

United States International Broadcasting Act of 1994

[Title III of Public Law 103–236, Enacted April 30, 1994]

[As Amended Through P.L. 114–328, Enacted December 23, 2016]

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,

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**TITLE III—UNITED STATES INTERNATIONAL
BROADCASTING ACT**

SEC. 301. [22 U.S.C. 6201 note] SHORT TITLE.

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

SEC. 302. [22 U.S.C. 6201] 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 United States International Broadcasting Act of 1... 2**SEC. 303. [22 U.S.C. 6202] 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; and
- (7) be designed so as to effectively reach a significant audience;
- (8) 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 of the United States Government and responsible discussion and opinion on those policies, including editorials, broadcast by the Voice of America, which present the views of the United States Government;
- (4) the capability to provide a surge capacity to support United States foreign policy objectives during crises abroad;
- (5) programming to meet needs which remain unserved by the totality of media voices available to the people of certain nations;
- (6) information about developments in each significant region of the world;
- (7) a variety of opinions and voices from within particular nations and regions prevented by censorship or repression from speaking to their fellow countrymen;
- (8) reliable research capacity to meet the criteria under this section;
- (9) adequate transmitter and relay capacity to support the activities described in this section; and
- (10) training and technical support for independent indigenous media through government agencies or private United States entities.

(c) 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. [22 U.S.C. 6203] ESTABLISHMENT OF THE CHIEF EXECUTIVE OFFICER OF THE BROADCASTING BOARD OF GOVERNORS.

(a) CONTINUED EXISTENCE WITHIN EXECUTIVE BRANCH.—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.

(b) CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—The head of the Broadcasting Board of Governors shall be a Chief Executive Officer, who shall be appointed by the President, by and with the advice and consent of the Senate. Notwithstanding any other provision of law, until such time as a Chief Executive Officer is appointed and has qualified, the current or acting Chief Executive Officer appointed by the Board may continue to serve and exercise the authorities and powers under this Act.

(2) TERM.—The first Chief Executive Officer appointed pursuant to paragraph (1) shall serve for an initial term of three years.

(3) COMPENSATION.—A Chief Executive Officer appointed pursuant to paragraph (1) shall be compensated at the annual rate of basic pay for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(c) TERMINATION OF DIRECTOR OF INTERNATIONAL BROADCASTING BUREAU.—Effective on the date of the enactment of this section, the position of the Director of the International Broadcasting Bureau shall be terminated, and all of the responsibilities, offices, authorities, and immunities of the Director or the Board under this or any other Act or authority before such date of enactment shall be transferred or available to, assumed by, or overseen by the Chief Executive Officer, as head of the Board.

(d) IMMUNITY FROM CIVIL LIABILITY.—Notwithstanding any other provision of law, all limitations on liability that apply to the Chief Executive Officer shall also apply to members of the boards of directors of RFE/RL, Inc., Radio Free Asia, the Middle East Broadcasting Networks, or any organization that consolidates such entities when such members are acting in their official capacities.

SEC. 305. [22 U.S.C. 6204] AUTHORITIES OF THE BOARD.

(a) AUTHORITIES.—The Chief Executive Officer shall have the following authorities:

(1) To direct and supervise all broadcasting activities conducted pursuant to this title, the Radio Broadcasting to Cuba

Act,³ the Television Broadcasting to Cuba Act, and Worldnet Television, except as provided in section 306(b).

(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, the addition or deletion of language services.

(5) To make and supervise grants and cooperative agreements for broadcasting and related activities in furtherance of the purposes of this Act and on behalf of other agencies, accordingly.

(6) To allocate funds appropriated for international broadcasting activities among the various elements of the Board and grantees, 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.

(9) To submit to the President and the Congress 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).

(10) To the extent considered necessary to carry out the functions of the Chief Executive Officer, procure, rent, or lease supplies, services, and other property for journalism, media, production, and broadcasting, and related support services, notwithstanding any other provision of law relating to such acquisition, rental, or lease, and under the same terms and conditions as authorized under section 501(b) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461(b)), and for multiyear contracts and leases for periods of up to 20 years subject to the requirements of subsections (b) through (f) of section 3903 of title 41, United States Code.

(11) To appoint such personnel for the Chief Executive Officer as the Chief Executive Officer may determine to be necessary, which shall not be 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

³ So in original.

through appropriations (which for each of the fiscal years 1998 and 1999 may not exceed the amount made available to the Chief Executive Officer and the International Broadcasting Bureau for such purposes for fiscal year 1997).

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

(14) The Chief Executive Officer may provide for the use of United States Government transmitter capacity for transmission or relay of Radio Free Asia or any other grantee authorized under this Act.

(15)(A) To procure personal services 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.

(16) 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 Chief Executive Officer and the International Broadcasting Bureau as the Chief Executive Officer determines are appropriate.

