

section 11 of the Inspector General Act of 1978, set out in the Appendix to Title 5, Government Organization and Employees, and subsecs. (c) and (d) of section 1314 of Pub. L. 105-277 amended section 5315 of Title 5 and section 6207 of this title, respectively.

PART B—INTERNATIONAL BROADCASTING

§ 6541. Congressional findings and declaration of purpose

Congress finds that—

(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 part and the United States International Broadcasting Act of 1994 [22 U.S.C. 6201 et seq.]; and

(4) international broadcasting is, and should remain, an essential instrument of United States foreign policy.

(Pub. L. 105-277, div. G, subdiv. A, title XIII, § 1321, Oct. 21, 1998, 112 Stat. 2681-777.)

REFERENCES IN TEXT

This part, referred to in par. (3), was in the original “this chapter”, meaning chapter 3 (§§ 1321-1328) of title XIII of subdiv. A of div. G of Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 2681-777. For complete classification of chapter 3 to the Code, see Tables.

The United States International Broadcasting Act of 1994, referred to in par. (3), is title III of Pub. L. 103-236, Apr. 30, 1994, 108 Stat. 432, as amended, which is classified principally to chapter 71 (§ 6201 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6201 of this title and Tables.

§ 6542. Transfer of broadcasting related funds, property, and personnel

(a) Transfer and allocation of property and appropriations

(1) In general

The assets, liabilities (including contingent liabilities arising from suits continued with a substitution or addition of parties under section 6543(d) of this title), contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices of USIA transferred to the Broadcasting Board of Governors by this part shall be transferred to the Broadcasting Board of Governors for appropriate allocation.

(2) Additional transfers

In addition to the transfers made under paragraph (1), there shall be transferred to the Chairman of the Broadcasting Board of Governors the assets, contracts, property, records,

and unexpended balance of appropriations, authorizations, allocations, and other funds, as determined by the Secretary, in concurrence with the Broadcasting Board of Governors, to support the functions transferred by this part.

(b) Transfer of personnel

Notwithstanding any other provision of law—

(1) except as provided in subsection (c), all personnel and positions of USIA employed or maintained to carry out the functions transferred by this part to the Broadcasting Board of Governors shall be transferred to the Broadcasting Board of Governors at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer; and

(2) the personnel and positions of USIA, as determined by the Secretary of State, with the concurrence of the Broadcasting Board of Governors and the Director of USIA, to support the functions transferred by this part shall be transferred to the Broadcasting Board of Governors, including the International Broadcasting Bureau, at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

(c) Transfer and allocation of property, appropriations, and personnel associated with Worldnet

USIA personnel responsible for carrying out interactive dialogs with foreign media and other similar overseas public diplomacy programs using the Worldnet television broadcasting system, and funds associated with such personnel, shall be transferred to the Department of State in accordance with the provisions of subchapter VI of this chapter.

(d) Incidental transfers

The Director of the Office of Management and Budget, when requested by the Broadcasting Board of Governors, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with functions and offices transferred from USIA, as may be necessary to carry out the provisions of this section.

(Pub. L. 105-277, div. G, subdiv. A, title XIII, § 1326, Oct. 21, 1998, 112 Stat. 2681-782.)

REFERENCES IN TEXT

This part, referred to in subsecs. (a) and (b), was in the original “this chapter”, meaning chapter 3 (§§ 1321-1328) of title XIII of subdiv. A of div. G of Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 2681-777. For complete classification of chapter 3 to the Code, see Tables.

§ 6543. Savings provisions

(a) Continuing legal force and effect

All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) that have been issued, made, granted, or allowed to become effective by the President,

any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions exercised by the Broadcasting Board of Governors of the United States Information Agency on the day before the effective date of this subchapter, and

(2) that are in effect at the time this subchapter takes effect, or were final before the effective date of this subchapter and are to become effective on or after the effective date of this subchapter,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Broadcasting Board of Governors, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) Pending proceedings

(1) In general

The provisions of this part, or amendments made by this part, shall not affect any proceedings, including notices of proposed rule-making, or any application for any license, permit, certificate, or financial assistance pending before the Broadcasting Board of Governors of the United States Information Agency at the time this subchapter takes effect, with respect to functions exercised by the Board as of the effective date of this subchapter but such proceedings and applications shall be continued.

(2) Orders, appeals, and payments

Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this part had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(3) Statutory construction

Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this part had not been enacted.

(c) Nonabatement of proceedings

No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of the Broadcasting Board of Governors, or any commission or component thereof, shall abate by reason of the enactment of this part. No cause of action by or against the Broadcasting Board of Governors, or any commission or component thereof, or by or against any officer thereof in the official capacity of such officer, shall abate by reason of the enactment of this part.

(d) Continuation of proceedings with substitution of parties

(1) Substitution of parties

If, before the effective date of this subchapter, USIA or the Broadcasting Board of Governors, or any officer thereof in the official capacity of such officer, is a party to a

suit which is related to the functions transferred by this part, then effective on such date such suit shall be continued with the Broadcasting Board of Governors or other appropriate official of the Board substituted or added as a party.

(2) Liability of the Board

The Board shall participate in suits continued under paragraph (1) where the Broadcasting Board of Governors or other appropriate official of the Board is added as a party and shall be liable for any judgments or remedies in those suits or proceedings arising from the exercise of the functions transferred by this part to the same extent that USIA would have been liable if such judgment or remedy had been rendered on the day before the abolition of USIA.

(e) Administrative actions relating to promulgation of regulations

Any administrative action relating to the preparation or promulgation of a regulation by the Broadcasting Board of Governors relating to a function exercised by the Board before the effective date of this subchapter may be continued by the Board with the same effect as if this part had not been enacted.

(f) References

Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Broadcasting Board of Governors of the United States Information Agency with regard to functions exercised before the effective date of this subchapter, shall be deemed to refer to the Board.

(Pub. L. 105-277, div. G, subdiv. A, title XIII, §1327, Oct. 21, 1998, 112 Stat. 2681-783.)

REFERENCES IN TEXT

For the effective date of this subchapter, referred to in subsecs. (a), (b)(1), (d)(1), (e), and (f), meaning the effective date of title XIII of subdiv. A of div. G of Pub. L. 105-277, see section 1301 of Pub. L. 105-277, set out as a note under section 6531 of this title.

This part, referred to in subsecs. (b) to (e), was in the original "this chapter", meaning chapter 3 (§§1321-1328) of title XIII of subdiv. A of div. G of Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 2681-777. For complete classification of chapter 3 to the Code, see Tables.

§ 6544. Report on privatization of RFE/RL, Incorporated

Not later than March 1 of each year, the Broadcasting Board of Governors shall submit to the appropriate congressional committees a report on the progress of the Board and of RFE/RL, Incorporated, on any steps taken to further the policy declared in section 6211(a) of this title. The report under this subsection shall include the following:

(1) Efforts by RFE/RL, Incorporated, to terminate individual language services.

(2) A detailed description of steps taken with regard to section 6211(a) of this title.

(3) An analysis of prospects for privatization over the coming year.

(4) An assessment of the extent to which United States Government funding may be appropriate in the year 2000 and subsequent