

US International Broadcasting Act

15. International Broadcasting

a. United States International Broadcasting Act of 1994

Title III of Public Law 103-236 (Foreign Relations Authorization Act, Fiscal Years-1994 and 1995; HR. 2333], 108 Stat. 382 at 432, approved April 30, 1994; amended by Public Law 103-415 [H.R. 50341, 108 Stat. 4299, approved October 25, 1994; Public Law 105-277-(Foreign Affairs Agencies Consolidation Act of 1998; H.R. 43281, 112 Stag 2681 at 2681-765, approved October 21, 1998; Public Law 105-292 (International Religious Freedom Act of 1998; H.R. 24311, 112 Stat. 2787, approved October 27, 1998; and by Public Law 106-113 (Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001; H.R. 3427, en-acted by reference in H.R. 31941, 113 Stat. 1501 at 1536, approved November 29, 1999

AN ACT To authorize appropriations for the Department of State, the United States

Information Agency, and related agencies, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * *

TITLE III-UNITED STATES INTERNATIONAL BROADCASTING ACT

SEC. 301. [1] SHORT TITLE.

This title may be cited as the "United States International Broadcasting Act of 1994".

SEC. 302 [2] CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.

The Congress makes the following findings and declarations:

(1) It is the policy of the United States to promote the right of freedom of opinion and expression; including the freedom "to seek, receive, and impart information and ideas through any media and regardless of frontiers," in accordance with Article 19 of the Universal Declaration of Human Rights.

(2) Open communication of information and ideas among the peoples of the world contributes to international peace and stability and the promotion of such communication is in the interests of the United States.

(3) It is in the interest of the United States to support broadcasting to other nations consistent with the requirements of this title.

(4) The continuation of existing United States international broadcasting, and the creation of a new broadcasting service to the people of the People's Republic of China and other countries of Asia which lack adequate sources of free information,

would enhance the promotion of information and ideas, while advancing the goals of United States foreign policy.

(5) The reorganization and consolidation of United States international broadcasting will achieve important economies and strengthen the capability of the United States to use broadcasting to support freedom and democracy in –a rapidly changing international environment.

SEC. 303[3] STANDARDS AND PRINCIPLES.

(a) **BROADCASTING STANDARDS.**-United States international broadcasting shall-

- (1) be consistent with the broad foreign policy objectives of the United States;
- (2) be consistent with the international telecommunications policies and treaty obligations of the United States;
- (3) not duplicate the activities of private United States broadcasters;
- (4) not duplicate the activities of government supported broadcasting entities of other democratic nations;
- (5) be conducted in accordance with the highest professional standards of broadcast journalism;
- (6) be based on reliable information about its potential audience; [\[4\]](#)
- (7) be designed so as to effectively reach a significant audience; and 4
- (8) 4 promote respect for human rights, including freedom of religion.

(b) **BROADCASTING PRINCIPLES.**-United States international broadcasting shall include

- (1) news which is consistently reliable and authoritative, accurate; objective, and comprehensive;
- (2) a balanced and comprehensive projection of United States thought and institutions, reflecting the diversity of United States culture and society;
- (3) clear and effective presentation of the policies, including editorials, broadcast by the Voice of America, which present the views of the United States Government [\[5\]](#) of the United States Government and responsible discussion and opinion on those policies;
- (4) [\[6\]](#) the capability to provide a surge capacity to support United States foreign policy objectives during crises abroad;
- (5) 6 programming to meet needs which remain unserved by the totality of media voices available to the people of certain nations;
- (6) [6](#) information about developments in each significant region of the world;

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(7) 6 a variety of opinions and voices from within particular nations and regions prevented by censorship or repression from speaking to their fellow countrymen;

- (8) 6 reliable research capacity to meet the criteria under this section;
- (9) 6 adequate transmitter and relay capacity to support the activities described in this section; and

(10) 6 training and technical support for independent indigenous media through government agencies or private United States entities.

(c) [7]VOICE OF AMERICA BROADCASTS.-The long-range interests of the United States are served by communicating directly with the peoples of the world by radio. To be effective, the Voice of America must win the attention and respect of listeners. These principles will therefore govern Voice of America (VOA) broadcasts:

(1) VOA will serve as a consistently reliable and authoritative source of news. VOA news will be accurate, objective, and comprehensive.

(2) VOA will represent America, not any single segment of American society, and will therefore present a balanced and comprehensive projection of significant American thought and institutions.

(3) VOA will present the policies of the United States clearly and effectively, and will also present responsible discussions and opinion on these policies.

SEC. 304. [8] ESTABLISHMENT OF BROADCASTING BOARD OF GOVERNORS.

(a) [9]CONTINCTED EXISTENCE WITHIN EXECUTIVE BRANCH

(1) IN GENERAL.-The Broadcasting Board of Governors shall continue to exist within the Executive branch of Government as an entity described in section 104 of title 5, United States Code.

(2) RETENTION OF EXISTING BOARD MEMBERS-The members of the Broadcasting Board of Governors appointed by the President pursuant to subsection (b)(1)(A) before the effective date of title XIII of the Foreign Affairs Agencies Consolidation Act of 1998 and holding office as of that date may serve the remainder of their terms of office without reappointment.

(3) INSPECTOR GENERAL AUTHORITIES.-

(A) IN GENERAL.-The Inspector General of the Department of State and the Foreign Service shall exercise the same authorities with respect to the Broadcasting Board of Governors and the International Broadcasting bureau as the Inspector General exercises under the Inspector General Act of 1978 and section 209 of the Foreign Service Act of 1980 with respect to the Department of State.