(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, 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 Chief Executive Officer considers necessary in carrying out the provisions and purposes of this title.

(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 Chief Executive Officer, or the Chief Executive Officer 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.

(19)(A) To provide for the payment of primary and secondary school expenses for dependents of personnel stationed in the Commonwealth of the Northern Mariana Islands (CNMI) at a cost not to exceed expenses authorized by the Department of Defense for such schooling for dependents of members of the Armed Forces stationed in the Commonwealth, if the Chief Executive Officer determines that schools available in the Commonwealth are unable to provide adequately for the education of the dependents of such personnel.

(B) To provide transportation for dependents of such personnel between their places of residence and those schools for which expenses are provided under subparagraph (A), if the Chief Executive Officer determines that such schools are not accessible by public means of transportation.

(20) Notwithstanding any other provision of law, including section 308(a), to condition, if appropriate, any grant or cooperative agreement to RFE/RL, Inc., Radio Free Asia, or the Middle East Broadcasting Networks, or any organization that is established through the consolidation of such entities, on authority to determine membership of their respective boards, and the consolidation of such grantee entities into a single grantee organization under terms and conditions established by the Board.

(21) To redirect or reprogram funds within the scope of any grant or cooperative agreement, or between grantees, as necessary (and not later than 15 days before any such redirection of funds between language services, to notify the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate regarding such redirection), and to condition grants or cooperative agreements, if appropriate, on such grants or cooperative agreements or any similar amendments as authorized under section 308(a), including authority to name and replace the board of any grantee authorized under this Act, including with Federal officials, to meet the purposes of this Act.

(22) To change the name of the Board pursuant to congressional notification 60 days prior to any such change.

(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.

【There are no subsections (c) and (d) in law. See amendments by subparagraphs (B) and (C) of section 1288(2) of division A of Public Law 114–328.】

(e) TECHNICAL AMENDMENT.—

(1) Section 4 of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465b) is amended by striking “and the Associate Director 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. [22 U.S.C. 6205] ESTABLISHMENT OF THE INTERNATIONAL BROADCASTING ADVISORY BOARD.

(a) IN GENERAL.—Except as provided in subsection (b)(2), the International Broadcasting Advisory Board (referred to in this section as the “Advisory Board”) shall consist of five members, including the Secretary of State, appointed by the President and in ac-

cordance with subsection (d), to advise the Chief Executive Officer of the Broadcasting Board of Governors, as appropriate.

(b) RETENTION OF EXISTING BBG BOARD MEMBERS.—

(1) IN GENERAL.—The presidentially appointed and Senate-confirmed members of the Board of the Broadcasting Board of Governors who are serving on unexpired terms as of the date of the enactment of this section shall—

(A) constitute the first Advisory Board; and

(B) hold office for the remainder of their original terms of office without reappointment to the Advisory Board.

(2) EFFECT OF ADDITIONAL MEMBERS.—If, on the date of the enactment of this section, more than five members described in subsection (a) are serving their original terms of office on the Broadcasting Board of Governors, each such member may serve on the Advisory Board for a period equal to the time remaining on each such member's respective term without reappointment.

(c) TERMS OF OFFICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the term of office of each member of the Advisory Board appointed pursuant to subsection (a) shall be three years.

(2) VACANCIES.—If a vacancy on the Advisory Board occurs before the expiration of the term of the member who created such vacancy—

(A) the President shall appoint a new member to fill such vacancy in accordance with subsection (d); and

(B) the member appointed pursuant to such subsection shall serve for the remainder of such term.

(3) SERVICE BEYOND TERM PROHIBITED.—Members may not serve beyond the term for which they were appointed.

(d) SELECTION OF THE BOARD.—In identifying individuals for appointment to the Advisory Board under subsection (a), the President shall appoint United States citizens—

(1) who, with the exception of the Secretary of State, are not regular, full-time employees of the United States Government; and

(2) distinguished in the fields of public diplomacy, mass communications, print, broadcast or digital media, or foreign affairs, of whom—

(A) one individual should be appointed from among a list of at least three individuals submitted by the Chair of the Committee on Foreign Affairs of the House of Representatives;

(B) one individual should be appointed from among a list of at least three individuals submitted by the Ranking Member of the Committee on Foreign Affairs of the House of Representatives;

(C) one individual should be appointed from among a list of at least three individuals submitted by the Chair of the Committee on Foreign Relations of the Senate; and

(D) one individual should be appointed from among a list of at least three individuals submitted by the Ranking Member of the Committee on Foreign Relations of the Senate.

(e) FUNCTIONS OF THE BOARD.—The members of the Advisory Board shall perform the following advisory functions:

(1) To provide the Chief Executive Officer of the Broadcasting Board of Governors with counsel and recommendations for improving the effectiveness and efficiency of the agency and its programming.

