

staff of Radio Free Asia 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.”

Subsec. (c)(2). Pub. L. 106–113, §1000(a)(7) [div. A, title V, §501(3)(B)], substituted “September 30, 2009” for “September 30, 1999”.

Subsec. (c)(4). Pub. L. 106–113, §1000(a)(7) [div. A, title V, §501(3)(C)], substituted “\$30,000,000 in each of the fiscal years 2000 and 2001” for “\$22,000,000 in any fiscal year”.

Subsec. (c)(5), (6). Pub. L. 106–113, §1000(a)(7) [div. A, title V, §501(3)(D), (E)], redesignated par. (6) as (5) and struck out former par. (5) which read as follows: “The total amount of grant funds made available for one-time capital costs of Radio Free Asia may not exceed \$8,000,000.”

Subsecs. (d), (e). Pub. L. 106–113, §1000(a)(7) [div. A, title V, §501(2)], redesignated subsecs. (e) and (f) as (d) and (e), respectively. Former subsec. (d) redesignated (c).

Subsec. (f). Pub. L. 106–113, §1000(a)(7) [div. A, title V, §501(4)], reenacted subsec. heading without change and amended text generally. Prior to amendment, text read as follows: “The Board may not make any grant for the purpose of operating Radio Free Asia after September 30, 1998, unless the President of the United States determines in the President’s fiscal year 1999 budget submission that continuation of funding for Radio Free Asia for 1 additional year is in the interest of the United States.”

Pub. L. 106–113, §1000(a)(7) [div. A, title V, §501(2)], redesignated subsec. (g) as (f). Former subsec. (f) redesignated (e).

Subsecs. (g) to (i). Pub. L. 106–113, §1000(a)(7) [div. A, title V, §501(2)], redesignated subsecs. (h) and (i) as (g) and (h), respectively. Former subsec. (g) redesignated (f).

1994—Subsec. (d)(1)(B). Pub. L. 103–415 inserted “of all members” after “confirmation”.

#### FINDINGS

Pub. L. 111–202, §1, July 13, 2010, 124 Stat. 1373, provided that: “Congress finds the following:

“(1) Radio Free Asia (referred to in this Act [amending this section] as ‘RFA’)—

“(A) was authorized under section 309 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208);

“(B) was incorporated as a private, non-profit corporation in March 1996 in the hope that its operations would soon be obviated by the global advancement of democracy; and

“(C) is headquartered in Washington, DC, with additional offices in Bangkok, Hong Kong, Phnom Penh, Seoul, Ankara, and Taipei.

“(2) RFA broadcasts serve as substitutes for indigenous free media in regions lacking free media outlets.

“(3) The mission of RFA is ‘to provide accurate and timely news and information to Asian countries whose governments prohibit access to a free press’ in order to enable informed decisionmaking by the people within Asia.

“(4) RFA provides daily broadcasts of news, commentary, analysis, and cultural programming to Asian countries in several languages, including—

“(A) 12 hours per day in Mandarin;

“(B) 8 hours per day in 3 Tibetan dialects, Uke, Kham, and Amdo;

“(C) 4 hours per day in Korean and Burmese;

“(D) 2 hours per day in Cantonese, Vietnamese, Laotian, Khmer (Cambodian), and Uyghur; and

“(E) 1½ hours per week in Wu (local Shanghai dialect).

“(5) The governments of the countries targeted for these broadcasts have consistently denied and blocked attempts at Medium Wave and FM transmissions into their countries, forcing RFA to rely on Shortwave broadcasts and the Internet.

“(6) RFA has provided continuous online news to its Asian audiences since 2004, although some countries—

“(A) routinely and aggressively block RFA’s website;

“(B) monitor access to RFA’s website; and

“(C) discourage online users by making it illegal to access RFA’s website.

“(7) Despite these attempts, RFA has successfully managed to reach its online audiences through proxies, cutting-edge software, and active republication and repostings by its audience.

“(8) RFA also provides forums for local opinions and experiences through message boards, podcasts, web logs (blogs), cell phone-distributed newscasts, and new media, including Facebook, Flickr, Twitter, and YouTube.

“(9) Freedom House has documented that freedom of the press is in decline in nearly every region of the world, particularly in Asia, where none of the countries served by RFA have increased their freedom of the press during the past 5 years.

“(10) In fiscal year 2010, RFA is operating on a \$37,000,000 budget, less than \$400,000 of which is available to fund Internet censorship circumvention.

“(11) Congress currently provides grant funding for RFA’s operations on a fiscal year basis.”