(B) RESPECT FOR JOURNALISTIC INTEGRITY OF BROADCASTERS – The Inspector General shall respect the journalistic integrity of all the broadcasters covered by this title and may not evaluate the philosophical or political perspectives reflected in the content of broadcasts.

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istic integrity of all the broadcasters covered by this title and may not evaluate the philosophical or political perspectives reflected in the content of broadcasts.

(b) COMPOSITION OF THE BOARD.—

(1) The Board shall consist of 9 members, as follows:

(A) 8 voting members who shall be appointed by the President, by and with the advice and consent of the Senate.

(B) The Secretary of State [10] who shall also be a voting member.

(2) The President shall appoint [11] one member (other than the Secretary of State as Chairman of the Board, subject to the advice and consent of the Senate.)

(3) Exclusive of the Secretary of State, [10] not more than 4 of the members of the Board appointed by the

President shall be of the same political party.

(c) TERM OF OFFICE.—The term of office of each member of the Board shall be three years, except that the Secretary of State shall remain a member of the Board during the Director's term of service: - Of the other 8 voting members, the initial terms of office of two members shall be one year, and the initial terms of office of 3 other members shall be two years, as determined by the President. The President shall appoint by and with the advice and consent of the Senate, Board members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until a successor has been appointed and qualified. When there is no Secretary of State, [\[10\]](#) the Acting Secretary of State [\[12\]](#) shall serve as a member of the Board until a Director is appointed.

(d) SELECTION OF BOARD.—Members of the Board appointed by the President shall be citizens of the United States who are not regular full-time employees of the United States Government. Such members shall be selected by the President from among Americans distinguished in the fields of mass communications, print, broadcast media, or foreign affairs.,

(e) COMPENSATION.—Members of the Board, while attending meetings of the Board or while engaged in duties relating to such meetings or in other activities of the Board pursuant to this section (including travel time) shall be entitled to receive compensation equal to the daily equivalent of the compensation prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code. While away from their homes or regular places of business, members of the Board may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed inter-

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mittently. The Secretary of State [\[10\]](#) shall not be entitled to any compensation under this title, but may be allowed travel expenses as provided under this subsection.

(f) DECISIONS.-Decisions of the Board shall be made by majority vote, a quorum being present. A quorum shall consist of 5 members.

(g) [\[13\]](#) Immunity from Civil Liability.-Notwithstanding any other provision of law, any and all limitations on liability that apply to the members of the Broadcasting Board of Governors also shall apply to such members when acting in their capacities as members of the boards of directors of RFE/RL, Incorporated and Radio Free Asia

SEC. 305. [\[14\]](#) AUTHORITIES OF THE BOARD.

(a) AUTHORITIES.-The Board shall have the following authorities:

(1) To [\[15\]](#) supervise all broadcasting activities conducted pursuant to this title, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, and Worldnet Television, except as provided in section 306(b). [\[16\]](#)

(2) To review and evaluate the mission and operation of, and, to assess the quality, effectiveness, and professional integrity of, all such activities within the context of the broad foreign policy objectives of the United States.

(3) To ensure that United States international broadcasting is conducted in accordance with the standards and principles contained in section 303.

(4) To review, evaluate, and determine, at least annually after consultation with the Secretary of State, [\[17\]](#) the addition or deletion of language services.

(5) To make and supervise grants for broadcasting and related activities in accordance with sections 308

and 309.

(6) To allocate funds appropriated for international broadcasting activities among the various elements of the International Broadcasting Bureau and grantees, subject to the limitations in sections 308 and 309 and subject to reprogramming notification requirements in law for the reallocation of funds.

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

(8) To undertake such studies as may be necessary to identify areas in which broadcasting activities under its authority could be made more efficient and economical.

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(9) To submit to the President and the Congress, [18] an annual report which summarizes and evaluates activities under this title, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act. Each annual report shall place special emphasis on the assessment described in paragraph (2). [19]

(10) To the extent considered necessary to carry out the functions of the Board, procure supplies, services, and other personal property.

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

(12) To obligate and expend, for official reception and representation expenses, such amount as may be made available through appropriations (which for each of the fiscal years 1998 and 1999 [20] may not exceed the amount made available to the Board and the International Broadcasting Bureau for such purposes for fiscal year 1997). [21]

(13) To make available in the annual report required by paragraph (9) information on funds expended on administrative and managerial –services by the Bureau and by grantees and the steps the Board has taken to reduce unnecessary overhead costs for each of the broadcasting services.

(14) The Board may provide for the use of United States Government transmitter capacity for relay Of [22] Radio Free Asia.

(15) [23] (A) To procure temporary and intermittent personal services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for positions classified above grade GS-15 of the General Schedule under section 5108 of title 5, United States Code.

(B) To allow those providing such services, while away from their homes or their regular places of business, travel expenses (including. Per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

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(16) 23 To procure, pursuant to section 1535 of title 31,United States Code (commonly known as the "Economy Act"), such goods and services from other departments or agencies for the Board and the International Broadcasting Bureau as the Board determines are appropriate.

(17) 23 To utilize the provisions of titles III, IV, V, VII, VIII, IX, and X of the United States Information and Educational Exchange Act of 1948, and section 6 of Reorganization Plan Number 2 of 1977, as in effect on the day before the effective date of title XIII of the Foreign Affairs Agencies Consolidation Act of 1998, to

the extent the Board considers necessary in carrying out the provisions and purposes of this title.

(18) 23 To utilize the authorities of any other statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding that had been available to the Director of the United States Information Agency, the Bureau, or the Board before the effective date of title XIII of the Foreign Affairs Consolidation Act of 1998 for carrying out the broadcasting activities covered by this title.

