observers of U.S. international media, including some Members of Congress, and resulted in congressional oversight, legislative action to amend the USIB Act, and lawsuits brought by USAGM and individual broadcaster executives and board members.<sup>36</sup> Most criticism focused on the following areas:

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Constitution ("[The President] shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law").

<sup>31</sup> See U.S. Department of State Office of the Inspector General, *Targeted Inspection of the Governance of the United States Agency for Global Media*, April 2019.

<sup>32</sup> U.S. Department of State Office of the Inspector General, *Targeted Inspection of the Governance of the United States Agency for Global Media: Journalistic Standards and Principles*, December 2020.

<sup>33</sup> *Ibid.*, pp. 17-18. The inspection also found that recent violations of journalistic standards at OCB had revealed that USAGM lacked uniform procedures to respond to such violations. The OIG issued several recommendations concerning communication of journalistic standards and principles and editorial oversight reforms at OCB, institution of full program reviews each year at VOA and OCB, and establishment of systematic standards training for all USAGM and broadcaster employees. USAGM concurred with all recommendations.

<sup>34</sup> Michael Pack resigned as USAGM CEO on January 20, 2021, after being informed by the Biden Administration that he would be removed otherwise. Kelu Chao replaced Mr. Pack on that date as Acting CEO and remains in that position as of the date of this report.

<sup>35</sup> U.S. Agency for Global Media, "USAGM CEO implements critical changes on day one to fulfill legislative mandate," press release, June 18, 2020.

<sup>36</sup> For further details on issues and actions of concern during Mr. Pack's tenure, see U.S. Government Accountability Office, *U.S. Agency for Global Media: Additional Actions Needed to Improve Oversight of*, GAO-22-104017, October 2021.

- **Alleged interference with newsrooms and journalists.** Mr. Pack repealed the firewall regulation put in place by the previous board, arguing that the regulation separating USAGM management from network newsroom operations and decisionmaking unlawfully prevented the USAGM CEO from effectively overseeing and directing U.S. international broadcasting. CEO Pack and other politically appointed USAGM officials conducted investigations into journalists and their reporting. In additions, citing reports of hiring practice deficiencies and national security concerns, Mr. Pack allowed the work visas for approximately 100 foreign USAGM employees to expire, requiring the termination of their employment and their departure from the United States.<sup>37</sup>

A number of USAGM officials dismissed by CEO Pack sued the CEO and the USAGM, and were granted injunctive relief based on a finding of likely violations of the First Amendment.<sup>38</sup> The court found that USAGM officials and journalists involved in producing broadcasts and reporting are covered by First Amendment protections of the press and of free speech, including protection from actions taken by USAGM officials.<sup>39</sup>

- **Removing Heads and boards of USAGM federal and grantee broadcasters.** The Director and Deputy Director of VOA resigned just prior to Mr. Pack’s arrival at USAGM in June 2020. Mr. Pack removed the heads of RFE/RL, RFA, and MBN upon entering his position that month. Mr. Pack also dismissed the boards of directors of the grantee broadcasters and installed new board members, including a number of federal officials from other agencies. These actions appeared to be within the CEO’s authority. Some observers argued that the independence of USAGM’s broadcasters and the effectiveness of USAGM as an agency would be adversely affected by such significant turnover in broadcaster leadership.
- **Constraining the authority of future USAGM CEOs.** In January 2021, CEO Pack amended corporate by-laws and the networks grant agreements with USAGM. The changes were designed to prevent any change to the grantee boards of directors for at least two years, and thereafter only for cause. These appeared to be efforts to entrench himself and the officials he appointed to the boards of directors of the grantee broadcasters, RFE/RL, RFA, and MBN.

