

United States International Broadcasting Act of 1994

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

[As Amended Through P.L. 118–159, Enacted December 23, 2024]

【Currency: This publication is a compilation of the text of Public Law 103–236. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

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 in-

formation, 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. [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) programming¹ 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;

¹Section 1299Q(b)(2) of Public Law 116-283 proposed to amend paragraph (5) by inserting “, including editorial independence,” after “programing”. The amendment should have inserted “, including editorial independence,” after “programming”.

(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 UNITED STATES AGENCY FOR GLOBAL MEDIA.

(a) CONTINUED EXISTENCE WITHIN EXECUTIVE BRANCH.—The United States Agency for Global Media 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 United States Agency for Global Media 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 Agency 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 Agency.

(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 Open Technology Fund, 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 supervise all broadcasting activities conducted pursuant to this title, the Radio Broadcasting to Cuba Act,² 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 Agency 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

² So in original.

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 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 Agency 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) 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, to meet the purposes of this Act in accordance with subsection (c).³

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

(22) To—

(A) require annual content reviews of each language service of Voice of America, The Office of Cuba Broadcasting, and each grantee network, consisting of a review of at least 10 percent of available unique weekly content from any selected week from the previous year, which shall be conducted, to the extent practicable, by fluent language speakers and experts without direct affiliation to the language service being reviewed, who are seeking any evidence of inappropriate or unprofessional content, which shall be submitted to the Office of Policy Research, the head and Board of the respective language service, and the Chief Executive Officer;

(B) submit to the appropriate congressional committees a list of anomalous reports, including status updates on anomalous services during the 3-year period com-

³Section 9706(a)(4) of division I of Public Law 117-263 attempts to amend paragraph (22), as redesignated, by striking “and to condition grants” and all that follows and inserting a period. The amendment could not be carried out to such paragraph (as redesignated) because the matter proposed to be struck did not appear in law, however, maybe it should have been made to paragraph (20), as redesignated.

mencing on the date of receipt of the first report of biased, unprofessional, or otherwise problematic content.”; and

(C) launch a review, using external, native-language and regional experts, the results of which are to be reported to the appropriate congressional committees, if a widespread pattern of violations of the principles, standards, or journalistic code of ethics of a language service or grantee network has been identified.

(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 Agency, its broadcasting services, and the grantees of the Agency.

【There is no subsection (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”.

(c)⁴ **LIMITATION ON CORPORATE LEADERSHIP OF GRANTEEES.**—

(1) **IN GENERAL.**—The Chief Executive Officer may not award any grant under subsection (a) to RFE/RL, Inc., Radio Free Asia, the Middle East Broadcasting Networks, the Open Technology Fund, or any other grantee authorized under this title (collectively referred to as “Agency Grantee Networks”) unless the incorporation documents of any such grantee require that the corporate leadership and Board of Directors of such grantee be selected in accordance with this Act.

(2) **CONFLICTS OF INTEREST.**—

(A) **CHIEF EXECUTIVE OFFICER.**—The Chief Executive Officer may not serve on any of the corporate boards of any grantee under subsection (a).

(B) **FEDERAL EMPLOYEES.**—A full-time employee of a Federal agency may not serve on a corporate board of any grantee under subsection (a).

(3) **QUALIFICATIONS OF GRANTEE BOARD MEMBERS.**—Individuals appointed under subsection (a) to the Board of Directors of any of the Agency Grantee Networks shall have requisite expertise in journalism, technology, broadcasting, or diplomacy, or appropriate language or cultural understanding relevant to the grantee’s mission.

⁴Placement of subsection (c) so in law. See amendment made by 1299Q(c)(2) of Public Law 116-283.

SEC. 306. [22 U.S.C. 6205] ESTABLISHMENT OF THE INTERNATIONAL BROADCASTING ADVISORY BOARD.

(a) **IN GENERAL.**—The International Broadcasting Advisory Board (referred to in this section as the “Advisory Board”) shall advise the Chief Executive Officer of the United States Agency for Global Media, as appropriate. The Advisory Board as established shall exist within the executive branch as an entity described in section 104 of title 5, United States Code.

(b) **COMPOSITION OF THE ADVISORY BOARD.**—

(1) **IN GENERAL.**—The Advisory Board shall consist of seven members, of whom—

(A) six shall be appointed by the President, by and with the advice and consent of the Senate, in accordance with subsection (c); and

(B) one shall be the Secretary of State.

(2) **CHAIR.**—The President shall designate, with the advice and consent of the Senate, one of the members appointed under paragraph (1)(A) as Chair of the Advisory Board.