(b) [24]DELEGATION OF AUTHORITY.-The Board may delegate to the Director of the International Broadcasting Bureau, or any other officer or employee of the United States, to the extent the Board determines to be appropriate, the authorities provided in this section, except those authorities provided in paragraph (1), (2), (3), (4), (5), (6), (9), or (11) of subsection (a).

(c) 24, [25] BROADCASTING BUDGETS.

The Director of the Bureau and the grantees identified in – sections 308 and 309 shall submit proposed budgets to the Board. The Board shall forward its recommendations concerning the proposed budget for the Board and broadcasting activities under this title, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act to the Office of Management and Budget.

(d) [26]PROFESSIONAL INDEPENDENCE OF BROADCASTERS.-The Secretary of State and the Board, in carrying out their functions, shall respect the professional independence and integrity of the International Broadcasting Bureau, its broadcasting services, and the grantees of the Board.

(e) 24 TECHNICAL AMENDMENT –

(1)- Section 4 of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465b) is amended by striking "and the Associate Direc-

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tor for Broadcasting of the United States Information Agency" and inserting "of the Voice of America".

(2) Section 5(b) of the Radio Broadcasting to Cuba Act (22 U.S.C.1465c(b)) is amended by striking "Director and Associate Director for Broadcasting of the United States Information Agency" and inserting "Broadcasting Board of Governors".

SEC. 306 [27] ROLE OF THE SECRETARY OF STATE.

(a) FOREIGN POLICY GUIDANCE.-To assist the Board in carrying out its functions, the Secretary of State shall provide information and guidance on foreign policy issues to the Board, as the Secretary may deem appropriate.

(b) 27 CERTAIN WORLDNET PROGRAMMING-The Secretary of State is authorized to use Worldnet broadcasts for the purposes of continuing interactive dialogues with foreign media and other similar overseas public diplomacy programs sponsored by the Department of State. The Chairman of the Broadcasting Board of Governors shall provide access to Worldnet for this purpose on a non-reimbursable basis.

SEC. 307 [28] INTERNATIONAL BROADCASTING BUREAU.

(a) ESTABLISHMENT.-There is hereby established an International Broadcasting Bureau under the Board [29] (hereafter in this title referred to as the "Bureau"), to carry out all nonmilitary international broadcasting activities supported by the United States Government other than those described in sections 308 and 309.

(b) [30] SELECTION OF THE DIRECTOR OF THE BUREAU.-The Director of the Bureau shall be appointed by the President by and with the advice and consent of the Senate.[31] The Director of the Bureau shall be entitled to receive compensation at the rate prescribed by law for level IV of the Executive Schedule.

(c) [32] RESPONSIBILITIES OF THE DIRECTOR.-The Director shall organize and chair a coordinating committee to examine and make recommendations to the Board on long-term strategies for the future of international broadcasting, including the use of new technologies, further consolidation of broadcast services, and consolidation of currently existing public affairs and legislative relations functions in the various international broadcasting entities. The co-

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ordinating committee shall include representatives of Radio Free Asia, RFE/RL, Incorporated, the Broadcasting Board of Governors, and, as appropriate, the Office of Cuba Broadcasting, the Voice of America, and Worldnet.

SEC. 308 [33] LIMITS ON GRANTS FOR RADIO FREE EUROPE AND RADIO LIBERTY.

(a) BOARD of RFE/RL, INCORPORATED.-The Board may not make any grant to RFE/RL, Incorporated, unless the certificate of incorporation of RFE/RL, Incorporated, has been amended to provide that

(1) the Board of Directors of RFE/RL, Incorporated, shall consist of the members of the Broadcasting Board of Governors established under section 304 and of no other members; and

(2) such Board of Directors shall make all major policy determinations governing the operation of RFE/RL, Incorporated, and shall appoint and fix the compensation of such managerial officers and employees of RFE/RL, Incorporated, as it considers necessary to carry out the purposes of the grant provided under this title.

(b) LOCATION OF PRINCIPAL PLACE OF BUSINESS.-

(1) The Board may not make any grant to RFE/RL, Incorporated unless the headquarters of RFE/RL, Incorporated and its senior administrative and managerial staff are in a location which ensures economy, operational effectiveness, and accountability to the Board.

(2) Not later than 90 days after confirmation of all members of the Board, the Board shall provide a report to Congress on the number of administrative, managerial, and technical staff of RFE/RL, Incorporated who will be located within the metropolitan area of Washington, D.C., and the number of employees whose principal place of business will be located outside the metropolitan area of Washington, D.C.

(c) LIMITATION ON GRANT AMOUNTS.-The total amount of grants made by the Board for the operating costs of Radio Free Europe and Radio Liberty may not exceed \$75,000,000 for any fiscal year after fiscal year 1995.

(d) ALTERNATIVE GRANTEE.-If the Board determines at any time that RFE/RL, Incorporated, is not carrying out the functions described in section 309 in an effective and economical manner, the

Board may award the grant to carry out such functions to another entity after soliciting and considering applications from eligible entities in such manner and accompanied by such information as the Board may reasonably require.

(e) NOT A FEDERAL AGENCY OR INSTRUMENTALITY.-Nothing in this title may be construed to make RFE/RL, Incorporated a Federal agency or instrumentality.

(f) AUTHORITY.-Grants authorized under section 305 for RFE/RL, Incorporated, shall be available to make annual grants for the purpose of carrying out similar functions as were carried out by RFE/RL,

Incorporated, on the day before the date of enactment of this Act with respect to Radio Free Europe and Radio Liberty, con-

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sistent with section 2 of the Board for International Broadcasting Act of 1973, as in effect on such date.