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<sup>37</sup> See Pranshu Verma and Edward Wong, “Trump Appointee Might Not Extend Visas for Foreign Journalists at V.O.A.,” *The New York Times*, July 9, 2020. In an August 2020 interview, CEO Pack stated that state-run broadcasters in several countries had been “penetrated” by foreign agents, stating, “It is a great place to put a foreign spy. I have to make sure that doesn’t happen—to stand up for the national security interests of Americans.” Tristan Justice, “NPR Manipulates Federalist Interview With VOA Executive On Behalf Of Government Employees Opposing Reform,” *The Federalist*, September 3, 2020, <https://thefederalist.com/2020/09/03/npr-manipulates-federalist-interview-with-voa-executive-on-behalf-of-government-employees-opposing-reform/>. Critics of the decision not to renew visas stated that foreign USAGM employees are hired when U.S. citizens and permanent residents cannot fill vital broadcasting roles providing news and information to foreign publics. They argued that the visa decision itself could harm U.S. national security and interests, as well as place foreign journalists in danger as they return to repressive societies where the government would not look kindly on citizens who have been critical of such repression. They also asserted that characterizations of foreign-born journalists as potential “spies” compromise the trust foreign publics have in USAGM-funded broadcasts and give U.S. adversaries in authoritarian regimes fodder for attacks on USAGM broadcasters. See David Folkenflik, “Voice of America Journalists: New CEO Endangers Reporters, Harms U.S. Aims,” *National Public Radio*, August 31, 2020.

<sup>38</sup> See *Turner v. U.S. Agency for Global Media*, 502 F. Supp. 3d 333 (D.D.C. Nov. 20, 2020).

<sup>39</sup> USAGM appealed the decision but later withdrew its appeal. *Turner v. U.S. Agency for Global Media*, 2021 U.S. App. LEXIS 16455 (D.C. Cir. May 17, 2021).

- **Interfering with the Open Technology Fund.** Mr. Pack attempted to remove the executive leadership and board of directors of OTF at the same time as he removed the boards and leadership of the other three USAGM grantees. In a lawsuit brought by OTF executives and board members removed by Mr. Pack, a federal court found in a preliminary ruling that the USAGM CEO was not authorized pursuant to the USIB Act to remove the officers and directors of OTF as the CEO is authorized to do with the other USAGM grantees, but that OTF’s bylaws permitted such action.<sup>40</sup>
- **Removing USAGM executive officers and altering regular standards compliance.** CEO Pack suspended and/or removed from office a number of USAGM executives charged with aspects of USAGM’s mandate. In August 2020, CEO Pack suspended six USAGM officials, reportedly citing irregularities in the approval for security clearances of journalists and other personnel. CEO Pack also removed VOA’s standards editor, a position tasked with ensuring that VOA’s reporting meets USAGM’s broadcasting standards and principles, leaving the position open and conducting some standards oversight through the CEO’s office and other USAGM officials.<sup>41</sup>
- **Constraining grantee broadcaster operations.** In addition to allegations concerning changes to USAGM and broadcast network leadership and interference with journalistic standards, OTF and the USAGM grantee broadcast networks accused CEO Pack and other USAGM officials of purposely withholding funding from the grantee broadcasters and OTF, and so hampering and sometimes stopping the grantees authorized operations. In August 2020, OTF sued USAGM and Mr. Pack in the U.S. Court of Federal Claims, alleging breaches of its grant agreement. Mr. Pack allegedly sought to move internet freedom funding out of OTF in order to direct it to the Office of Internet Freedom within USAGM, an office that had been abolished but that had been reestablished by Mr. Pack.<sup>42</sup>

## Whistleblower Complaints and Investigations

During Mr. Pack’s tenure as USAGM CEO, a number of USAGM employees filed whistleblower complaints against Mr. Pack and other high-level USAGM officials, alleging violations of law and unfair and irresponsible management. Mr. Pack and USAGM denied the accusations in these complaints. The U.S. Office of Special Counsel (OSC) in December 2020 “found a substantial likelihood of wrongdoing based on the information” submitted in the complaints. It ordered USAGM to conduct an investigation into the whistleblowers’ accusations pursuant to provisions of the Whistleblower Protection Act of 1989 and to report back to OSC within 60 days, subject to extensions. Specifically, OSC ordered USAGM to investigate allegations that USAGM

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<sup>40</sup> Congress later enacted reforms to the USIB Act that established OTF in legislation and added OTF to the list of entities for which the CEO can name officers and directors. See the “New USAGM Reforms in the FY2021 National Defense Authorization Act” section below.

