

Years 1990 and 1991 (Public Law 101-246) (the Act) [this section], I hereby determine that the test of television broadcasting to Cuba (as authorized by title V of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1989 (Public Law 100-459) [Pub. L. 100-459, title V, Oct. 1, 1988, 102 Stat. 2213]), has demonstrated television broadcasting to Cuba is feasible and will not cause objectionable interference with the broadcasts of incumbent domestic licensees.

You are authorized and directed to transmit this determination to the appropriate committees of Congress (as defined in section 248 of the Act [22 U.S.C. 1465ff]) and to arrange for its publication in the Federal Register.

GEORGE BUSH.

§ 1465ff. Definitions

As used in this subchapter—

(1) the term “licensee” has the meaning provided in section 153(c)¹ of title 47;

(2) the term “incumbent domestic licensee” means a licensee as provided in section 153(c)¹ of title 47 that was broadcasting a television signal as of January 1, 1989;

(3) the term “objectionable interference” shall be applied in the same manner as such term is applied under regulations of the Federal Communications Commission to other domestic broadcasters; and

(4) the term “appropriate committees of Congress” includes the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives and the Committee on Foreign Relations of the Senate.

(Pub. L. 101-246, title II, § 248, Feb. 16, 1990, 104 Stat. 62.)

REPEAL OF SECTION

Section repealed upon transmittal of determination by President under section 6063(c)(3) of this title that democratically elected government in Cuba is in power, see section 6037(c) of this title.

REFERENCES IN TEXT

Section 153 of title 47, referred to in pars. (1) and (2), was subsequently amended, and section 153(c) no longer defines “licensee”. However, such term is defined elsewhere in that section.

CODIFICATION

Section was enacted as part of the Television Broadcasting to Cuba Act which comprises this subchapter, and not as part of the United States Information and Educational Exchange Act of 1948 which comprises this chapter.

CHANGE OF NAME

Committee on Energy and Commerce of House of Representatives treated as referring to Committee on Commerce of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Commerce of House of Representatives changed to Committee on Energy and Commerce of House of Representatives, and jurisdiction over matters relating to securities and exchanges and insurance generally transferred to Committee on Financial Services of House of Representatives by House Resolution No. 5, One Hundred Seventh Congress, Jan. 3, 2001.

¹ See References in Text note below.

SUBCHAPTER VI—ADVISORY COMMISSIONS TO FORMULATE POLICIES

§§ 1466 to 1468. Omitted

CODIFICATION

Sections 1466 to 1468 of this title, contained provisions relating to the United States Advisory Commission on Information, and the United States Advisory Commission on Educational Exchange. Public Law 87-256, §§106, 111(a)(2), Sept. 21, 1961, 75 Stat. 532, 538, replaced the Advisory Commission on Educational Exchange with the Advisory Commission on International Educational and Cultural Affairs and repealed these sections insofar as they related to the Advisory Commission on Educational Exchange. The Advisory Commission on International Educational and Cultural Affairs and the Advisory Commission on Information were both abolished by Reorg. Plan No. 2 of 1977, §9(a)(3), (4), 42 F.R. 62461, 91 Stat. 1639, set out under section 1461 of this title, effective on or before July 1, 1978, at such time as specified by the President.

Section 1466, acts Jan. 27, 1948, ch. 36, §601, 62 Stat. 10; Sept. 21, 1961, Pub. L. 87-256, §111(a)(2), 75 Stat. 538, created the United States Advisory Commission on Information, and the United States Advisory Commission on Educational Exchange and provided for the duties of the Commissions.

Section 1467, acts Jan. 27, 1948, ch. 36, title VI, §602, 62 Stat. 10; Sept. 21, 1961, Pub. L. 87-256, §111(a)(2), 75 Stat. 538, provided for the composition, membership, terms of office, compensation, designation of chairmen, rules and regulations, and representation of the public interest, for the Commission on Information and the Commission on Educational Exchange.

Section 1468, acts Jan. 27, 1948, ch. 36, title VI, §603, 62 Stat. 11; Sept. 21, 1961, Pub. L. 87-256, §111(a)(2), 75 Stat. 538, provided that the Commissions report to Congress on programs and activities carried out under this chapter, including recommendations for effectuating the purposes and objectives of this chapter.

§ 1469. United States Advisory Commission on Public Diplomacy

(a) Establishment

(1) There is established an advisory commission to be known as the United States Advisory Commission on Public Diplomacy (referred to in this section as the “Commission”).

(2) The Commission shall consist of seven members appointed by the President, by and with the advice and consent of the Senate. The members of the Commission shall represent the public interest and shall be selected from a cross section of educational, communications, cultural, scientific, technical, public service, labor, business, and professional backgrounds. Not more than four members shall be from any one political party.

(3) The term of each member shall be 3 years, except that of the original seven appointments, two shall be for a term of 1 year and two shall be for a term of 2 years.

(4) Any member appointed to fill a vacancy occurring before the expiration of the term for which a predecessor was appointed shall be appointed for the remainder of such term. Upon the expiration of a member’s term of office, such member may continue to serve until a successor is appointed and qualified.