(g) GRANT AGREEMENT – Grants to RFE/RL, Incorporated, by the Board shall only be made in compliance with a grant agreement. The grant agreement shall establish guidelines for such grants. The grant agreement shall include the following provisions –

- (1) that a grant be used only for activities which the Board determines are consistent with the purposes of subsection (f);
- (2) that RFE/RL, Incorporated, shall otherwise comply with the requirements of this section;
- (3) that failure to comply with the requirements of this section may result in suspension or termination of a grant without further obligation by the Board or the United States;
- (4) that duplication of language services and technical operations between RFE/RL, Incorporated and the International Broadcasting Bureau be reduced to the extent appropriate, as determined by the Board; and
- (5) that RFE/RL, Incorporated, justify in detail each proposed expenditure of grant funds, and that such funds may not be used for any other purpose unless the Board gives its prior written approval.

(h) PROHIBITED USES OF GRANT FUNDS. – No grant funds provided under this section may be used for the following purposes:

- (1)(A) Except as provided in subparagraph (B), to pay any salary or other compensation, or enter into any contract providing for the payment of salary or compensation in excess of the rates established for comparable positions under title 5 of the United States Code or the foreign relations laws of the United States, except that no employee may be paid a salary or other compensation in excess of the rate of pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.
- (B) Salary and other compensation limitations under subparagraph (A) shall not apply prior to October 1, 1995, with respect to any employee covered by a union agreement requiring a salary or other compensation in excess of such limitations.
- (2) For any activity for the purpose of influencing the passage or defeat of legislation being considered by Congress.
- (3) To enter into a contract or obligation to pay severance payments for voluntary separation for employees hired after December 1, 1990, except as may be required by United States law or the laws of the country where the employee is stationed.
- (4) For first class travel for any employee of RFE/RL, Incorporated, or the relative of any employee.
- (5) To compensate freelance contractors without the approval of the Board.

(i) REPORT ON MANAGEMENT PRACTICES.—(1) Effective not later than March 31 and September 30 of each calendar year, the Inspector General of the Department of State and the Foreign Serv-

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ice [34](#) shall submit to the Board [35](#) and the Congress a report on management practices of RFE/RL, Incorporated, under this section. The Inspector General of the Department of State and the Foreign Service [34](#) shall establish a special unit within the Inspector General's office to monitor and audit the activities of

RFE/RL, Incorporated, and shall provide for on-site monitoring of such activities.

(j) AUDIT AUTHORITY –

(1) Such financial transactions of RFE/RL, Incorporated, as relate to functions carried out under this section may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of RFE/RL, Incorporated, are normally kept.

(2) Representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, papers, and property belonging to or in use by RFE/RL, Incorporated pertaining to such financial transactions and necessary to facilitate an audit. Such representatives shall be afforded full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of RFE/RL, Incorporated, - shall remain in the possession and custody of RFE, Incorporated.

(3) Notwithstanding any other provision of law and upon repeal of the Board for International Broadcasting Act, the Inspector General of the Department of State and the Foreign Service 34 is authorized to exercise the authorities of the Inspector General Act of 1978 with respect to RFE/RL, Incorporated.

(k) [36](#)* * * [Repealed-1998]

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(l) [36](#) * * * * [Repealed-1998]

SEC. 309 [37](#) RADIO FREE ASIA.

(a) AUTHORITY. –

(1) Grants authorized under section 305 shall be available to make annual grants for the purpose of carrying out radio broadcasting to the following countries: The People's Republic of China, Burma, Cambodia, Laos, North Korea, Tibet, and Vietnam.

(2) Such broadcasting service shall be referred to as "Radio Free Asia".

(b) FUNCTIONS.-Radio Free Asia shall-

(1) provide accurate and timely information, news, and commentary about events in the respective countries of Asia and elsewhere; and

(2) be a forum for a variety of opinions and voices from within Asian nations whose people do not fully enjoy freedom of expression.

(c) [38](#) GRANT AGREEMENT.-Any grant agreement or grants under this section shall be subject to the following limitations and restrictions:

(1)[39](#) The Board may not make any grant to Radio Free Asia unless the headquarters of Radio Free Asia and its senior ad-

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ministrative and managerial staff are in a location which ensures economy, operational effectiveness, and accountability to the Board.

(2) Any grant agreement under this section shall require that any contract entered into by Radio Free Asia

shall specify that all obligations are assumed by Radio Free Asia and not by the United States Government, and shall further specify that funds to carry out the activities of Radio Free Asia may not be available after September 30, 2009.[40](#)

(3) Any grant agreement shall require that any lease agreements entered into by Radio Free Asia shall be, to the maximum extent possible, assignable to the United States Government.

(4) Grants made for the operating costs of Radio Free Asia may not exceed \$30,000,000 in each of the fiscal years 2000 and 2001[41](#)

(5) [42](#)Grants awarded under this section shall be made pursuant to a grant agreement which requires that grant funds be used only for activities consistent with this section, and that failure to comply with such requirements shall permit the grant to be terminated without fiscal obligation to the United States.

(d) 38 LIMITATIONS ON ADMINISTRATIVE AND MANAGERIAL COSTS.-It is the sense of the Congress that administrative and managerial costs for operation of Radio Free Asia should be kept to a minimum and, to the maximum extent feasible, should not exceed the costs that would have been incurred if Radio Free Asia had been operated as a Federal entity rather than as a grantee.