<sup>41</sup> See VOA News, “Pack Expands Purge at US Global News Agency,” August 14, 2020; Daniel Lippman, “Trump appointee deepens purge of U.S. global media agency,” *Politico*, August 12, 2020; House Foreign Affairs Committee, “Engel Statement on USAGM Officials Breaching the ‘Firewall’ and Targeting VOA Journalist,” press release, October 5, 2020.

<sup>42</sup> See testimony of Karen Kornbluh, U.S. Congress, House Committee on Foreign Affairs, *Oversight of the United States Agency for Global Media and U.S. International Broadcasting Efforts*, 116<sup>th</sup> Cong., 2<sup>nd</sup> sess., September 24, 2020.

- “repeatedly violated” law and regulation protecting USAGM journalists’ and broadcasters’ “professional independence and integrity”;
- committed “gross mismanagement and abuse of authority” by terminating network heads and dismissing USAGM grantee boards of directors and replacing them with political appointees, including the USAGM CEO himself;
- removed the authority of several senior USAGM officials, reassigning such authority to political appointees who did not work in relevant USAGM offices, and suspended the security clearances of six of those officials, placing them on administrative leave;
- removed the VOA Standards Editor, who has a significant role in maintaining journalistic integrity, leaving the position vacant, as well as removing the RFA executive editor;
- prevented reauthorization of work visas for non-U.S. citizen USAGM journalists, “endangering both the continuity of agency operations and those individuals’ safety”;
- prohibited several offices from communicating outside the agency without the consent of the CEO’s office;
- “improperly froze” hiring, contracting, and technology work to the point that agency operations were degraded and staff safety was threatened; and
- “illegally repurposed, and pressured career staff to illegally repurpose,” appropriated funds without required notification to Congress.<sup>43</sup>

Further details from OSC’s actions have not been made public. A separate investigation by the Office of Inspector General for the U.S. Department of State (“State OIG”), which also oversees USAGM, reportedly found in July 2021 that the USAGM executives suspended by Mr. Pack who had filed the whistleblower complaints had not engaged in any wrongdoing and were instead targets of reprisals by Mr. Pack and other USAGM management.<sup>44</sup> USAGM’s new management has supported and approved State OIG’s investigations and conclusions, stating that they are important to ensuring the rights of whistleblowers.<sup>45</sup>

In response to another whistleblower complaint alleging USAGM leadership misconduct to OSC, in February 2021 OSC reportedly directed USAGM to investigate the propriety of Mr. Pack’s decision to hire a private law firm to investigate and audit the actions USAGM journalists and other employees, actions that were characterized by the whistleblowers as waste and retaliation.<sup>46</sup> Since the complaint was first filed, it was revealed that USAGM had contracted with another firm

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<sup>43</sup> Letter from Karen Tanenbaum, Attorney, Office of Special Counsel, to David Z. Seide, Government Accountability Project, December 2, 2020.

<sup>44</sup> See David Folkenflik, “A Report Clears Federal Officials Who Were Suspended By A Trump Appointee Over VOA,” *NPR*, July 10, 2021.

