

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- (1) may not be superseded, except by a provision of law which specifically repeals, modifies, or supersedes the provisions of this section; and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)”.

ting forth a detailed plan for the provision by RFE/RL, Incorporated, of surrogate broadcasting services in the Dari and Pashto languages to Afghanistan. Such broadcasting services shall be known as “Radio Free Afghanistan”.

**(b) Grant authority**

**(1) In general**

Effective 15 days after March 11, 2002, or the date on which the report required by subsection (a) of this section is submitted, whichever is later, the Broadcasting Board of Governors is authorized to make grants to support Radio Free Afghanistan.

**(2) Supersedes existing limitation on total annual grant amounts**

Grants made to RFE/RL, Incorporated, during the fiscal year 2002 for support of Radio Free Afghanistan may be made without regard to section 308(c) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207(c)).

**(c) Available authorities**

In addition to the authorities in this section, the authorities applicable to carry out United States Government broadcasting activities under the United States Information and Educational Exchange Act of 1948 [22 U.S.C. 1431 et seq.], the United States International Broadcasting Act of 1994 [22 U.S.C. 6201 et seq.], the Foreign Affairs Reform and Restructuring Act of 1998, and other provisions of law consistent with such purpose may be used to carry out the grant authority of subsection (b) of this section.

**(d) Standards; oversight**

Radio Free Afghanistan shall adhere to the same standards of professionalism and accountability, and shall be subject to the same oversight mechanisms, as other services of RFE/RL, Incorporated.

(Pub. L. 107-148, § 2, Mar. 11, 2002, 116 Stat. 64.)

REFERENCES IN TEXT

The United States Information and Educational Exchange Act of 1948, referred to in subsec. (c), 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.

The United States International Broadcasting Act of 1994, referred to in subsec. (c), is title III of Pub. L. 103-236, Apr. 30, 1994, 108 Stat. 432, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 6201 of this title and Tables.

The Foreign Affairs Reform and Restructuring Act of 1998, referred to in subsec. (c), is division G of Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 2681-761, as amended. For complete classification of division G to the Code, see Short Title note set out under section 6501 of this title and Tables.

CODIFICATION

Section was enacted as part of the Radio Free Afghanistan Act, and not as part of the United States International Broadcasting Act of 1994 which comprises this chapter.

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

**(2) Supersedes existing law**

The authority of paragraph (1) shall supersede any other provision of law.

**(3) Surge capacity defined**

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

**(4) Duration**

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

**(b) Authorization of appropriations**

**(1) In general**

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

**(2) Availability of funds**

Amounts appropriated pursuant to the authorization of appropriations in this subsection are authorized to remain available until expended.

**(3) Designation of appropriations**

Amounts appropriated pursuant to the authorization of appropriations in this subsection may be referred to as the “United States International Broadcasting Surge Capacity Fund”.

**(c) Report**

The annual report submitted to the President and Congress by the Broadcasting Board of Governors under section 6204(a)(9) of this title shall provide a detailed description of any activities carried out under this section.

(Pub. L. 103-236, title III, §316, as added Pub. L. 110-53, title XX, §2031(c), Aug. 3, 2007, 121 Stat. 516.)

FINDING; SENSE OF CONGRESS

Pub. L. 110-53, title XX, §2031(a), (b), Aug. 3, 2007, 121 Stat. 515, provided that: