



## RECORD OF DECISIONS

From: Broadcasting Board of Governors  
Date: September 19, 2014  
Subject: **Decisions of BBG Closed Meeting of September 19, 2014**

On September 19, the members of the Broadcasting Board of Governors (BBG) held a special telephonic meeting to discuss the results of a search effort for potential candidates for the position of Chief Executive Officer of U.S. International Media.

The following Board members participated by telephone:

Chairman Jeffrey Shell  
Governor Matthew Armstrong  
Governor Ryan Crocker  
Governor Kenneth Weinstein  
Under Secretary for Public Diplomacy and Public Affairs Richard Stengel

The meeting was also attended by the following participants at BBG headquarters in Washington, D.C.:

Suzie Carroll, Executive Director  
Paul Kollmer-Dorsey, General Counsel and Board Secretary  
Oanh Tran, Director of Board Operations  
Dan Sreebny, Senior Advisor for BBG, Office of the Under Secretary for Public Diplomacy & Public Affairs  
Joy Bogans, Administrative Support

Governor Michael Meehan did not attend.

The Broadcasting Board of Governors agreed to the following decision elements (all decisions were adopted by a unanimous vote unless otherwise indicated):

1. Mr. Andrew Lack is hereby appointed Chief Executive Officer of the Broadcasting Board of Governors ("CEO"), subject to the approval of the Office of Personnel Management (OPM) for a limited-term Senior Executive Service (SES) appointment not to exceed three (3) years. The Board directs the Interim Management Team to submit to OPM forthwith the necessary documentation to seek OPM's approval of Mr. Lack's limited-term SES appointment and congressional notifications, if required.

2. The delegation of authority from the Board of Governors to the BBG CEO (Attachment 1) is hereby approved and shall become effective on the date of Mr. Lack's swearing in as BBG CEO (the "Effective Date"). The Board further directs that, upon the Effective Date, the existing delegations of authority to the Interim Management Team and the Director of the International Broadcasting Bureau shall be rescinded with no further action from the Board. It is the intent of the Board that the BBG CEO shall be designated head of agency, to the fullest extent permitted by law and subject to the International Broadcasting Act of 1994 (as amended), and that all federal employees, including but not limited to the Director of the Voice of America, the Director of the Office of Cuba Broadcasting, and the Director of the International Broadcasting Bureau shall report directly or indirectly to the BBG CEO.
3. On the Effective Date, the Interim Management Team structure adopted by the Board in December 2013 shall be dissolved with no further action of the Board and each member of the Interim Management Team shall henceforth return to his or her respective position of record and shall report to the BBG CEO as provided for in the delegation to the BBG CEO described in paragraph 2. Notwithstanding the forgoing, until such time as the BBG CEO determines, the former members of the Interim Management Team shall maintain operational oversight and functional responsibilities, reporting to the BBG CEO, with respect to Global Strategy, Global Operations, and Global Communications (and the IBB offices and personnel formally assigned to them respectively by the Board).
4. Within 90 days following the Effective Date, the CEO shall provide recommendations to the Board on the optimal manner to structure the CEO's role and responsibilities with respect to (i) the Board of Governors in light of the Board's non-delegable statutory authorities (Attachment 2) and (ii) the BBG-funded grantees in order to achieve the Board's strategic objectives.

Attachments:

1. Delegation of Authority to BBG CEO
2. BBG Board Delegable and Non-Delegable Authorities



## ATTACHMENT 1

### **DELEGATION OF AUTHORITY TO THE CHIEF EXECUTIVE OFFICER (CEO)**

Pursuant to the authority vested in us as the Board of Governors of the Broadcasting Board of Governors (“the Board”) under the United States International Broadcasting Act of 1994, as amended (22 U.S.C. §6201, et seq.) (the “International Broadcasting Act”), and any and all statutes incorporated therein by reference, including certain titles of the United States Information and Educational Exchange Act of 1948, the Foreign Affairs Consolidation Act of 1998 (Public Law 105-277), the Board hereby delegates the following functions to the Chief Executive Officer (CEO) of United States International Broadcasting:

#### Section 1. Delegation of Functions

- 1) To oversee and direct the carrying out of all non-military international broadcasting activities supported by the United States Government other than those that are (i) described in §6207 and §6208 of the International Broadcasting Act; (ii) expressly reserved to Board of Governors, the Secretary of State or any other person or entity under the provisions of such Act; or (iii) expressly delegated to some person or office other than the CEO pursuant to a decision of the Board of Governors. This function includes the authority to identify, evaluate and resolve strategic trade-offs and conflicts among the broadcasting entities, consistent with the broad strategic guidelines established by the Board and subject to the Board’s continuing oversight.
- 2) To operate as an extension of the Board to assist the Board in carrying out the Board’s responsibilities for decisions and oversight for United States international broadcasting and provide the Board with technical, professional, and administrative support as well as strategic guidance and oversight of selected agency programs.
- 3) With respect to non-delegable authorities reserved by §6204(b) of the International Broadcasting Act to the Board, (i) to assist and monitor, and to oversee implementation of the Board’s decisions and compliance with relevant statutory mandates by the elements of United States international broadcasting (i.e., the International Broadcasting Bureau, the Voice of America, the Office of Cuba Broadcasting and, as permitted by law, the grantees of the Broadcasting Board of Governors); (ii) to gather and coordinate the reporting and analysis of information from the elements of United States international broadcasting and make recommendations to the Board as necessary to inform the Board’s decision-making processes and facilitate the Board’s statutory oversight role; and (iii) to represent the Board to the U.S. Congress, other Federal agencies, the press and relevant third parties.
- 4) To provide for the general administrative management of the federal agency known as the Broadcasting Board of Governors, including without limitation, by exercising any authority provided for in the International Broadcasting Act, except those non-delegable authorities reserved by §6204(b) of such Act to the Board.