(e) 36 ASSESSMENT OF THE EFFECTIVENESS OF RADIO FREE ASIA – Not later than 3 years after the date on which initial funding is provided for the purpose of operating Radio Free Asia, the Board shall submit to the appropriate congressional committees a report on

(1) whether Radio Free Asia is technically sound and cost effective,

(2) whether Radio Free Asia consistently meets the standards for quality and objectivity established by this title,

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(3) whether Radio Free Asia is received by a sufficient audience to warrant its continuation,

(4) the extent to which such broadcasting is already being received by the target audience from other credible sources; and

(5) the extent to which the interests of the United States are being served by maintaining broadcasting-of Radio Free Asia.

(f) [43](#) SUNSET PROVISION.-The Board may not –make any grant for the purpose of operating Radio Free Asia after September 30, 2009.

(g) 36 NOTIFICATION AND CONSULTATION REGARDING DISPLACEMENT OF VOICE OF AMERICA BROADCASTING.-The Board shall notify the appropriate congressional committees before entering into any agreements for the utilization of Voice of America transmitters, equipment, or other resources that will significantly reduce the broadcasting activities of the Voice of America in Asia or any other region in order to accommodate the broadcasting activities of Radio Free Asia. The Chairman of the Board shall consult with such committees on the impact of any such reduction in Voice of America broadcasting activities.

(h) 36 NOT A FEDERAL AGENCY OR INSTRUMENTALITY.-Nothing in this title may be construed to make Radio Free Asia a Federal agency or instrumentality.

SEC. 310 [44](#) * * * [Repealed 1998]

SEC. 311.[45](#) PRESERVATION OF AMERICAN JOBS.

It is the sense of the Congress that the –Director of the United States Information Agency and the Chairman of the Board for International Broadcasting should, in developing the plan for consolidation and

reorganization of- overseas international broadcasting services, limit, to the maximum extent feasible, consistent with the purposes of the consolidation, elimination of any United States-based positions and should affirmatively seek to transfer as many positions as possible to the United States.

SEC. 312. [46](#) THE CONTINUING MISSION OF RADIO FREE EUROPE AND RADIO LIBERTY BROADCASTS.

It is the sense of Congress that Radio Free Europe and Radio Liberty should continue to broadcast to the peoples of Central Europe, Eurasia, and the Persian Gulf until such time as-

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(1) a particular nation has clearly demonstrated the successful establishment and consolidation of democratic rule; and

(2) its domestic media which provide balanced, accurate, and comprehensive news and information, is firmly established and widely accessible to the national audience, thus making redundant broadcasts by Radio Free Europe or Radio Liberty.

At such time as a particular nation meets both of these conditions, RFE/RL should phase out broadcasting to that nation.

SEC. 313 [47](#) REQUIREMENT FOR AUTHORIZATION OF APPROPRIATIONS.

(a) LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS. Notwithstanding any other provision of law, for the fiscal year 1994 and for each subsequent fiscal year, any funds appropriated for the purposes of broadcasting subject to the direction and supervision of the Board shall not be available for obligation or expenditure-

(4) unless such funds are appropriated pursuant to an authorization of appropriations; or

(5) in excess of the authorized level of appropriations.

(b) SUBSEQUENT AUTHORIZATION.-The limitation under subsection (a) shall not apply to the extent that an authorization of appropriations is enacted after such funds are appropriated.

(c) APPLICATION.-The provisions of this section-

(1) may not be superseded, except by a provision of law which specifically repeals, modifies, or supersedes the provisions of this section; and

(2) shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts which are authorized by law and administered under or pursuant to this title.

SEC. 314 [48](#) DEFINITIONS.

For the purposes of this title-

(1) the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Af-

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fairs [49](#)and the Committee on Appropriations of the House of Representatives;

(2) the term "RFE/RL, Incorporated" includes

(A) the corporation having the corporate title described in section 307(b)(3); and

(B) any alternative grantee described in section 307(e); and

(3) the term "salary or other compensation" includes any deferred compensation or pension payments, any payments for expenses for which the recipient is not obligated to itemize, and any payments for personnel services provided to an employee of RFE/RL, Incorporated.

SEC. 315. TECHNICAL AND CONFORMING AMENDMENTS.

(a) VOICE OF AMERICA BROADCASTS.-Section 503 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1463) is repealed.

(b) ISRAEL RELAY STATION.-Section 301(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, is repealed.

(c) BOARD FOR INTERNATIONAL BROADCASTING ACT. –Section 4(a)(1) of the Board for International Broadcasting Act of 1973 is amended to read as follows:

"(1) to make grants to RFE/RL, Incorporated and, until September 30, 1995, to make grants to entities established in the privatization of certain functions of RFE/RL, Incorporated in order to carry out the purposes set forth in section 2 of this Act;".

(d) 50RELOCATION COSTS.-Notwithstanding any other provision of law, funds derived from the sale of real property assets of RFE/RL in Munich, Germany, may be retained, obligated, and expended to meet one-time costs associated with the consolidation of United States Government broadcasting activities in accordance with this title, including the costs of relocating RFE/RL offices and operations.

[1] 22 U.S.C. 6201 note.

[2] 22 U.S.C. 6201.

[3] 122 U.S.C. 6202

[4] Sec. 502 of the International Religious Freedom Act of 1998 (Public Law 105-292; 112 Stat. 2811) struck out "and" at the end of para. (6); replaced a period with "; and" at the end of para. (7); and added a new para. (8).

[5] Sec. 1323(d)(1) of the Foreign Affairs Agencies Consolidation Act of 1998 (division B, subdivision A of Public Law 105-277; 112 Stat. 2681-778) inserted ", including editorials, broadcast by the Voice of America, which present the views of the United States Government" after "policies".