<sup>45</sup> *Ibid.*

<sup>46</sup> Government Accountability Project, “Government Accountability Project Applauds Another U.S. Office of Special Counsel Finding ‘Substantial Likelihood’ of Wrongdoing by Trump Administration Officials at Voice of America Overseer,” press release, February 16, 2021, <https://whistleblower.org/press-release/press-statement-government-accountability-project-applauds-another-u-s-office-of-special-counsel-finding-substantial-likelihood-of-wrongdoing-by-trump-administration-officials-at-voice-of-america/>.

as well, and that the total expenditure might have reached \$4 million.<sup>47</sup> State OIG reportedly has also investigated this matter.<sup>48</sup>

## New USAGM Reforms in the FY2021 National Defense Authorization Act

In September 2020, the House Foreign Affairs Committee held a hearing on the situation at USAGM, due to the significant number of issues that had arisen at the agency since Mr. Pack's confirmation as CEO. At the hearing, the committee heard from former members of the BBG Board and USAGM and grantee officials, some of whom had been recently removed from their positions by Mr. Pack. Members of the committee from both parties expressed concerns over the actions that Mr. Pack and other political appointees at USAGM had taken and frustrations over Mr. Pack's failure to comply with a congressional subpoena to testify before the hearing.<sup>49</sup>

In December 2020, Congress enacted a number of amendments to the USIB Act in Sections 1299P and 1299Q of the National Defense Authorization Act for Fiscal Year 2021 (FY2021 NDAA; P.L. 116-283). The reforms were to take effect 90 days after enactment of the act into law.<sup>50</sup> Section 1299Q deals with editorial independence and the authorities of the CEO, and Section 1299P specifically establishes OTF in legislation.

### Changes to Standards, Principles, and Authorities of the USAGM CEO

**Editorial Independence.** Subsection (b) of Section 1299Q adds language to ensure the editorial independence of USAGM broadcasters in the standards and principles provision of the USIB Act, Section 303 (22 U.S.C. § 6202). It adds “including editorial independence” in both subsection (a) and (b) of Section 303. While Section 305(b) (22 U.S.C. § 6204(b)) already requires the USAGM CEO and the Secretary of State to “respect the professional independence and integrity” of USAGM broadcasters, these changes add a specific duty on the part of USAGM to ensure editorial independence of the broadcasters.

**Grantee Boards of Directors.** Subsection (c) of Section 1299Q makes changes to Section 305 of the USIB Act, which covers the authorities of the USAGM CEO. The amendments limit the USAGM CEO's authority to determine the membership of the boards of directors of the respective USAGM grantees, RFE/RL, RFA, MBN, and OTF, by removing language that permits the CEO to name full-time federal employees, including the CEO, to a grantee's board, and prohibiting such appointments by the CEO. Subsection (c) also adds a requirement that CEO-appointed grantee board members must have “requisite expertise in journalism, technology, broadcasting, or diplomacy, or appropriate language or cultural understanding relevant to the grantee's mission.” The subsection requires the CEO to award grants to the grantees only when the constituent documents of a grantee provide for board selection in accordance with the USIB Act.<sup>51</sup>

<sup>47</sup> See Paul Farhi, “Former Voice of America overseer hired two law firms to \$4 million no-bid contracts,” *The Washington Post*, January 25, 2021.

<sup>48</sup> Ibid. OIG has not yet made the results of this investigation publicly available.

<sup>49</sup> See U.S. Congress, House Committee on Foreign Affairs, *Oversight of the United States Agency for Global Media and U.S. International Broadcasting Efforts*, 116<sup>th</sup> Cong., 2<sup>nd</sup> sess., September 24, 2020.

<sup>50</sup> The FY2021 NDAA bill passed both Houses of Congress over presidential veto, and became law on January 1, 2021.

<sup>51</sup> Section 1299Q(c)(1)(A), (B), (2).