- 5) To appoint members of a professional staff for such positions as the CEO may determine are necessary, and to manage, review and evaluate on an annual basis the performance of such staff members. The appointment of the Chief Financial Officer and General Counsel shall be subject to approval by the Board.
- 6) To serve as the principal day-to-day liaison for the Board with other U.S. government agencies, foreign governments, and private-sector organizations.

## Section 2. General Provisions

- 1) Notwithstanding any other provision of this order, individual Governors shall not at any time exercise any function or authority delegated or reserved by this delegation of authority to the CEO, except pursuant to a Board decision adopted in accordance with the relevant voting provisions of the International Broadcasting Act. Functions herein delegated are subject to the continuing oversight and supervision of the Board acting as a whole.
- 2) The CEO will provide oversight and direction to the Director of the Voice of America, the Director of the Office of Cuba Broadcasting, and other employees of the federal agency with respect to all functions delegated by the Board in Section 1, including the oversight and implementation of Board decisions, the management of a global distribution network for U.S. nonmilitary international broadcasting activities and general administrative management functions, including, without limitation, financial, legal, communications, strategic planning, policy formulation and implementation, management analysis, human resource, equal employment opportunity, procurement, security, information technology, new media, administrative, graphics, research, , training, marketing, and program evaluation services.
- 3) Functions delegated by this delegation of authority may be re-delegated by the CEO, to the extent consistent with law and subject to the other provisions of this delegation.
- 4) Any reference in this delegation of authority to any act, order, determination, delegation of authority, regulation, or procedure shall be deemed to be a reference to such act, order, determination, delegation of authority, regulation, or procedure as amended from time to time.
- 5) This Delegation Order supersedes all prior delegations of authority to the other officers or employees of the BBG, including to the Director of the International Broadcasting Bureau and the members of the Interim Management Team.



**BBG'S DELEGABLE AUTHORITIES**

The Board's full list of authorities is included in 22 USC §6204(a)(1)-(18). The Board may delegate the authorities provided in [§6204(a)(1)-(19)], except those authorities provided in paragraphs (1), (2), (3), (4), (5), (6), (9), or (11) 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 Board has the following delegable authorities:

- §6204(a)(7) To review engineering activities to ensure that all broadcasting elements receive the highest quality and cost-effective delivery services.
- §6204(a)(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.
- §6204(a)(10) To the extent considered necessary to carry out the functions of the Board, procure supplies, services, and other personal property.
- §6204(a)(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 may not exceed the amount made available to the Board and the International Broadcasting Bureau for such purposes for fiscal year 1997).
- §6204(a)(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.
- §6204(a)(14) The Board may provide for the use of United States Government transmitter capacity for relay of Radio Free Asia.
- §6204(a)(15)
  - (A) To procure temporary and intermittent personal services to the same extent as is authorized by section 3109 of title 5, 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.
  - (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 for persons in the Government service employed intermittently, while so employed.
- §6204(a)(16) To procure, pursuant to section 1535 of title 31 (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.

- §6204(a)(17) 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 [22 U.S.C. 1431 et seq.], 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 chapter.
- §6204(a)(18) 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 chapter.

## BBG'S NON-DELEGABLE AUTHORITIES

The Board's full list of authorities is included in 22 USC §6204(a)(1)-(18). The Board may delegate the authorities provided in [§6204(a)(1)-(19)], except those authorities provided in paragraphs (1), (2), (3), (4), (5), (6), (9), or (11) 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 Board has the following non-delegable authorities:

- §6204(a)(1) To supervise all broadcasting activities conducted pursuant to this chapter, the Radio Broadcasting to Cuba Act [22 U.S.C. 1465 et seq.], the Television Broadcasting to Cuba Act [22 U.S.C. 1465aa et seq.], and Worldnet Television, except as provided in section 6205 (b) of this title.
- §6204(a)(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.
- §6204(a)(3) To ensure that United States international broadcasting is conducted in accordance with the standards and principles contained in section 6202 of this title.
- §6204(a)(4) To review, evaluate, and determine, at least annually, after consultation with the Secretary of State, the addition or deletion of language services.
- §6204(a)(5) To make and supervise grants for broadcasting and related activities in accordance with sections 6207 and 6208 of this title.
- §6204(a)(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 6207 and 6208 of this title and subject to reprogramming notification requirements in law for the reallocation of funds.
- §6204(a)(9) To submit to the President and the Congress an annual report which summarizes and evaluates activities under this chapter, the Radio Broadcasting to Cuba Act [22 U.S.C. 1465 et seq.], and the Television Broadcasting to Cuba Act [22 U.S.C. 1465aa et seq.]. Each annual report shall place special emphasis on the assessment described in paragraph (2).
- §6204(a)(11) To appoint such staff personnel for the Board as the Board may determine to be necessary, subject to the provisions of title 5 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.