

114TH CONGRESS
2D SESSION

S. 3274

To counter foreign disinformation and propaganda, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 14, 2016

Mr. PORTMAN (for himself and Mr. MURPHY) introduced the following bill;
which was read twice and referred to the Committee on Foreign Relations

A BILL

To counter foreign disinformation and propaganda, 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 “Countering Foreign
5 Propaganda and Disinformation Act”.

6 **SEC. 2. CENTER FOR INFORMATION ANALYSIS AND RE-**
7 **SPONSE.**

8 (a) ESTABLISHMENT.—Not later than 180 days after
9 the date of the enactment of this Act, the President shall
10 establish a Center for Information Analysis and Response

1 (in this section referred to as the “Center”). The purposes
2 of the Center are—

3 (1) to coordinate the sharing among govern-
4 ment agencies of information on foreign government
5 information warfare efforts, including information
6 provided by recipients of information access fund
7 grants awarded using funds made available under
8 subsection (e) and from other sources, subject to the
9 appropriate classification guidelines;

10 (2) to establish a process for integrating infor-
11 mation on foreign propaganda and disinformation
12 efforts into national strategy; and

13 (3) to develop, plan, and synchronize inter-
14 agency activities to expose and counter foreign infor-
15 mation operations directed against United States na-
16 tional security interests and advance narratives that
17 support United States allies and interests.

18 (b) FUNCTIONS.—The Center shall carry out the fol-
19 lowing functions:

20 (1) Integrating interagency efforts to track and
21 evaluate counterfactual narratives abroad that
22 threaten the national security interests of the United
23 States and United States allies, subject to appro-
24 priate regulations governing the dissemination of
25 classified information and programs.

1 (2) Analyzing relevant information from United
2 States Government agencies, allied nations, think-
3 tanks, academic institutions, civil society groups,
4 and other nongovernmental organizations.

5 (3) Developing and disseminating thematic nar-
6 ratives and analysis to counter propaganda and
7 disinformation directed at United States allies and
8 partners in order to safeguard United States allies
9 and interests.

10 (4) Identifying current and emerging trends in
11 foreign propaganda and disinformation, including
12 the use of print, broadcast, online and social media,
13 support for third-party outlets such as think tanks,
14 political parties, and nongovernmental organizations,
15 in order to coordinate and shape the development of
16 tactics, techniques, and procedures to expose and re-
17 fute foreign misinformation and disinformation and
18 proactively promote fact-based narratives and poli-
19 cies to audiences outside the United States.

20 (5) Facilitating the use of a wide range of in-
21 formation-related technologies and techniques to
22 counter foreign disinformation by sharing expertise
23 among agencies, seeking expertise from external
24 sources, and implementing best practices.

1 (6) Identifying gaps in United States capabili-
2 ties in areas relevant to the Center’s mission and
3 recommending necessary enhancements or changes.

4 (7) Identifying the countries and populations
5 most susceptible to foreign government propaganda
6 and disinformation.

7 (8) Administering and expending funds made
8 available pursuant to subsection (e).

9 (9) Coordinating with allied and partner na-
10 tions, particularly those frequently targeted by for-
11 eign disinformation operations, and international or-
12 ganizations and entities such as the NATO Center
13 of Excellence on Strategic Communications, the Eu-
14 ropean Endowment for Democracy, and the Euro-
15 pean External Action Service Task Force on Stra-
16 tegic Communications, in order to amplify the Cen-
17 ter’s efforts and avoid duplication.

18 (c) INTERAGENCY MANAGER.—

19 (1) IN GENERAL.—The President is authorized
20 to designate an official of the United States Govern-
21 ment to lead an interagency team and to manage the
22 Center. The President shall delegate to the manager
23 of the Center responsibility for and presumptive au-
24 thority to direct and coordinate the activities and op-
25 erations of all departments, agencies, and elements

1 of the United States Government in so far as their
2 support is required to ensure the successful imple-
3 mentation of a strategy approved by the President
4 for accomplishing the mission. The official so des-
5 ignated shall be serving in a position in the executive
6 branch by appointment, by and with the advice and
7 consent of the Senate.