**International Broadcasting Advisory Board.** Subsection (d) of Section 1299Q amends the provision establishing the International Broadcasting Advisory Board, which is tasked primarily with advising the USAGM CEO and is vested with certain authorities after the amendments contained in Section 1299Q. Subsection (d) increases the number of members of the Advisory Board from five to seven and requires presidential appointments to be confirmed by the Senate. Subsection (d) also restores the bipartisan requirements that characterized the original BBG: no more than three of the members of the Advisory Board may be affiliated with the same political party.<sup>52</sup> The subsection doubles the annual required number of Advisory Board meetings with the CEO from two to four and requires additional meetings with the CEO at the request of the Chair of the Advisory Board. It adds a duty of the Advisory Board and the CEO to consult with one another before submitting budgetary and strategic documents to Congress or the Office of Management and Budget.<sup>53</sup> The amendments bolster the Advisory Board in other ways, such as authorizing compensation for Advisory Board member time and expenses, and requiring the USAGM CEO to provide executive staff for the Advisory Board.<sup>54</sup>

Amendments to the Advisory Board provisions create a role for the Advisory Board in ensuring the editorial and journalistic independence and integrity of USAGM broadcasters. The subsection adds the requirement that the Advisory Board advise the USAGM CEO to ensure that the CEO “fully respects the professional integrity and editorial independence” of all USAGM broadcasters, and that USAGM and its broadcasters “adhere to the highest professional standards and ethics of journalism.”<sup>55</sup> Pursuant to the subsection’s amendments, the Advisory Board must approve, by majority vote, the appointment of each of the heads of VOA, OCB, RFE/RL, RFA, MBN, OTF, or “any other grantee authorized under” the USIB Act. The Advisory Board may also unilaterally remove the head of any of these entities by a vote of five or more in favor.<sup>56</sup>

**Office of Cuba Broadcasting.** Subsection (a) provides the sense of Congress that OCB should remain an independent entity within USAGM and retain its mission to promote freedom and democracy in Cuba through information programming.<sup>57</sup>

## Legislative Establishment of the Open Technology Fund

Congress also sought to clarify the status of the Open Technology Fund in 2020. Subsection (a) of Section 1299P of the act states the sense of Congress that, among other things, “it is in the interest of the United States to promote global internet freedom by countering internet censorship and repressive surveillance.” To support this interest, subsection (b) adds a new section to the USIB Act formally establishing OTF as a USAGM grantee, tasked with “unrestricted access to uncensored sources of information via the internet to enable” USAGM broadcasters and their partners to effectively broadcast to target audiences.<sup>58</sup> The new section lays out OTF’s mission and authorities, sets requirements for OTF’s methodology in carrying out its work and for the grant agreement between OTF and USAGM, and requires cooperation amongst OTF, USAGM,

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<sup>52</sup> Section 1299Q(d)(1).

<sup>53</sup> Section 1299Q(d)(4).

<sup>54</sup> Section 1299Q(d)(4) (adding a new Section 306(f) and (g) to the USIB Act).

<sup>55</sup> Section 1299Q(d)(4) (adding a new Section 306(d)(6) to the USIB Act).

<sup>56</sup> Section 1299Q(d)(4) (adding a new Section 306(e) to the USIB Act).

<sup>57</sup> The acts authorizing broadcasting to Cuba directed that new Cuba services be created within VOA, but OCB was originally created essentially as a separate federal broadcaster headquartered in Marathon, FL, and has operated separately from VOA since that time.

<sup>58</sup> 22 U.S.C. §6208a.

and the other grantees. It also includes “Open Technology Fund” alongside other listed USAGM grantees in existing USIB Act provisions regarding the USAGM CEO position and authorities, and entities reporting to the CEO. The new provisions require USAGM to ensure that OTF coordinates its internet freedom efforts with the Department of State and other relevant agencies.<sup>59</sup>

## Issues for Congress

### The Role of the USAGM CEO

The 2016 amendments to the USIB Act created a powerful CEO position at the helm of U.S. international broadcasting, replacing a part-time, nine-member board as head of agency. While some observers and USAGM personnel were concerned about the concentration of powers in the CEO position, from 2015 to 2020 the USAGM CEO seemed to represent an overall improvement in the efficiency and effectiveness of USAGM and its broadcast networks. Some observers have used USAGM’s experience with its first presidentially appointed, Senate-confirmed CEO to call into question the decision to create the CEO position in law in 2016.