[6] Sec. 1323(dX2) and (3) of the Foreign Affairs Agencies Consolidation Act of 1998 (division B, subdivision A of Public Law 105-277; 112 Stat. 2681-778) redesignated paras. 14) through (9) as paras. (5) through (10) and added a new para. (4).

[7] Sec. 1(p) of Public Law 103-415 (108 Stat. 4301) added subsec. (c).

[8] 8 22 U. S. C. 6203.

[9] 9Sec. 1322 of the Foreign Affairs Agencies Consolidation Act of 1998 (division B, subdivision A of Public Law 105-277; 112 Stat. 2681-777) amended and restated subsec. (a). It formerly read as follows: "(a) Establishment.-There is hereby established within the United States Information Agency a Broadcasting Board of Governors (hereafter in this title referred to as the 'Board').".

[10] Sec. 1323(b) of the Foreign Affairs Agencies Consolidation Act of 1998 (division B, subdivision A of Public Law 105-277; 112 Stat. 2681-778) struck out "Director of the United StatesInformation Agency" and inserted in lieu thereof "Secretary of State".

[11] "Sec. 502 of the Admiral James w. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (H.R. 3427, enacted by reference in sec. 1000(al)(7) of Public Law 106-113; 113 Stat. 1536), struck out "designate" and inserted in lieu thereof "appoint", and inserted " subject to the advice and consent of the Senate" at the end of the sentence.

[12] Sec 1323(c) of the Foreign Affairs Agencies Consolidation Act of 1998 (division B, subdivision A of Public Law 105-277; 112 Stat. 2681-778) struck out "acting Director of the agency" and inserted in lieu thereof "Acting Secretary of State".

[13] Sec. 504 of Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal-Years 2000 and 2001 (H.R. 3427, enacted by reference in sec. 10001ak7) of Public Law 106-113; 113 Stat. 1536), added subsec. (g).

[14] 22 U.S.C. 6204.

[15] Sec. 1323(e)(1)(A) of the Foreign Affairs Agencies Consolidation Act of 1998 (division B, subdivision A of Public Law 105-277; 112 Stat. 2681-778) struck out "direct and" at this point.

[16] Sec. 1323(e)(1XA) of the Foreign Affairs Agencies Consolidation Act of 1998. (division B, subdivision A of Public Law 105-277; 112 Stat. 2681-778) struck out "and the Television Broadcasting to Cuba Act" and inserted in-lieu thereof ", the Television Broadcasting to Cuba Act, and Worldnet Television, except as provided in section 306(b1)".

[17] Sec. 1323(eX2) of the Foreign Affairs Agencies Consolidation Act of 1998 (division B, subdivision A of Public Law 105-277; 112 Stat. 2681-778) inserted ", after consultation with the Secretary of State," after "annually," (resulting in a double comma after "annually").

[18] Sec. 1323(e)(3XA) of the Foreign Affairs Agencies Consolidation Act of 1998 (division B, subdivision A of Public Law 105-277; 112 Stat. 2681-778) struck out "through the Director of the United States Information Agency,".

[19] Sec. 1323(e)(3)(B) of the Foreign Affairs Agencies Consolidation Act of 1998 (division B, subdivision A of Public Law 105-277; 112 Stat. 2681-778) added the sentence beginning "Each annual report".

[20] Sec. 1323(e)(4)(A) of the Foreign Affairs Agencies Consolidation Act of 1998 (division B. subdivision A of Public Law 105-277; 112 Stat. 2681-778) struck out "1994 and 1995" and inserted in lieu thereof "1998 and 1999".

[21] Sec. 1323(e)(4)(B) of the Foreign Affairs Agencies Consolidation Act of 1998 (division B, subdivision A of Public Law 105-277; 112 Stat. 2681-778) struck out "to the Board for International Broadcasting for such purposes for fiscal year 1993" and inserted in lieu thereof "to the Board and the International Broadcasting Bureau for such purposes for fiscal year 1997".

[22] Sec. 1(s)(1) of Public Law 103-115 (108 Stat. 4302) struck out "to" and inserted in lieu thereof "of".

[23] Sec. 1323(e)(5) of the Foreign Affairs Agencies Consolidation Act of 1998 (division B, subdivision A of Public Law 105-277; 112 Stat. 2681-778) added paras. (15) through (18).

[24] Sec. 1323(f) of the Foreign Affairs Agencies Consolidation Act of 1998 (division B, subdivision A of Public Law 105-277; 112 Stat 2681-779) redesignated subsets. (b), (c), and (d) as subsets. (c), (d), and (e), and added a new subsec. (b).

[25] Sec. 1323(g) of the Foreign Affairs Agencies Consolidation Act of 1998 (division B, subdivision A of Public Law 105-277; 112 Stat. 2681-776) struck out para. designation (1) before "The Director" and struck out "the Director of the United States Information Agency for the consideration of the Director as a part of the Agency's budget submission to" after "Television Broadcasting to Cuba Act to". See. 1323(h) of that Act repealed para. (2) of this subsection, which had required that the USIA Director include in the Agency's

submission to the Office of Management and Budget the comments and recommendations of the Board concerning the proposed broadcasting budget

[26] Sec. 1323(i) of the Foreign Affairs Agencies Consolidation Act of 1998 (division B, subdivision A of Public Law 105-277; 112 Stat. 2681-778) amended and restated subset. (d), as redesignated. It previously read as follows:

"(d) IMPLEMENTATION-The Director of the United States Information Agency and the Board, in carrying out their functions, shall respect the professional independence and integrity of the International Broadcasting Bureau, its broadcasting services, and grantees.". -

[27] 22 U.S.C. 6205. Sec. 1323(j) of the Foreign Affairs Agencies Consolidation Act of 1998 (division B, subdivision A of Public Law 105-277; 112 Stat. 2681-778) struck out 'FOREIGN POLICY GUIDANCE' in the section catch line, inserting instead "ROLE OF THE SECRETARY OF STATE"; inserted "(a) FOREIGN POLICY GUIDANCE"; struck out "State, acting through the Director of the United States Information Agency," and inserted in lieu thereof "State"; inserted at the end of newly designated subsec. (a) ", as the Secretary may deem appropriate"; and added a new subset. (b).