(3) **PARTY LIMITATION.**—Not more than three members of the Advisory Board appointed under paragraph (1)(A) may be affiliated with the same political party.

(4) **TERMS OF OFFICE.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), members of the Advisory Board shall serve for a single term of 4 years, except that, of the first group of members appointed under paragraph (1)(A)—

(i) two members who are not affiliated with the same political party, shall be appointed for terms ending on the date that is 2 years after the date of the enactment of the U.S. Agency for Global Media Reform Act;

(ii) two members who are not affiliated with the same political party, shall be appointed for terms ending on the date that is 4 years after the date of the enactment of the U.S. Agency for Global Media Reform Act; and

(iii) two members who are not affiliated with the same political party, shall be appointed for terms ending on the date that is 6 years after the date of the enactment of the U.S. Agency for Global Media Reform Act.

(B) **SECRETARY OF STATE.**—The Secretary of State shall serve as a member of the Advisory Board for the duration of his or her tenure as Secretary of State.

(5) **VACANCIES.**—

(A) **IN GENERAL.**—The President shall appoint, with the advice and consent of the Senate, additional members to fill vacancies on the Advisory Board occurring before the expiration of a term.

(B) **TERM.**—Any members appointed pursuant to subparagraph (A) shall serve for the remainder of such term.

(C) **SERVICE BEYOND TERM.**—Any member whose term has expired shall continue to serve as a member of the Ad-

- visory Board until a qualified successor has been appointed and confirmed by the Senate.
- (D) SECRETARY OF STATE.—When there is a vacancy in the office of Secretary of State, the Acting Secretary of State shall serve as a member of the Advisory Board until a new Secretary of State is appointed.
- (c) SELECTION OF THE ADVISORY 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) who are 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.
- (d) FUNCTIONS OF THE ADVISORY BOARD.—The members of the Advisory Board shall—
- (1) provide the Chief Executive Officer of the United States Agency for Global Media with advice and recommendations for improving the effectiveness and efficiency of the Agency and its programming;
 - (2) meet with the Chief Executive Officer at least four times annually, including twice in person as practicable, and at additional meetings at the request of the Chief Executive Officer or the Chair of the Advisory Board;
 - (3) report periodically, or upon request, to the congressional committees specified in subsection (c)(2) regarding its advice and recommendations for improving the effectiveness and efficiency of the United States Agency for Global Media and its programming;
 - (4) obtain information from the Chief Executive Officer, as needed, for the purposes of fulfilling the functions described in this subsection;
 - (5) consult with the Chief Executive Officer regarding budget submissions and strategic plans before they are submitted to the Office of Management and Budget or to Congress;
 - (6) advise the Chief Executive Officer to ensure that—
 - (A) the Chief Executive Officer fully respects the professional integrity and editorial independence of United

States Agency for Global Media broadcasters, networks, and grantees; and
(B) agency networks, broadcasters, and grantees adhere to the highest professional standards and ethics of journalism, including taking necessary actions to uphold professional standards to produce consistently reliable and authoritative, accurate, objective, and comprehensive news and information; and
(7) provide other strategic input to the Chief Executive Officer.

(e) APPOINTMENT OF HEADS OF NETWORKS.—

(1) IN GENERAL.—The heads of Voice of America, the Office of Cuba Broadcasting, RFE/RL, Inc., Radio Free Asia, the Middle East Broadcasting Networks, the Open Technology Fund, or of any other grantee authorized under this title may only be appointed or removed if such action has been approved by a majority vote of the Advisory Board.

(2) REMOVAL.—After consulting with the Chief Executive Officer, five or more members of the Advisory Board may unilaterally remove any such head of network or grantee network described in paragraph (1).

(3) QUORUM.—

(A) IN GENERAL.—A quorum shall consist of four members of the Advisory Board (excluding the Secretary of State).

(B) DECISIONS.—Except as provided in paragraph (2), decisions of the Advisory Board shall be made by majority vote, a quorum being present.

(C) CLOSED SESSIONS.—The Advisory Board may meet in closed sessions in accordance with section 552b of title 5, United States Code.

(f) SUSPENSION AND DEBARMENT OF GRANTEEES.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), a grantee may not be debarred or suspended without consultation with the Chief Executive Officer and a three-fourths majority vote of the Advisory Board in support of such action.

(2) SUSPENSION.—

(A) CRITERIA FOR SUSPENSION.—A grantee may not be suspended unless the Advisory Board determines that the criteria described in section 513.405 of title 22, Code of Federal Regulations, have been met.