In many ways, the USAGM CEO position is similar in authority to other federal agency and department heads. Many of the controversial actions taken by CEO Pack, such as the removal of the broadcast network heads, fell within the CEO’s authorities. To the extent Mr. Pack’s actions were considered improper or illegal, oversight, whistleblower, and legal frameworks seemingly were applied to address allegations of wrongdoing. The end of the bipartisan board and the concerns raised by CEO Pack’s actions seem to have spurred a renewed desire to constrain the powers of the USAGM CEO. Congress, in its most recent amendments to the USIB Act, placed authority with the International Broadcasting Advisory Board, giving this formerly consultative body the power to prevent the removal of USAGM network heads or to remove a network head itself with a supermajority vote. New language aimed at bolstering the responsibility and obligation of the CEO to properly administer and supervise U.S. international broadcasting was added to effectively constrain the CEO position regarding that position’s “direction” of USAGM’s broadcast networks. Depending on how these changes address previous issues, Congress might consider further changes to the CEO’s authorities and role, as well as those of the International Broadcasting Advisory Board.<sup>60</sup>

### Protecting Journalistic Integrity and Independence

Adherence to and protection of journalistic standards, integrity, and independence in U.S. international broadcasting has been an indispensable principle from the founding of VOA. It has risen to be the central concern in the debate over the structure and operation of USAGM and its predecessors and affiliated broadcast networks since the establishment of the Broadcasting Board of Governors within the U.S. Information Agency in 1994. The USIB Act does not set out how the agency would meet the requirements of the standards and principles of U.S. international broadcasting, other than to state generally that journalistic independence would be respected. As the final BBG prepared to terminate in June 2020, it promulgated the firewall regulation (see the “June 2020 Journalistic Standards Regulation” section above) to explain the division between USAGM as an agency and USAGM network newsrooms as independent media organizations.

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<sup>59</sup> Section 1299P(b) (adding a new Section 309A to the USIB Act).

<sup>60</sup> Cf. U.S. Government Accountability Office, *U.S. Agency for Global Media: Additional Actions Needed to Improve Oversight of*, GAO-22-104017, October 2021, p. 45.

CEO Pack argued that they improperly prohibited the USAGM CEO from being able to supervise and direct U.S. international broadcasting, as the USIB Act authorizes and requires. He therefore repealed the firewall regulation in its entirety. The recent additions to the USIB Act requiring respect for and adherence to “editorial independence” seem to have been intended to require the CEO and USAGM to act in a manner similar to that required by the repealed firewall regulation. The regulation itself has not been repromulgated. Congress might consider whether the USIB Act, as currently written, effectively explains USAGM’s obligations to ensure journalistic integrity and independence in USAGM’s broadcast networks.<sup>61</sup>

The decision of the federal district court in the case brought by several dismissed USAGM officials (see the “First Confirmed USAGM CEO: Michael Pack’s Tenure” section above), which found that CEO Pack and USAGM had likely violated the First Amendment rights of one of the plaintiffs. This raises an additional matter for consideration when discussing the journalistic independence of USAGM broadcast networks, their officials, and their journalists and other personnel. The court found that USAGM and broadcast network journalists and personnel, when carrying out the news gathering, news reporting, and other broadcasting work, are protected from USAGM interference under the freedom of speech and freedom of the press protections of the First Amendment to the Constitution. While federal employees and government contractors are often subject to limitations on First Amendment speech protections when carrying out their official duties, the court found that federal employees whose jobs entail free speech, such as journalists, can remain protected from interference even in their official duties.<sup>62</sup> While journalistic independence and integrity has long been central to the journalism produced by USAGM’s broadcast networks, it has most often been justified by the preservation of trust and credibility of such networks in the minds of their target audiences, rather than a required protection against government interference. Couching the standards and principles of journalistic independence for U.S. international broadcasting in terms of First Amendment protection of USAGM network journalists and officials could lead to altered interpretations of the provisions of the USIB Act, shifting from legislative policy to a constitutional issue. Congress may choose to address the concept of First Amendment-protected speech for network officials and journalists in the USIB Act itself.