8 (2) INTERAGENCY STEERING COMMITTEE.—

9 (A) COMPOSITION.—The Interagency Man-
10 ager shall establish a Steering Committee com-
11 posed of senior representatives of agencies rel-
12 evant to the Center’s mission to provide advice
13 to the Manager on the operations and strategic
14 orientation of the Center and to ensure ade-
15 quate support for the Center. The Steering
16 Committee shall include one senior representa-
17 tive designated by each of the Secretary of De-
18 fense, the Secretary of State, the Chairman of
19 the Joint Chiefs of Staff, the Administrator of
20 the United States Agency for International De-
21 velopment, and the Chairman of the Broad-
22 casting Board of Governors.

23 (B) MEETINGS.—The Interagency Steering
24 Committee shall meet not less than every 3
25 months.

1 (C) PARTICIPATION AND INDEPEND-
2 ENCE.—The Chairman of the Broadcasting
3 Board of Governors shall not compromise the
4 journalistic freedom or integrity of relevant
5 media organizations. Other Federal agencies
6 may be invited to participate in the Center and
7 Steering Committee at the discretion of the
8 Interagency Manager.

9 (3) SCOPE OF RESPONSIBILITY AND AUTHOR-
10 ITY.—

11 (A) LIMITATION ON SCOPE.—The dele-
12 gated responsibility and authority provided pur-
13 suant to paragraph (1) may not extend beyond
14 the requirements for successful implementation
15 of the mission and strategy described in that
16 paragraph.

17 (B) APPEAL OF EXECUTION OF ACTIVI-
18 TIES.—The head of any department, agency, or
19 other element of the United States Government
20 may appeal to the President a requirement or
21 direction by the official designated pursuant to
22 paragraph (1) for activities otherwise in support
23 of the mission and strategy described in that
24 paragraph if such head determines that there is
25 a compelling case that executing such activities

1 would do undue harm to other missions of na-
2 tional importance to the United States.

3 (4) TARGETED FOREIGN AUDIENCES.—

4 (A) IN GENERAL.—The activities under
5 this subsection of the Center described in para-
6 graph (1) shall be done only with the intent to
7 influence foreign audiences. No funds for the
8 activities of the team under this section may be
9 used with the intent to influence public opinion
10 in the United States.

11 (B) RULE OF CONSTRUCTION.—Nothing in
12 this subsection may be construed to prohibit the
13 team described in paragraph (1) from engaging
14 in any form of communication or medium, ei-
15 ther directly or indirectly, or coordinating with
16 any other department or agency of the United
17 States Government, a State government, or any
18 other public or private organization or institu-
19 tion because a United States domestic audience
20 is or may be thereby exposed to activities or
21 communications of the team under this sub-
22 section, or based on a presumption of such ex-
23 posure.

24 (d) STAFF.—

1 (1) COMPENSATION.—The President may fix
2 the compensation of the manager of the Center and
3 other personnel without regard to chapter 51 and
4 subchapter III of chapter 53 of title 5, United
5 States Code, relating to classification of positions
6 and General Schedule pay rates, except that the rate
7 of pay for the executive director and other personnel
8 may not exceed the rate payable for level V of the
9 Executive Schedule under section 5316 of that title.

10 (2) DETAIL OF GOVERNMENT EMPLOYEES.—
11 Any Federal Government employee may be detailed
12 to the Center without reimbursement, and such de-
13 tail shall be without interruption or loss of civil serv-
14 ice status or privilege.

15 (3) PROCUREMENT OF TEMPORARY AND INTER-
16 MITTENT SERVICES.—The President may procure
17 temporary and intermittent services under section
18 3109(b) of title 5, United States Code, at rates for
19 individuals which do not exceed the daily equivalent
20 of the annual rate of basic pay prescribed for level
21 V of the Executive Schedule under section 5316 of
22 that title.