(B) SUSPENDING OFFICIAL.—The Advisory Board shall collectively serve as the suspending official (as described in section 513.105 of title 22, Code of Federal Regulations).

(3) DEBARMENT.—

(A) CRITERIA FOR DEBARMENT.—A grantee may not be debarred unless the Advisory Board determines that one or more of the causes described in section 513.305 of title 22, Code of Federal Regulations, has been established.

(B) DEBARRING OFFICIAL.—The Advisory Board shall collectively serve as the debarring official (as described in section 513.105 of title 22, Code of Federal Regulations).

(g) COMPENSATION.—

(1) **IN GENERAL.**—Members of the Advisory Board, while attending meetings of the Advisory Board or while engaged in duties relating to such meetings or in other activities of the Advisory Board under 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.

(2) **TRAVEL EXPENSES.**—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 under section 5703 of such title for persons in the Government service employed intermittently.

(3) **SECRETARY OF STATE.**—The Secretary of State is not entitled to any compensation under this title, but may be allowed travel expenses in accordance with paragraph (2).

(h) **SUPPORT STAFF.**—The Chief Executive Officer shall, from within existing United States Agency for Global Media personnel, provide the Advisory Board with an Executive Secretary and such administrative staff and support as may be necessary to enable the Advisory Board to carry out subsections (d) and (e).

SEC. 307. [22 U.S.C. 6206] GRANTEE CORPORATE BOARDS OF DIRECTORS.

(a) **IN GENERAL.**—The corporate board of directors of each grantee under this title—

(1) shall be bipartisan;

(2) shall, except as otherwise provided in this Act, have the sole responsibility to operate their respective grantees within the jurisdiction of their respective States of incorporation;

(3) shall be composed of not fewer than 5 members, who shall be qualified individuals who are not employed in the public sector; and

(4) shall appoint successors in the event of vacancies on their respective boards, in accordance with applicable bylaws.

(b) **NOT FEDERAL EMPLOYEES.**—No employee of any grantee under this title may be a Federal employee.

SEC. 308. [22 U.S.C. 6207] LIMITS ON GRANTS FOR RADIO FREE EUROPE AND RADIO LIBERTY.

(a) **BOARD OF RFE/RL, INCORPORATED.**—The Agency 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 members⁵; 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

⁵Section 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.

necessary to carry out the purposes of the grant provided under this title.

(b) LOCATION OF PRINCIPAL PLACE OF BUSINESS.—

(1) The Agency 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 Agency.

(2) Not later than 90 days after confirmation of all members of the Agency, the Agency 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) 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 Agency 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 Agency 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 Agency 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 Agency or the United States;

(4) that duplication of language services and technical operations between RFE/RL, Incorporated and the⁶ any other grantee of the Agency be reduced to the extent appropriate, as determined by the Chief Executive Officer; and

⁶So 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.

(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 Agency 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) For any activity for the purpose of influencing the passage or defeat of legislation being considered by Congress.

(2) For first class travel for any employee of RFE/RL, Incorporated, or the relative of any employee.

(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 Agency 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 chapter 4 of title 5, United States Code, 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—

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(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 Agency 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 Agency.

(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 Agency 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,

(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 Agency 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 Agency 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 Agency 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. 309A. [22 U.S.C. 6208a] OPEN TECHNOLOGY FUND.

(a) AUTHORITY.—

(1) IN GENERAL.—Grants authorized under section 305 shall be available to make annual grants for the purpose of promoting, consistent with United States law, unrestricted access to uncensored sources of information via the internet to enable journalists, including journalists employed by or affiliated with the Voice of America, Radio Free Europe/Radio Liberty, Radio Free Asia, the Middle East Broadcasting Networks, the Office of Cuba Broadcasting, or any entity funded by or partnering with the United States Agency for Global Media, to create and disseminate, and for their audiences to receive, news and information consistent with the purposes, standards, and principles specified in sections 302 and 303.

(2) ESTABLISHMENT.—There is established a grantee entity to be known as the “Open Technology Fund”, which shall carry out the provisions of this section.