[28] 22 U.S.C. 6206.

[29] Sec- 1323(k)(l) of the Foreign Affairs Agencies Consolidation Act of 1998 (division B, subdivision A of Public Law 105-277; 112 Stat. 2681-780) struck out "within the United States Information Agency" and inserted in lieu thereof "under the Board".

[30] Sec. 1323(k)(3) of the Foreign Affairs Agencies Consolidation Act of 1998 (division B, subdivision A of Public Law 105-277; 112 Stat. 2681-780) struck out para. designation (1) and struck out text of para. (2) in subsec. (b). Para. (2) had amended 5 U.S.C. 5315 to include "Director of the International Broadcasting Bureau, the United States Information Agency.".

[31] Sec. 1323(k)(2) of the Foreign Affairs Agencies Consolidation Act of 1998 (division B, subdivision A of Public Law 105-277; 112 Stat. 2681-780) struck out "Director of the United States Information Agency and with the concurrence of a majority of the Board" and inserted in lieu thereof "President, by and with the advice and consent of the Senate".

[32] Sec. 1323(k)(5) of the Foreign Affairs Agencies Consolidation Act of 1998 (division B, subdivision A of Public Law 105-277; 112 Stat. 2681-780) added subsec. (c).

[33] 22 U.S.C. 6207.

34 Sec. 1314(d)(l) of the Foreign Affairs Agencies Consolidation Act of 1998 (division B, subdivision A of Public Law 105-277; 112 Stat. 2681-777) struck out "Inspector General of the United States Information Agency" and inserted in lieu thereof "Inspector General of the Department of State and the Foreign Service". Subsec. (e) of that section, furthermore, provided the following:

"(e) TRANSFER of FUNCTIONS.-There are transferred to the Office of the Inspector General of the Department of State and the Foreign Service the functions that the Office of Inspector General of the United States Information Agency exercised before the effective date of this title (including all related functions of the Inspector General of the United States Information Agency.)".

35 Sec. 1314(dX2) of the Foreign Affairs Agencies Consolidation Act of 1998 (division B, subdivision A of Public Law 105-277; 112 Stat. 2681-777) struck out ", the Director of the United States Information Agency, "

36 Sec. 1323(1X1) of the Foreign Affairs Agencies Consolidation Act of 1998 (division B, subdivision A of Public Law 105-277; 112 Stat. 2681-780) repealed subsecs. (k) and (1). The subsections had provided as follows:
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"(k) PLAN FOR RELOCATION.-None of the funds authorized to be appropriated for the fiscal years 1994 or

1995 may be used to relocate the offices or operations of RFE/RL. Incorporated from Munich, Germany, unless-

"(1) such relocation is specifically provided for in an appropriation Act or pursuant to a reprogramming notification; and

"(2)(A) such relocation is authorized by the Board and the Board submits to the Comptroller General of the United States and the appropriate Congressional committees a detailed plan for such relocation, including cost estimates and any and all fiscal data, audits, business plans, and other documents which justify such relocation; or

"(B) prior to the confirmation of all members of the Board, such relocation is authorized by the President, the President certifies that a significant national interest requires that such relocation determination be made before the confirmation of all members of the Board, and the President submits to the Comptroller General of the United States and the appro-

Continued

priate congressional committees a detailed plan for such relocation, including cost--estimates and any and all fiscal data, audits, business plans, and other documents which justify such relocation.

"(1) REPORTS ON PERSONNEL CLASSIFICATION.-Not later than 90 days after the date of confirmation of all members of the Board, the Board shall submit a report to the Congress containing a justification, in terms of the types of duties performed at specific rates of salary and other compensation, other classification of personnel employed by RFF/RL, Incorporated. The report shall include a comparison of the rates of salary or other compensation and classifications provided to employees of RFE/RL Incorporated, with the rates of salary or other compensation and classifications of employees of the Voice of America stationed overseas in comparable positions and shall identify any disparities and steps which should be taken to eliminate such disparities.".

The certification required in subsec. (k) to move RFEJRL from Munich, Germany to Prague, Czech Republic, had been made by the President on July 12, 1994 (Presidential Determination No. 94-32; 59 F.R. 37649).

37 22 U.S.C. 6208.

38 Sec. 501 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (H.R. 3427, enacted by reference in sec. 1000(a)(7) of Public Law 106-113; 113 Stat. 1536), struck out subsec. (c) and redesignated subsecs. (d) through (i) as subsecs. (c) through (h), respectively. Former subsec. (c) read as follows:

"(c) SUBMISSION OF DETAILED PLAN FOR RADIO FREE ASIA"

(1) No grant may be awarded to carry out this section unless the Board, through the Director of the United States Information Agency, has submitted to Congress a detailed plan for the establishment and operation of Radio Free Asia, including-

"(A) a description of the manner in which Radio Free Asia would meet the funding limitations provided in subsection (d)(4);

"(B) a description of the numbers and qualifications of employees it proposes to hire; and

"(C) how it proposes to meet the technical requirements for carrying out its responsibilities under this section.