23 (e) FUNDS.—Of amounts authorized to be appro-
24 priated for fiscal year 2017 for the Department of Defense
25 and identified as undistributed fuel cost savings, up to

1 \$250,000,000 may be available for purposes of carrying
2 out this section and the grant program established under
3 section 3. Once obligated, such funds shall remain avail-
4 able for such purposes until expended.

5 **SEC. 3. INFORMATION ACCESS FUNDS.**

6 (a) GRANTS AND CONTRACTS OF FINANCIAL SUP-
7 PORT.—The Center may provide grants or contracts of fi-
8 nancial support to civil society groups, journalists, non-
9 governmental organizations, federally funded research and
10 development centers, private companies, or academic insti-
11 tutions for the following purposes:

12 (1) To support local independent media who are
13 best placed to refute foreign disinformation and ma-
14 nipulation in their own communities.

15 (2) To collect and store examples in print, on-
16 line, and social media of disinformation, misinforma-
17 tion, and propaganda directed at the United States
18 and its allies and partners.

19 (3) To analyze tactics, techniques, and proce-
20 dures of foreign government information warfare
21 with respect to disinformation, misinformation, and
22 propaganda.

23 (4) To support efforts by the Center to counter
24 efforts by foreign governments to use disinformation,
25 misinformation, and propaganda to influence the

1 policies and social and political stability of the
2 United States and United States allies and partners.

3 (b) FUNDING AVAILABILITY AND LIMITATIONS.—All
4 organizations that apply to receive funds under this sec-
5 tion must undergo a vetting process in accordance with
6 the relevant existing regulations to ensure their bona fides,
7 capability, and experience, and their compatibility with
8 United States interests and objectives.

9 **SEC. 4. INCLUSION IN DEPARTMENT OF STATE EDUCATION**
10 **AND CULTURAL EXCHANGE PROGRAMS OF**
11 **FOREIGN STUDENTS AND COMMUNITY LEAD-**
12 **ERS FROM COUNTRIES AND POPULATIONS**
13 **SUSCEPTIBLE TO FOREIGN MANIPULATION.**

14 The President shall ensure that when the Secretary
15 of State is selecting participants for United States edu-
16 cational and cultural exchange programs, the Secretary of
17 State gives special consideration to students and commu-
18 nity leaders from populations and countries the Secretary
19 deems vulnerable to foreign propaganda and
20 disinformation campaigns.

21 **SEC. 5. REPORTS.**

22 (a) IN GENERAL.—Not later than one year after the
23 establishment of the Center, the President shall submit
24 to the appropriate congressional committees a report eval-
25 uating the success of the Center in fulfilling the purposes

1 for which it was authorized and outlining steps to improve
2 any areas of deficiency.

3 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
4 DEFINED.—In this section, the term “appropriate con-
5 gressional committees” means—

6 (1) the Committee on Foreign Relations, the
7 Committee on Armed Services, the Committee on
8 Homeland Security and Governmental Affairs, the
9 Select Committee on Intelligence, and the Com-
10 mittee on Appropriations of the Senate; and

11 (2) the Committee on Foreign Affairs, the
12 Committee on Armed Services, the Committee on
13 Homeland Security, the Permanent Select Com-
14 mittee on Intelligence, and the Committee on Appro-
15 priations of the House of Representatives.

16 **SEC. 6. TERMINATION OF CENTER AND STEERING COM-**
17 **MITTEE.**

18 The Center for Information Analysis and Response
19 and the interagency team established under section 2(c)
20 shall terminate 15 years after the date of the enactment
21 of this Act.

1 **SEC. 7. RULE OF CONSTRUCTION REGARDING RELATION-**
2 **SHIP TO INTELLIGENCE AUTHORITIES AND**
3 **ACTIVITIES.**

4 Nothing in this Act shall be construed as superseding
5 or modifying any existing authorities governing the collec-
6 tion, sharing, and implementation of intelligence programs
7 and activities or existing regulations governing the sharing
8 of classified information and programs.

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