(2) To meet with the Chief Executive Officer at least twice annually and at additional meetings at the request of the Chief Executive Officer.

(3) To report periodically or upon request to the congressional committees specified in subsection (d)(2) regarding its counsel and recommendations for improving the effectiveness and efficiency of the Broadcasting Board of Governors and its programming.

(4) To obtain information from the Chief Executive Officer, as needed, for the purposes of fulfilling the functions described in this subsection.

(f) COMPENSATION.—Members of the Advisory Board, including the Secretary of State, may not receive any fee, salary, or remuneration of any kind for their service as members.

【Section 307 was repealed by section 1288(4) of division A of Public Law 114-328.】

SEC. 308. [22 U.S.C. 6207] 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 members⁴; 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 em-

⁴Section 1288(5)(A) of division A of Public Law 114-328 amends section 308(a)(1) by striking “of the Broadcasting Board of Governors established under section 304 and no other members” and inserting “authorized under section 305(a)(20)”. This amendment could not be carried out as the text to be struck does not match the text of the law.

ployees whose principal place of business will be located outside the metropolitan area of Washington, D.C.

(c) The total amount of grants made for the operating costs of RFE/RL, Incorporated, may not exceed \$85,000,000 in fiscal year 2003.

(d) **ALTERNATIVE GRANTEE.**—If the Chief Executive Officer determines at any time that RFE/RL, Incorporated is not carrying out the functions described in this section in an effective and economical manner, the Board may award the grant to carry out such functions to another entity.

(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, consistent 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 the⁵any other grantee of the Board be reduced to the extent appropriate, as determined by the Chief Executive Officer; 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) or (C), 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.

⁵So in law. The word “the” preceding “any other grantee” in paragraph (4) probably should not appear. See amendment made by section 1288(5)(C)(i) of division (A) of Public Law 114–328.

(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.

(C) Notwithstanding the limitations under subparagraph (A), grant funds provided under this section may be used by RFE/RL, Incorporated, to pay up to three employees employed in Washington, D.C., salary or other compensation not to exceed the rate of pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(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.—Effective not later than March 31 and September 30 of each calendar year, the Inspector General of the Department of State and the Foreign Service shall submit to the Board 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 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/RL, 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 is authorized to exercise the authorities of the Inspector General Act of 1978 with respect to RFE/RL, Incorporated.

SEC. 309. [22 U.S.C. 6208] 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 Asia.

(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 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) GRANT AGREEMENT.—Any grant agreement or grants under this section shall be subject to the following limitations and restrictions:

(1) The Board may not make any grant to Radio Free Asia unless the headquarters of Radio Free Asia and its senior administrative 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.

(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.

(5) 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) 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) 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) NOTIFICATION AND CONSULTATION REGARDING DISPLACEMENT OF VOICE OF AMERICA BROADCASTING.—

(1) NOTIFICATION.—The Board shall notify the appropriate congressional committees before—

(A) 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; or

(B) entering into any agreements in regard to the utilization of Radio Free Asia transmitters, equipment, or other resources that will significantly reduce the broadcasting activities of Radio Free Asia.

(2) CONSULTATION.—The Chief Executive Officer of the Board shall consult with such committees on the impact of any such reduction in Voice of America broadcasting activities or Radio Free Asia broadcasting activities.

(g) ALTERNATIVE GRANTEE.—If the Chief Executive Officer determines at any time that Radio Free Asia is not carrying out the functions described in this section in an effective and economical manner, the Board may award the grant to carry out such functions to another entity.

(h) 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. [22 U.S.C. 6209] BROADCAST ENTITIES REPORTING TO CHIEF EXECUTIVE OFFICER.

(a) CONSOLIDATION OF GRANTEE ORGANIZATIONS.—

(1) IN GENERAL.—The Chief Executive Officer, subject to the regular notification procedures of the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate, who is authorized to incorporate a grantee, may condition annual grants to RFE/RL, Inc., Radio Free Asia, and the Middle East Broadcasting Networks on the consolidation of such grantees into a single, consolidated private, non-profit corporation (in accordance with section 501(c)(3) of the Internal Revenue Code and exempt from tax under section 501(a) of such Code), in such a manner and under such terms and conditions as determined by the Chief Executive Officer, which may broadcast and provide news and information to audiences wherever the agency may broadcast, for activities that the Chief Executive Officer determines are consistent with the purposes of this Act, including the terms and conditions of subsections (g)(5), (h), (i), and (j)

of section 308, except that the Agency may select any name for such a consolidated grantee.

(2) SPECIAL RULE.—No State or political subdivision of a State may establish, enforce, or continue in effect any provision of law or legal requirement that is different from, or is in conflict with, any requirement or authority applicable under this Act relating to the consolidation, incorporation, structure, or dissolution of any grantee under this Act.