(b) FUNCTIONS OF THE GRANTEE.—In furtherance of the mission set forth in subsection (a), the Open Technology Fund shall seek to advance freedom of the press and unrestricted access to the internet in repressive environments overseas, and shall—

(1) research, develop, implement, and maintain—

(A) technologies that circumvent techniques used by authoritarian governments, nonstate actors, and others to block or censor access to the internet, including circumvention tools that bypass internet blocking, filtering, and

other censorship techniques used to limit or block legitimate access to content and information; and

(B) secure communication tools and other forms of privacy and security technology that facilitate the creation and distribution of news and enable audiences to access media content on censored websites;

(2) advance internet freedom by supporting private and public sector research, development, implementation, and maintenance of technologies that provide secure and uncensored access to the internet to counter attempts by authoritarian governments, nonstate actors, and others to improperly restrict freedom online;

(3) research and analyze emerging technical threats and develop innovative solutions through collaboration with the private and public sectors to maintain the technological advantage of the United States Government over authoritarian governments, nonstate actors, and others;

(4) develop, acquire, and distribute requisite internet freedom technologies and techniques for the United States Agency for Global Media, including as set forth in paragraph (1), and digital security interventions, to fully enable the creation and distribution of digital content between and to all users and regional audiences;

(5) prioritize programs for countries the governments of which restrict freedom of expression on the internet, and that are important to the national interest of the United States, and are consistent with section 7050(b)(2)(C) of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94); and

(6) carry out any other effort consistent with the purposes of this Act or press freedom overseas if requested or approved by the United States Agency for Global Media.

(c) **METHODOLOGY.**—In carrying out subsection (b), the Open Technology Fund shall—

(1) support fully open-source tools, code, and components, to the extent practicable, to ensure such supported tools and technologies are as secure, transparent, and accessible as possible, and require that any such tools, components, code, or technology supported by the Open Technology Fund remain fully open-source, to the extent practicable;

(2) support technologies that undergo comprehensive security audits to ensure that such technologies are secure and have not been compromised in a manner detrimental to the interest of the United States or to individuals and organizations benefitting from programs supported by the Open Technology Fund;

(3) review and update periodically as necessary security auditing procedures used by the Open Technology Fund to reflect current industry security standards;

(4) establish safeguards to mitigate the use of such supported technologies for illicit purposes;

(5) solicit project proposals through an open, transparent, and competitive application process to attract innovative applications and reduce barriers to entry;

(6) seek input from technical, regional, and subject matter experts from a wide range of relevant disciplines, to review, provide feedback, and evaluate proposals to ensure the most competitive projects are funded;

(7) implement an independent review process, through which proposals are reviewed by such experts to ensure the highest degree of technical review and due diligence;

(8) maximize cooperation with the public and private sectors, as well as foreign allies and partner countries, to maximize efficiencies and eliminate duplication of efforts; and

(9) utilize any other methodology approved by the United States Agency for Global Media in furtherance of the mission of the Open Technology Fund.

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

(1) The headquarters of the Open Technology Fund and its senior administrative and managerial staff shall be located in a location which ensures economy, operational effectiveness, and accountability to the United States Agency for Global Media.

(2) 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.

(3) Any grant agreement under this section shall require that any contract entered into by the Open Technology Fund shall specify that all obligations are assumed by the grantee and not by the United States Government.

(4) Any grant agreement under this section shall require that any lease agreements entered into by the Open Technology Fund shall be, to the maximum extent possible, assignable to the United States Government.

(5) Administrative and managerial costs for operation of the Open Technology Fund should be kept to a minimum and, to the maximum extent feasible, should not exceed the costs that would have been incurred if the Open Technology Fund had been operated as a Federal entity rather than as a grantee.

(6) Grant funds may not be used for any activity the purpose of which is influencing the passage or defeat of legislation considered by Congress.

(e) RELATIONSHIP TO THE UNITED STATES AGENCY FOR GLOBAL MEDIA.—

(1) IN GENERAL.—The Open Technology Fund shall be subject to the same oversight and governance by the United States Agency for Global Media as other grantees of the Agency as set forth in section 305.

(2) ASSISTANCE.—The United States Agency for Global Media, its broadcast entities, and the Open Technology Fund should render assistance to each other as may be necessary to

carry out the purposes of this section or any other provision of this Act.

(3) NOT A FEDERAL AGENCY OR INSTRUMENTALITY.—Nothing in this section may be construed to make the Open Technology Fund a Federal agency or instrumentality.

(4) DETAILEES.—Under the Intergovernmental Personnel Act, employees of a grantee of the United States Agency for Global Media may be detailed to the Agency, and Federal employees may be detailed to a grantee of the United States Agency for Global Media.

(f) RELATIONSHIP TO OTHER UNITED STATES GOVERNMENT-FUNDED INTERNET FREEDOM PROGRAMS.—The United States Agency for Global Media shall ensure that internet freedom research and development projects of the Open Technology Fund are coordinated with internet freedom programs of the Department of State and other relevant United States Government departments, in order to share information and best-practices relating to the implementation of subsections (b) and (c).