"(2) The plan required by paragraph (1) shall be submitted not later than 90 days after the date on which all members of the Board are confirmed.

"(3) No grant may be awarded to carry out the provisions of this section unless the plan submitted by the Board includes a certification by the Board that Radio Free Asia can be established and operated within the funding limitations provided for in subsection (d)(4) and subsection (d)(5).

"(4) If the Board determines that a Radio Free Asia cannot be established or operated effectively within the funding limitations provided for in this section, the Board may submit, through the Director of the United States Information Agency, an alternative plan and such proposed changes in legislation as may be necessary to the appropriate congressional committees.".

39 Sec. 501(3)(A) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (H.R. 3427, enacted by reference in sec. 1000(a)(7) of

Public Law 106-113; 113 Stat. 1536), struck subpara. designation "(A)" and struck out subpara. (B) from para. (1). Subpara. (B) previously stated:

"(B) Not later than 90 days after confirmation of all members of the Board, the Board shall provide a report to Congress on the number of administrative, managerial, and technical staff of Radio Free Asia who will be located within the metropolitan area of Washington, D.C., and the number of employees whose principal place of business will be located outside the metropolitan area of Washington D.C.".

40 Sec. 501(3)(B) of h Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (F-R. 3427, enacted by reference in sec. 1000(1)(7) of Public Law 106-113; 113 Stat 1536), struck out "September 30, 1999" and inserted in lieu thereof "September 30, 2009".

41 Sec. 501(1)(C) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (H.R. 3427, enacted by reference in sec. 1000(1)(7) of Public Law 106-113; 113 Stat. 1536), struck out "\$22,000,000 in any fiscal year" and inserted in lieu thereof "\$30,000 000 in each of the fiscal years 2000 and 2001".

42 Sec. 501(3)(D) and (E) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (H.R. 3427, enacted by reference in sec. 1000(1)(7) of Public Law 106-113; 113 Stat. 1536), struck out para. (5) and redesignated para. (6) as para. (5). Former para. (5) provided:

"(5) The total amount of grant funds made available for one-time capital costs of Radio Free Asia may not exceed 58,000,000."

43 Sec. 501(2) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (H.R 3427, enacted by reference in sec. 1000(x)(7) of Public Law 106-113; 113 Stat. 1536), redesignated subsec. (g) as subsec. (f). Sec. 501141 of that Act amended and restated redesignated subsec. (f), which previously provided as follows:

"(f) .SUNSET PROVISION.-The Board may not make any grant for the purpose of operating Radio Free Asia after September 30, 1998, unless the President of the United States determines in the President's fiscal year 1999 budget submission that continuation of funding for Radio Free Asia for 1 additional year is in the interest of the United States.".

44 " Formerly at 22 U.S.C. 6209. Repealed by sec. 1323(1)(2) of the Foreign Affairs Agencies Consolidation Act of 1998 (division B, subdivision A of Public Law 105-277; 112 Star. 2681-780). Sec. 310 had authorized the President "to direct the transfer of all functions and authorities from the Board for International Broadcasting to the United States Information Agency, the Board, or the Bureau", and otherwise provided for such a transition.

45 22 U.S.C. 6210.

46 22 U.S.C. 6211. Amended and restated by sec. 503 of the Admiral James w. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (H.R. 3427, enacted by reference in sec.-

1000(4)(7) of Public Law 106-113; 113 Stat. 1536). Previously read as follows: "sec. 312. privatization of radio free Europe and radio liberty.

"(a) DECLARATION of POLICY.-It is the sense of the Congress that, in furtherance of the objectives of section 302 of this Act, the funding of Radio Free Europe and Radio Liberty should be

assumed by the private sector not later than December 31, 1999, and that the funding of Radio Free Europe and Radio Liberty Research Institute should-be assumed by the private sector atthe earliest possible time.

"(b) PRESIDENTIAL SUBMISSION.-The President shall submit with his annual budget submission as provided for in section 307 an analysis and recommendations for achieving the objectives of subsection (a).

"(c) REPORTS ON TRANSFER OF RFE/RL RESEARCH INST=VTE.-Not later than 120 days after the date of enactment of this Act, the Board for International Broadcasting, or the Board, if established, shall submit to the appropriate congressional committees a report on the 'steps being taken to transfer RFE/RL Research Institute pursuant to subsection (a) and shall provide periodic progress reports on such efforts until such transfer has been achieved.".

47 22 U.S.C. 6212. The Department of State and Related Agencies Appropriations Act, 1995 (title V of Public Law 103-317; 108 Stat. 1771), in part, provided under "International- Broadcasting Operations": ***
Provided further, Provided further, That on the date upon which the Board for International Broadcasting Act of 1973 (22 U.S.C. 2871, et seq.) is repealed, as provided for by section 310(e) of the Foreign Relations Authorization Act, fiscal years 1994 and 1995 (Public Law 103-236; 108 Stat. 442), funds made available for expenses of the Board for International Broadcasting shall be made available until expended only for expenses necessary to enable the Broadcasting Board of Governors to carry out the authorities provided in section 305(a) of Public Law 103-236, including the appointment of staff personnel as authorized by section 305(a)(11) of Public Law 103-236:

48 22 U.S.C. 6213.

49 Sec. 1(a)(5) of Public Law 104-14 (109 Stat. 186) provided that references to the Committee on Foreign Affairs of the House of Representatives shall be treated as referring to the Committee on International Relations of the House of Representatives.

50 22 U.S.C. 6214. Added by sec. 1(11) of Public Law 103-415 (108 Stat. 4303)