### § 6209. Repealed. Pub. L. 105–277, div. G, subdiv. A, title XIII, §1323(l)(2), Oct. 21, 1998, 112 Stat. 2681–780

Section, Pub. L. 103–236, title III, §310, Apr. 30, 1994, 108 Stat. 442, related to transition of transfer of functions from Board for International Broadcasting to United States Information Agency, Board, or Bureau.

#### EFFECTIVE DATE OF REPEAL

Repeal 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.

### § 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.

(Pub. L. 103–236, title III, §311, Apr. 30, 1994, 108 Stat. 444.)

#### TRANSFER OF FUNCTIONS

United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau) abolished and functions transferred to Secretary of State, see sections 6531 and 6532 of this title.

### § 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.

(Pub. L. 103-236, title III, §312, Apr. 30, 1994, 108 Stat. 444; Pub. L. 106-113, §1000(a)(7) [div. A, title V, §503], Nov. 29, 1999, 113 Stat. 1536, 1501A-451.)

#### AMENDMENTS

1999—Pub. L. 106-113 amended section catchline and text generally, substituting present provisions for provisions which set forth sense of Congress that funding of Radio Free Europe and Radio Liberty be privatized not later than Dec. 31, 1999, directed President to submit analysis and recommendation for achieving this objective with his annual budget submission, and directed Board for International Broadcasting to submit to appropriate congressional committees not later than 120 days after Apr. 30, 1994, report on steps being taken to transfer RFE/RL Research Institute, and periodic progress reports until such transfer would be achieved.

### § 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) of this section 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 chapter.

(Pub. L. 103-236, title III, §313, Apr. 30, 1994, 108 Stat. 444; Pub. L. 107-228, div. A, title V, §507(2), Sept. 30, 2002, 116 Stat. 1394.)

#### AMENDMENTS

2002—Subsec. (a). Pub. L. 107-228 struck out “the direction and” after “broadcasting subject to” in introductory provisions.

#### CONTINUED AVAILABILITY OF FUNDS FOLLOWING REPEAL OF BOARD FOR INTERNATIONAL BROADCASTING ACT OF 1973

Pub. L. 103-317, title V, Aug. 26, 1994, 108 Stat. 1771, provided in part: “That on the date upon which the Board for International Broadcasting Act of 1973 (22 U.S.C. 2871, et seq.) is repealed, as provided for by sec-

tion 310(e) of the Foreign Relations Authorization Act, fiscal years 1994 and 1995 (Public Law 103-236; 108 Stat. 442) [22 U.S.C. 6209(e)], funds made available for expenses of the Board for International Broadcasting shall be made available until expended only for expenses necessary to enable the Broadcasting Board of Governors to carry out the authorities provided in section 305(a) of Public Law 103-236 [22 U.S.C. 6204(a)], including the appointment of staff personnel as authorized by section 305(a)(11) of Public Law 103-236: *Provided further*, That such amounts appropriated to the Board for International Broadcasting in fiscal year 1994 as are certified by the Office of Management and Budget to the Congress as gains due to the fluctuation of foreign currency, may be used in fiscal year 1995 and thereafter either to offset foreign currency losses or to offset unfunded RFE/RL costs associated with the implementation of Public Law 103-236 [see Tables for classification]: *Provided further*, That obligated but unexpended balances appropriated in fiscal year 1990 to fund planned transmitter modernization expenses may be expended in fiscal year 1995 for unfunded RFE/RL costs associated with the implementation of Public Law 103-236”.

### § 6213. Definitions

For the purposes of this chapter—

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

(A) the corporation having the corporate title described in section 6206(b)(3)<sup>1</sup> of this title; and

(B) any alternative grantee described in section 6206(e)<sup>2</sup> of this title; and

(3) 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.

(Pub. L. 103-236, title III, §314, Apr. 30, 1994, 108 Stat. 445.)

### § 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 chapter, including the costs of relocating RFE/RL offices and operations.

(Pub. L. 103-236, title III, §315(d), as added Pub. L. 103-415, §1(l), Oct. 25, 1994, 108 Stat. 4303.)

### § 6215. Establishment of Radio Free Afghanistan

#### (a) Requirement of a detailed plan

Not later than 15 days after March 11, 2002, RFE/RL, Incorporated, shall submit to the Broadcasting Board of Governors a report set-

<sup>1</sup> So in original. There is no section “6206(b)(3)”.

<sup>2</sup> So in original. Probably should be section “6207(d)”.