(g) REPORTING REQUIREMENTS.—

(1) ANNUAL REPORT.—The Open Technology Fund shall highlight, in its annual report, internet freedom activities, including a comprehensive assessment of the Open Technology Fund's activities relating to the implementation of subsections (b) and (c). Each such report shall include the following:

(A) An assessment of the current state of global internet freedom, including trends in censorship and surveillance technologies and internet shutdowns, and the threats such pose to journalists, citizens, and human rights and civil-society organizations.

(B) A description of the technology projects supported by the Open Technology Fund and the associated impact of such projects in the prior year, including the countries and regions in which such technologies were deployed, and any associated metrics indicating audience usage of such technologies, as well as future-year technology project initiatives.

(2) ASSESSMENT OF THE EFFECTIVENESS OF THE OPEN TECHNOLOGY FUND.—Not later than two years after the date of the enactment of this section, the Inspector General of the Department of State and the Foreign Service shall submit to the appropriate congressional committees a report on the following:

(A) Whether the Open Technology Fund is technically sound and cost effective.

(B) Whether the Open Technology Fund is satisfying the requirements of this section.

(C) The extent to which the interests of the United States are being served by maintaining the work of the Open Technology Fund.

(h) AUDIT AUTHORITIES.—

(1) IN GENERAL.—Financial transactions of the Open Technology Fund, as such relate to functions carried out under this section, may be audited by the Government Accountability 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 at which accounts of the Open Technology Fund are normally kept.

(2) ACCESS BY GAO.—The Government Accountability Office shall have access to all books, accounts, records, reports, files, papers, and property belonging to or in use by the Open Technology Fund pertaining to financial transactions as may be necessary to facilitate an audit. The Government Accountability Office 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 the Open Technology Fund shall remain in the possession and custody of the Open Technology Fund.

(3) EXERCISE OF AUTHORITIES.—Notwithstanding any other provision of law, 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 the Open Technology Fund.

SEC. 310. [22 U.S.C. 6209] INCORPORATION AND NON-FEDERAL STATUS OF BROADCASTING ENTITIES.

(a) DEFINED TERM.—In this chapter—

(1) the term “grant” includes agreements under section 6305 of title 31, United States Code; and

(2) the term “grantee” includes recipients of an agreement described in paragraph (1).

(b) INCORPORATION.—The Chief Executive Officer is authorized to incorporate grantees in accordance with the regular notification procedures of—

(1) the Committee on Appropriations of the Senate;

(2) the Committee on Foreign Relations of the Senate;

(3) the Committee on Appropriations of the House of Representatives; and

(4) the Committee on Foreign Affairs of the House of Representatives.

(c) FEDERAL STATUS.—Nothing in this chapter or in any other Act, and no action taken pursuant to this chapter or any other Act, may be construed to make a grantee incorporated pursuant to subsection (b), or any other grantee or entity provided funding by the Agency, a Federal agency or instrumentality.

(d) LEADERSHIP OF GRANTEE ORGANIZATIONS.—The chief executive officer or the equivalent official of RFE/RL Inc., Radio Free Asia, the Open Technology Fund, and the Middle East Broadcasting Networks, and any other organization that is established or authorized under this chapter, shall serve at the pleasure of, and may be named by, the Chief Executive Officer of the Agency, with the concurrence of the Grantee Board and subject to the approval of the Advisory Board pursuant to section 306.

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 United States Agency for Global Media as the Inspector General exercises under the Inspector General Act of

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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 Agency 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.

【Section 312 was repealed by section 1299Q(e)(8) of Public Law 116-283.】

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 Agency 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;

(2)⁷ the terms “Agency” and “Chief Executive Officer of the Agency” mean the United States Agency for Global Media and the Chief Executive Officer of the United States Agency for Global Media, respectively, and the position, respectively, authorized in accordance with this Act;

(3) the term “RFE/RL, Incorporated” means the corporation having the corporate title described in section 308

(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 other entity of the United States to furnish the United States Agency for Global Media 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.

⁷The amendment made by Section 1299Q(e)(10)(A) of Public Law 116-283 was carried out to reflect the probable intent of Congress. Section 314 was amended by striking “(4) the terms ‘Board and Chief Executive Officer of the Board’ means the Broadcasting Board of Governors”. The amendment should have struck “(4) the terms ‘Board’ and ‘Chief Executive Officer of the Board’ mean the Broadcasting Board of Governors”.

(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 United States Agency for Global Media under section 305(a)(9) shall provide a detailed description of any activities carried out under this section.