(5) The President shall designate a member to chair the Commission.

(b) Staff

The Commission shall have a staff director who shall be appointed by the chairperson of the

Commission. Subject to such rules and regulations as may be adopted by the Commission, the chairperson of the Commission may—

(1) appoint such additional personnel for the staff of the Commission as the chairperson considers necessary; and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5.

(c) Duties and responsibilities

The Commission shall appraise United States Government activities intended to understand, inform, and influence foreign publics. The activities described in this subsection shall be referred to in this section as “public diplomacy activities”.

(d) Reports

(1) Comprehensive annual report

(A) In general

Not less frequently than annually, the Commission shall submit a comprehensive report on public diplomacy and international broadcasting activities to Congress, the President, and the Secretary of State. This report shall include—

(i) a detailed list of all public diplomacy activities funded by the United States Government;

(ii) a description of—

(I) the purpose, means, and geographic scope of each activity;

(II) when each activity was started;

(III) the amount of Federal funding expended on each activity;

(IV) any significant outside sources of funding; and

(V) the Federal department or agency to which the activity belongs;

(iii) the international broadcasting activities under the direction of the Broadcasting Board of Governors;

(iv) an assessment of potentially duplicative public diplomacy and international broadcasting activities; and

(v) for any activities determined to be ineffective or results not demonstrated under subparagraph (B), recommendations on existing effective or moderately effective public diplomacy activities that could be augmented to carry out the objectives of the ineffective activities.

(B) Effectiveness assessment

In evaluating the public diplomacy and international broadcasting activities described in subparagraph (A), the Commission shall conduct an assessment that considers the public diplomacy target impact, the achieved impact, and the cost of public diplomacy activities and international broadcasting. The assessment shall include, if practicable, an appropriate metric such as “cost-per-audience” or “cost-per-student” for each activity. Upon the completion of the assessment, the Commission shall assign a rating of—

(i) “effective” for activities that—

(I) set appropriate goals and achieve all or most of the desired results;

(II) are well-managed; and

(III) are cost efficient;

(ii) “moderately effective” for activities that—

(I) set appropriate goals and achieve some desired results;

(II) are generally well-managed; and

(III) need to improve their cost efficiency, including reducing overhead;

(iii) “ineffective” for activities that—

(I) lack appropriate goals or fail to achieve stated goals or desired results;

(II) are not well-managed; or

(III) are not cost efficient, such as through insufficient use of available resources to achieve stated goals or desired results, or have excessive overhead; and

(iv) “results not demonstrated” for activities that—

(I) do not have acceptable performance public diplomacy metrics for measuring results; or

(II) are unable or failed to collect data to determine if they are effective.

(2) Other reports

(A) In general

The Commission shall submit other reports, including working papers, to Congress, the President, and the Secretary of State at least semi-annually on other activities and policies related to United States public diplomacy.

(B) Availability

The Commission shall make the reports submitted pursuant to subparagraph (A) publicly available on the website of the Commission to develop a better understanding of, and support for, public diplomacy activities.

(3) Access to information

The Secretary of State shall ensure that the Commission has access to all appropriate information to carry out its duties and responsibilities under this subsection.

(Jan. 27, 1948, ch. 36, title VI, § 604, as added Pub. L. 96-60, title II, § 203(f), Aug. 15, 1979, 93 Stat. 399; amended Pub. L. 100-204, title II, § 213, Dec. 22, 1987, 101 Stat. 1376; Pub. L. 101-246, title II, § 206(a), Feb. 16, 1990, 104 Stat. 51; Pub. L. 105-277, div. G, subdiv. A, title XIII, § 1334(b), Oct. 21, 1998, 112 Stat. 2681-786; Pub. L. 106-113, div. B, § 1000(a)(7) [div. A, title IV, § 404(a), (c)], Nov. 29, 1999, 113 Stat. 1536, 1501A-446, 1501A-447; Pub. L. 107-77, title IV, § 407(c), Nov. 28, 2001, 115 Stat. 790; Pub. L. 112-239, div. A, title XII, § 1280(a)-(c), Jan. 2, 2013, 126 Stat. 2032.)

AMENDMENTS

2013—Subsec. (a)(1). Pub. L. 112-239, § 1280(a), inserted “(referred to in this section as the ‘Commission’)” before period at end.

Subsec. (c). Pub. L. 112-239, § 1280(b), amended subsec. (c) generally. Prior to amendment, subsec. (c) described

the Commission's duties and responsibilities, including formulation and appraisal of policies and programs and submission of reports.

Subsec. (d). Pub. L. 112-239, §1280(c), amended subsec. (d) generally. Prior to amendment, text read as follows: "The Commission shall have no authority with respect to the J. William Fulbright Foreign Scholarship Board or the United States National Commission for UNESCO."

2001—Pub. L. 107-77 reenacted this section. See Reenactment and Repeal of Certain Provisions of Law note below.

