

§ 6207. Limits on grants for Radio Free Europe and Radio Liberty

(a) Board of RFE/RL, Incorporated

The Board may not make any grant to RFE/RL, Incorporated, unless the certificate of incorporation of RFE/RL, Incorporated, has been amended to provide that—

(1) the Board of Directors of RFE/RL, Incorporated, shall consist of the members of the Broadcasting Board of Governors established under section 6203 of this title and of no other members; and

(2) such Board of Directors shall make all major policy determinations governing the operation of RFE/RL, Incorporated, and shall appoint and fix the compensation of such managerial officers and employees of RFE/RL, Incorporated, as it considers necessary to carry out the purposes of the grant provided under this chapter.

(b) Location of principal place of business

(1) The Board 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 Board.

(2) Not later than 90 days after confirmation of all members of the Board, the Board 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) Limitation on grant amounts

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 Board determines at any time that RFE/RL, Incorporated, is not carrying out the functions described in section 6208 of this title in an effective and economical manner, the Board may award the grant to carry out such functions to another entity after soliciting and considering applications from eligible entities in such manner and accompanied by such information as the Board may reasonably require.

(e) Not a Federal agency or instrumentality

Nothing in this chapter may be construed to make RFE/RL, Incorporated a Federal agency or instrumentality.

(f) Authority

Grants authorized under section 6204 of this title 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 April 30, 1994, with respect to Radio Free Europe and Radio Liberty, consistent with section 2 of the Board for International Broadcasting Act of 1973 [22 U.S.C. 2871], as in effect on such date.

(g) Grant agreement

Grants to RFE/RL, Incorporated, by the Board 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 Board 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 Board or the United States;

(4) that duplication of language services and technical operations between RFE/RL, Incorporated and the International Broadcasting Bureau be reduced to the extent appropriate, as determined by the Board; and

(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 Board 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)(A) Except as provided in subparagraph (B) or (C), to pay any salary or other compensation, or enter into any contract providing for the payment of salary or compensation in excess of the rates established for comparable positions under title 5 or the foreign relations laws of the United States, except that no employee may be paid a salary or other compensation in excess of the rate of pay payable for level IV of the Executive Schedule under section 5315 of title 5.

(B) Salary and other compensation limitations under subparagraph (A) shall not apply prior to October 1, 1995, with respect to any employee covered by a union agreement requiring a salary or other compensation in excess of such limitations.

(C) Notwithstanding the limitations under subparagraph (A), grant funds provided under this section may be used by RFE/RL, Incorporated, to pay up to three employees employed in Washington, D.C., salary or other compensation not to exceed the rate of pay payable for level III of the Executive Schedule under section 5314 of title 5.

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

(3) To enter into a contract or obligation to pay severance payments for voluntary separation for employees hired after December 1, 1990, except as may be required by United States law or the laws of the country where the employee is stationed.

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

(5) To compensate freelance contractors without the approval of the Board.

(i) Report on management practices

(1)¹ Effective not later than March 31 and September 30 of each calendar year, the Inspector

¹ So in original. No par. (2) has been enacted.

General of the Department of State and the Foreign Service shall submit to the Board 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 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 where accounts of RFE/RL, Incorporated, are normally kept.

(2) Representatives of the Government Accountability 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 [22 U.S.C. 2871 et seq.], 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 RFE/RL, Incorporated.

(Pub. L. 103-236, title III, §308, Apr. 30, 1994, 108 Stat. 437; Pub. L. 105-277, div. G, subdiv. A, title XIII, §§1314(d), 1323(l)(1), Oct. 21, 1998, 112 Stat. 2681-777, 2681-780; Pub. L. 107-228, div. A, title V, §§501, 502, Sept. 30, 2002, 116 Stat. 1392; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(2) and (e), was in the original "this title", meaning title III of Pub. L. 103-236, Apr. 30, 1994, 108 Stat. 432, known as the United States International Broadcasting Act of 1994, which is classified principally to this chapter. For complete classification of title III to the Code, see Short Title note set out under section 6201 of this title and Tables.

The foreign relations laws of the United States, referred to in subsec. (h)(1)(A), are classified generally to this title.

The Board for International Broadcasting Act, referred to in subsecs. (f) and (j)(3), is Pub. L. 93-129, Oct. 19, 1973, 87 Stat. 456, as amended, which was classified generally to chapter 43 (§2871 et seq.) of this title prior to repeal by Pub. L. 103-236, title III, §310(e), Apr. 30, 1994, 108 Stat. 442. See section 6209(e) of this title.

The Inspector General Act of 1978, referred to in subsec. (j)(3), is Pub. L. 95-452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2004—Subsec. (j)(1), (2). Pub. L. 108-271 substituted "Government Accountability Office" for "General Accounting Office".

2002—Subsec. (c). Pub. L. 107-228, §501, amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: "The total amount of grants made by the Board for the operating costs of Radio Free Europe and Radio Liberty may not exceed \$75,000,000 for any fiscal year after fiscal year 1995."

Subsec. (h)(1)(A). Pub. L. 107-228, §502(2), substituted "subparagraph (B) or (C)," for "subparagraph (B)."

Subsec. (h)(1)(C). Pub. L. 107-228, §502(1), added subpar. (C).

1998—Subsec. (i)(1). Pub. L. 105-277, §1314(d), substituted "Inspector General of the Department of State and the Foreign Service" for "Inspector General of the United States Information Agency" in two places and struck out "the Director of the United States Information Agency," after "shall submit to the Board".

Subsec. (j)(3). Pub. L. 105-277, §1314(d)(1), substituted "Inspector General of the Department of State and the Foreign Service" for "Inspector General of the United States Information Agency".

Subsecs. (k), (l). Pub. L. 105-277, §1323(l)(1), struck out subsecs. (k) and (l), which listed conditions placed upon plan for relocation of offices or operations of RFE/RL, Incorporated from Munich, Germany, and required report to Congress on classification of personnel not later than 90 days after confirmation of all members of Board, respectively.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective Oct. 1, 1999, see section 1301 of Pub. L. 105-277, set out as an Effective Date note under section 6531 of this title.

LIAISON WITH RFE/RL, INCORPORATED;
REPRESENTATION AT BOARD MEETINGS

Pub. L. 99-93, title III, §305(b), Aug. 16, 1985, 99 Stat. 436, provided that: "The Secretary of State shall—

"(1) establish an office within the United States Consulate in Munich, Federal Republic of Germany, which shall be responsible for the daily liaison operations of the Department of State with RFE/RL, Incorporated; and

"(2) be represented by an observer at each meeting of the Board for International Broadcasting and of the Board of Directors of RFE/RL, Incorporated."

§ 6208. Radio Free Asia

(a) Authority

(1) Grants authorized under section 6204 of this title shall be available to make annual grants for the purpose of carrying out radio broadcasting to the following countries: The People's Republic of China, Burma, Cambodia, Laos, North Korea, Tibet, and Vietnam.

(2) Such broadcasting service shall be referred to as "Radio Free Asia".

(b) Functions

Radio Free Asia shall—

(1) provide accurate and timely information, news, and commentary about events in the respective countries of 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 Board 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 Board.