

“(1) information on the products, tourism, and cultural and educational facilities of each State;

“(2) information on the potential for trade with each State; and

“(3) discussions with State officials with respect to the matters described in paragraphs (1) and (2).

“(b) REPORT.—Not later than one year after the date of enactment of this Act [Oct. 21, 1998], the Broadcasting Board of Governors of the United States Information Agency shall submit a report to Congress detailing the actions that have been taken to carry out subsection (a).

“(c) STATE DEFINED.—In this section, the term ‘State’ means any of the several States of the United States, the District of Columbia, or any commonwealth or territory of the United States.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6204 of this title.

§ 6203. Establishment of Broadcasting Board of Governors

(a) Continued 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.

(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 3929 of this title 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 chapter and may not evaluate the philosophical or political perspectives reflected in the content of broadcasts.

(b) Composition of 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 who shall also be a voting member.

(2) The President shall appoint 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, not more than 4 of the members of the Board ap-

pointed 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's¹ 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, the Acting Secretary of State shall serve as a member of the Board until a Director² 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. 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 intermittently. The Secretary of State shall not be entitled to any compensation under this chapter, 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) 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.

(Pub. L. 103-236, title III, §304, Apr. 30, 1994, 108 Stat. 434; Pub. L. 105-277, div. G, subdiv. A, title XIII, §§1322, 1323(b), (c), Oct. 21, 1998, 112 Stat.

¹ So in original. Probably should be “Secretary’s”.

² So in original. Probably should be “Secretary”.

2681–777, 2681–778; Pub. L. 106–113, div. B, § 1000(a)(7) [div. A, title V, §§ 502, 504], Nov. 29, 1999, 113 Stat. 1536, 1501A–451.)

REFERENCES IN TEXT

For the effective date of title XIII of the Foreign Affairs Agencies Consolidation Act of 1998, referred to in subsec. (a)(2), meaning the effective date of title XIII of subdiv. A of div. G of Pub. L. 105–277, see section 1301 of Pub. L. 105–277, set out as a note under section 6531 of this title.

The Inspector General Act of 1978, referred to in subsec. (a)(3)(A), is Pub. L. 95–452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

1999—Subsec. (b)(2). Pub. L. 106–113, § 1000(a)(7) [div. A, title V, § 502(2)], which directed amendment of par. (2) by inserting “, subject to the advice and consent of the Senate” at end, was executed by making the insertion before period at end, to reflect the probable intent of Congress.

Pub. L. 106–113, § 1000(a)(7) [div. A, title V, § 502(1)], substituted “appoint” for “designate”.

Subsec. (g). Pub. L. 106–113, § 1000(a)(7) [div. A, title V, § 504], added subsec. (g).

1998—Subsec. (a). Pub. L. 105–277, § 1322, amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: “There is hereby established within the United States Information Agency a Broadcasting Board of Governors (hereafter in this chapter referred to as the ‘Board’).”

Subsec. (b). Pub. L. 105–277, § 1323(b), substituted “Secretary of State” for “Director of the United States Information Agency” wherever appearing.

Subsec. (c). Pub. L. 105–277, § 1323(b), (c), in first sentence, substituted “Secretary of State” for “Director of the United States Information Agency”, and in last sentence, substituted “no Secretary of State” for “no Director of the United States Information Agency” and “Acting Secretary of State” for “acting Director of the agency”.

Subsec. (e). Pub. L. 105–277, § 1323(b), substituted “Secretary of State” for “Director of the United States Information Agency”.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105–277 effective Oct. 1, 1999, see section 1301 of Pub. L. 105–277, set out as an Effective Date note under section 6531 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6207 of this title.

§ 6204. Authorities of Board

(a) Authorities

The Board shall have the following authorities:

(1) To supervise all broadcasting activities conducted pursuant to this chapter, the Radio Broadcasting to Cuba Act [22 U.S.C. 1465 et seq.],¹ 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.

(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 accord-

ance with the standards and principles contained in section 6202 of this title.

(4) To review, evaluate, and determine, at least annually,¹ after consultation with the Secretary of State, the addition or deletion of language services.

(5) To make and supervise grants for broadcasting and related activities in accordance with sections 6207 and 6208 of this title.

(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.

(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 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).

(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 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 may not exceed the amount made available to the Board 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 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 Radio Free Asia.

(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.

¹ So in original.