

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.

(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.

(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.

(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.

(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.

(b) 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) of this section.

(c) Broadcasting budgets

The Director of the Bureau and the grantees identified in sections 6207 and 6208 of this title 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 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.] to the Office of Management and Budget.

(d) 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.

(Pub. L. 103-236, title III, § 305, Apr. 30, 1994, 108 Stat. 435; Pub. L. 103-415, § 1(s)(1), Oct. 25, 1994, 108 Stat. 4302; Pub. L. 105-277, div. G, subdiv. A, title XIII, § 1323(e)-(i), Oct. 21, 1998, 112 Stat. 2681-778, 2681-779.)

REFERENCES IN TEXT

The Radio Broadcasting to Cuba Act, referred to in subsecs. (a)(1), (9) and (b)(1), is Pub. L. 98-111, Oct. 4, 1983, 97 Stat. 749, as amended, which is classified gener-

ally to subchapter V-A (§1465 et seq.) of chapter 18 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1465 of this title and Tables.

The Television Broadcasting to Cuba Act, referred to in subsecs. (a)(1), (9) and (b)(1), is part D of title II of Pub. L. 101-246, Feb. 16, 1990, 104 Stat. 58, as amended, which is classified principally to subchapter V-B (§1465aa et seq.) of chapter 18 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1465aa of this title and Tables.

The provisions of title 5 governing appointments in the competitive service, referred to in subsec. (a)(11), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

The United States Information and Educational Exchange Act of 1948, referred to in subsec. (a)(17), is act Jan. 27, 1948, ch. 36, 62 Stat. 6, as amended, which is classified generally to chapter 18 (§1431 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1431 of this title and Tables.

Section 6 of Reorganization Plan Number 2 of 1977, referred to in subsec. (a)(17), which was set out under section 1461 of this title, was repealed by Pub. L. 105-277, div. G, subdiv. A, title XIII, §1336(6), Oct. 21, 1998, 112 Stat. 2681-790.

For the effective date of title XIII of the Foreign Affairs Agencies Consolidation Act of 1998, referred to in subsec. (a)(17), (18), 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.

CODIFICATION

Section is comprised of section 305 of Pub. L. 103-236. Subsec. (e) of section 305 of Pub. L. 103-236 amended sections 1465b and 1465c of this title.

AMENDMENTS

1998—Subsec. (a)(1). Pub. L. 105-277, §1323(e)(1), struck out “direct and” after “To” and substituted “, the Television Broadcasting to Cuba Act, and Worldnet Television, except as provided in section 6205(b) of this title” for “and the Television Broadcasting to Cuba Act”.

Subsec. (a)(4). Pub. L. 105-277, §1323(e)(2), inserted “, after consultation with the Secretary of State,” after “annually.”

Subsec. (a)(9). Pub. L. 105-277, §1323(e)(3), struck out “, through the Director of the United States Information Agency,” after “the Congress” and inserted at end “Each annual report shall place special emphasis on the assessment described in paragraph (2).”

Subsec. (a)(12). Pub. L. 105-277, §1323(e)(4), substituted “1998 and 1999” for “1994 and 1995” and “to the Board and the International Broadcasting Bureau for such purposes for fiscal year 1997” for “to the Board for International Broadcasting for such purposes for fiscal year 1993”.

Subsec. (a)(15) to (18). Pub. L. 105-277, §1323(e)(5), added pars. (15) to (18).

Subsec. (b). Pub. L. 105-277, §1323(f), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 105-277, §1323(g), (h), struck out “(1)” before “The Director”, 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” before “the Office of Management and Budget”, and struck out par. (2) which read as follows: “The Director of the United States Information Agency shall 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.”

Pub. L. 105-277, §1323(f)(1), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 105-277, §1323(i), amended heading and text of subsec. (d) generally. Prior to amendment,

text read as follows: “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.”

Pub. L. 105–277, § 1323(f)(1), redesignated subsec. (c) as (d).

Pub. L. 105–277, § 1323(f)(1), redesignated subsec. (d) as (e). See Codification note above.

1994—Subsec. (a)(14). Pub. L. 103–415 substituted “relay of Radio” for “relay to Radio”.

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 sections 6207, 6208 of this title.

§ 6205. Role of 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) 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 nonreimbursable basis.

(Pub. L. 103–236, title III, § 306, Apr. 30, 1994, 108 Stat. 436; Pub. L. 105–277, div. G, subdiv. A, title XIII, § 1323(j), Oct. 21, 1998, 112 Stat. 2681–780.)

AMENDMENTS

1998—Pub. L. 105–277, § 1323(j)(1), substituted “Role of Secretary of State” for “Foreign policy guidance” in section catchline.

Subsec. (a). Pub. L. 105–277, § 1323(j)(2)–(4), designated existing provisions as subsec. (a), inserted heading, substituted “State” for “State, acting through the Director of the United States Information Agency,” and inserted before period at end “, as the Secretary may deem appropriate”.

Subsec. (b). Pub. L. 105–277, § 1323(j)(5), added subsec. (b).

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 6204 of this title.

§ 6206. International Broadcasting Bureau

(a) Establishment

There is hereby established an International Broadcasting Bureau under the Board (hereafter in this chapter 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 6207 and 6208 of this title.

(b) Selection of Director of Bureau

The Director of the Bureau shall be appointed by the President, by and with the advice and

consent of the Senate. 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) Responsibilities of 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 coordinating 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.

(Pub. L. 103–236, title III, § 307, Apr. 30, 1994, 108 Stat. 436; Pub. L. 105–277, div. G, subdiv. A, title XIII, § 1323(k), Oct. 21, 1998, 112 Stat. 2681–780.)

REFERENCES IN TEXT

Level IV of the Executive Schedule, referred to in subsec. (b)(1), is set out in section 5315 of Title 5, Government Organization and Employees.

AMENDMENTS

1998—Subsec. (a). Pub. L. 105–277, § 1323(k)(1), substituted “under the Board” for “within the United States Information Agency”.

Subsec. (b). Pub. L. 105–277, § 1323(k)(2)–(4), redesignated par. (1) as entire subsec. (b), substituted “President, by and with the advice and consent of the Senate” for “Chairman of the Board, in consultation with the Director of the United States Information Agency and with the concurrence of a majority of the Board”, and struck out par. (2) which amended section 5315 of Title 5, Government Organization and Employees. See Codification note above.

Subsec. (c). Pub. L. 105–277, § 1323(k)(5), added subsec. (c).

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 sections 6211, 6213 of this title.

§ 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 6203 of this title 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 chapter.