(b) MISSION.—The consolidated grantee established under subsection (a) shall—

(1) counter state-sponsored propaganda which undermines the national security or foreign policy interests of the United States and its allies;

(2) provide uncensored local and regional news and analysis to people in societies where a robust, indigenous, independent, and free media does not exist;

(3) help countries improve their indigenous capacity to enhance media professionalism and independence, and develop partnerships with local media outlets, as appropriate; and

(4) promote unrestricted access to uncensored sources of information, especially via the internet, and use all effective and efficient mediums of communication to reach target audiences.

(c) FEDERAL STATUS.—Nothing in this or any other Act, or any action taken pursuant to this or any other Act, may be construed to make such a consolidated grantee described in subsection (a) or RFE/RL, Inc., Radio Free Asia, or the Middle East Broadcasting Networks or any other grantee or entity provided funding by the agency a Federal agency or instrumentality. Employees or staff of such grantees or entities may not be Federal employees. For purposes of this section and this Act, the term “grant” includes agreements under section 6305 of title 31, United States Code, and the term “grantee” includes recipients of such agreements.

(d) LEADERSHIP OF GRANTEE ORGANIZATIONS.—Officers and directors of RFE/RL Inc., Radio Free Asia, and the Middle East Broadcasting Networks or any organization that is established through the consolidation of such entities, or authorized under this Act, shall serve at the pleasure of and may be named by the Chief Executive Officer of the Board.

(e) MAINTENANCE OF THE EXISTING INDIVIDUAL GRANTEE BRANDS.—RFE/RL, Incorporated, Radio Free Asia, and the Middle East Broadcasting Networks, Incorporated should remain brand names under which news and related programming and content may be disseminated by the consolidated grantee. Additional brands may be created as necessary.

SEC. 310A. [22 U.S.C. 6209a] 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 as the Inspector General exercises under the Inspector General Act of 1978 and section 209 of the Foreign Service Act of 1980 (22 U.S.C. 3929) with respect to the Department of State.

(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.

SEC. 310B. [22 U.S.C. 6209b] ROLE OF THE SECRETARY OF STATE IN 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.

SEC. 311. [22 U.S.C. 6210] 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. [22 U.S.C. 6211] 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—

- (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. [22 U.S.C. 6212] 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 supervision of the Board shall not be available for obligation or expenditure—

- (1) unless such funds are appropriated pursuant to an authorization of appropriations; or
- (2) 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. [22 U.S.C. 6213] 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 Affairs and the Committee on Appropriations of the House of Representatives;

(4)⁶ the terms “Board” and “Chief Executive Officer of the Board” mean the Broadcasting Board of Governors and the position, respectively, authorized in accordance with this Act;

(3) the term “RFE/RL, Incorporated” includes—

(A) the corporation having the corporate title described in section 307(b)(3);⁷ and

(B) any alternative grantee described in section 307(e);⁸ and

(4) 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) [22 U.S.C. 6214] RELOCATION 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.

SEC. 316. [22 U.S.C. 6216] SPECIAL AUTHORITY FOR SURGE CAPACITY.

(a) EMERGENCY AUTHORITY.—

(1) IN GENERAL.—Whenever the President determines it to be important to the national interests of the United States and so certifies to the appropriate congressional committees, the President, on such terms and conditions as the President may determine, is authorized to direct any department, agency, or

⁶The placement of the first paragraph (4) is so in law. The probable intent of Congress was to insert a paragraph (2). See amendment made by section 1288(8) of division A of Public Law 114-328.

⁷So in original. There is no section “307(b)(3)”.

⁸So in original. Probably should be section “307(d)”.

other entity of the United States to furnish the Broadcasting Board of Governors with such assistance outside the United States as may be necessary to provide international broadcasting activities of the United States with a surge capacity to support United States foreign policy objectives during a crisis abroad.

(2) SUPERSEDES EXISTING LAW.—The authority of paragraph (1) shall supersede any other provision of law.

(3) SURGE CAPACITY DEFINED.—In this subsection, the term “surge capacity” means the financial and technical resources necessary to carry out broadcasting activities in a geographical area during a crisis abroad.

(4) DURATION.—The President is authorized to exercise the authority provided in subsection (a)(1) for a period of up to six months, which may be renewed for one additional six month period.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President such sums as may be necessary for the President to carry out this section, except that no such amount may be appropriated which, when added to amounts previously appropriated for such purpose but not yet obligated, would cause such amounts to exceed \$25,000,000.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in this subsection are authorized to remain available until expended.

(3) DESIGNATION OF APPROPRIATIONS.—Amounts appropriated pursuant to the authorization of appropriations in this subsection may be referred to as the “United States International Broadcasting Surge Capacity Fund”.

(c) REPORT.—The annual report submitted to the President and Congress by the Broadcasting Board of Governors under section 305(a)(9) shall provide a detailed description of any activities carried out under this section.