## **Role of U.S. International Broadcasting in Advancing U.S. Foreign Policy Goals and Promoting Democracy**

One of the primary purposes of U.S. international broadcasting is to provide for the free flow of information that presents a balanced view of issues important to foreign publics. VOA is tasked with comprehensive reporting on American life, culture, and explaining U.S. policies. The surrogate broadcasters, such as RFE/RL, are tasked with providing news reporting that fills the gaps in coverage in countries where no free media exist due to government repression or other factors. U.S. international broadcasters are required under U.S. law to provide complete and balanced coverage that examines all sides of important issues and related U.S. government policies, not just the official U.S. government position, and to provide an opportunity for debate on such issues and policies in their programming.<sup>63</sup> In addition to standards requiring objectivity, U.S. international broadcasting is also required under law to “be consistent with the broad foreign policy objectives of the United States.”<sup>64</sup> Thus, U.S. international broadcasting is required to

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<sup>61</sup> Cf. *ibid.*

<sup>62</sup> See *Turner v. U.S. Agency for Global Media*, 502 F. Supp. 3d at 376.

<sup>63</sup> 22 U.S.C. §6202(a), (b).

<sup>64</sup> 22 U.S.C. §6202(a)(1).

advance U.S. foreign policy through informing foreign publics in a balanced and objective manner.

USAGM states that the mission of U.S. international broadcasting is “to inform, engage, and connect people around the world in support of freedom and democracy.” Some observers, and representatives of U.S. international broadcasters, have explained that U.S. international broadcasting’s benefit to U.S. foreign policy emanates from convincing foreign publics that the U.S. government is intent on informing and empowering repressed populations through a demonstration of a free media. They also argue that U.S. international broadcasters provide a necessary counterweight to certain U.S. public diplomacy efforts that represent a one-sided advocacy approach to communication that does not always resonate with foreign audiences.

Concerns have long been expressed regarding the effectiveness of U.S. international broadcasting in promoting U.S. foreign policy goals and national security interests. The State Department’s public diplomacy activities often include advocating for U.S. policies and presenting such policies in the most favorable light. U.S. international broadcasters explain U.S. policies but also must provide a forum for dissenting views and open discussion of those policies. The result sometimes is the denunciation of U.S. government policies on the programs of U.S.-government funded broadcasters, a development that leads some observers to question the effectiveness or usefulness of U.S. international broadcasting. It has been argued that instead of providing a balanced presentation of issues of importance both to target foreign populations and U.S. foreign policy goals, U.S. international broadcasting should act to counterbalance anti-American sentiment with its own partial programming.

Some observers have also recommended that U.S. international broadcasting and U.S. public diplomacy efforts could be better coordinated under a more unified communications strategy to ensure that U.S. government-funded communications are not perceived as acting at cross-purposes. Such enhanced coordination might involve more input from the Secretary of State or the Under Secretary for Public Diplomacy and Public Affairs in U.S. international broadcasters’ programming. Other recommendations include placing U.S. international broadcasters fully under the direction of a new government agency or center for coordinating all U.S. public diplomacy and strategic communication.

Some argue that U.S. international broadcasters must remain completely independent of the State Department’s public diplomacy advocacy and any other official foreign policy apparatus, other than the current broad guidance that the Secretary of State provides under law. A closer relationship, they contend, especially one in which the State Department directs U.S. international broadcasters to include certain programming, coverage, or messaging, would delegitimize U.S. international broadcasting among foreign audiences. If U.S. international broadcasters lose their credibility and journalistic integrity, it might render these broadcasters unable to provide the free flow of information and effectively promote democracy through demonstrating the operation of a free press in nondemocratic countries. Congress may consider these potentially conflicting objectives and concerns when reviewing broadcasting authorities and conducting oversight of USAGM.

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