1999—Pub. L. 106-113, §1000(a)(7) [div. A, title IV, §404(c)(2)], repealed this section. See Reenactment and Repeal of Certain Provisions of Law note below.

Pub. L. 106-113, §1000(a)(7) [div. A, title IV, §404(a), (c)(1)], amended Pub. L. 105-277, §1334, generally (see 1998 Amendment note below) and reenacted this section. See Reenactment and Repeal of Certain Provisions of Law note below.

1998—Pub. L. 105-277, §1334(b), which directed the repeal of this section, was omitted in the general amendment of Pub. L. 105-277, §1334, by Pub. L. 106-113, §1000(a)(7) [div. A, title IV, §404(a)]. See 1999 Amendment note above.

1990—Pub. L. 101-246 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (d) relating to redesignation of United States Advisory Commission on International Communication, Cultural and Educational Affairs as United States Advisory Commission on Public Diplomacy, appointment of members, appointment of staff director and staff personnel, date of section entering into force as being Jan. 20, 1989, and repeal of prohibition limiting membership of individuals from same political party.

1987—Pub. L. 100-204 amended section generally, revising and restating as subsecs. (a) to (d) provisions of former subsecs. (a) and (b).

EFFECTIVE DATE

Section effective Oct. 1, 1979, and applicable only with respect to funds appropriated after Aug. 15, 1979, where new authorities provide for expenditure of appropriated funds, see section 209 of Pub. L. 96-60, set out as an Effective Date of 1979 Amendment note under section 1471 of this title.

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.

REENACTMENT AND REPEAL OF CERTAIN PROVISIONS OF LAW

Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title IV, §404(c)], Nov. 29, 1999, 113 Stat. 1536, 1501A-447, provided that:

"(1) REENACTMENT.—The provisions of law repealed by section 1334 [22 U.S.C. 6553] of the Foreign Affairs Reform and Restructuring Act of 1998 [repealing this section and section 8 of Reorganization Plan No. 2 of 1977, set out under section 1461 of this title and in the Appendix to Title 5, Government Organization and Employees], as in effect before the date of the enactment of this Act [Nov. 29, 1999], are hereby reenacted into law.

"(2) REPEAL.—Effective September 30, 2001, section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469) and section 8 of the Reorganization Plan Numbered 2 of 1977 are repealed."

[Pub. L. 107-77, title IV, §407(c), Nov. 28, 2001, 115 Stat. 790, reenacted into law the provisions that were repealed by section 1000(a)(7) [div. A, title IV, §404(c)(2)] of div. B of Pub. L. 106-113, set out above.]

CONTINUITY OF ADVISORY COMMISSION

Pub. L. 107-77, title IV, §407(d), Nov. 28, 2001, 115 Stat. 790, provided that: "Notwithstanding any other provi-

sion of law, any period of discontinuity of the United States Advisory Commission on Public Diplomacy shall not affect the appointment or terms of service of members of the commission."

Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title IV, §404(d)], Nov. 29, 1999, 113 Stat. 1536, 1501A-447, provided that: "Notwithstanding any other provision of law, any period of discontinuity of the United States Advisory Commission on Public Diplomacy shall not affect the appointment or terms of service of members of the commission."

REDUCTION IN STAFF AND BUDGET

Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title IV, §404(e)], Nov. 29, 1999, 113 Stat. 1536, 1501A-447, provided that: "Notwithstanding section 604(b) of the United States Information and Educational Exchange Act of 1948 [22 U.S.C. 1469(b)], effective on the date of the enactment of this Act [Nov. 29, 1999], the United States Advisory Commission on Public Diplomacy shall have not more than 2 individuals who are compensated staff, and not more than 50 percent of the resources allocated in fiscal year 1999."

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

CONTINUED SERVICE OF COMMISSION MEMBERS

Pub. L. 101-246, title II, §206(b), Feb. 16, 1990, 104 Stat. 53, provided that each member of the United States Advisory Commission on Public Diplomacy as in existence on the day before Jan. 20, 1989, was to continue to serve for the remainder of the term to which such member was appointed.

SUBCHAPTER VII—ADMINISTRATIVE PROCEDURE

§ 1471. Authority of Secretary of State

In carrying out the purposes of this chapter, the Secretary is authorized, in addition to and not in limitation of the authority otherwise vested in him—

(1) In¹ carrying out subchapter II of this chapter, to make grants of money, services, or materials to State and local governmental institutions in the United States, to governmental institutions in other countries, and to individuals and public or private nonprofit organizations both in the United States and in other countries;

(2) to furnish, sell, or rent, by contract or otherwise, educational and information materials and equipment for dissemination to, or use by, peoples of foreign countries;

(3) whenever necessary in carrying out subchapter V of this chapter, to purchase, rent, construct, improve, maintain, and operate facilities for radio and television transmission and reception, including the leasing of associated real property (either within or outside the United States) for periods not to exceed forty years, or for longer periods if provided for by an appropriation Act, and the alteration, improvement, and repair of such property, without regard to section 322² of the Act

¹ So in original. Probably should not be capitalized.

² See References in Text note below.