

## AMENDMENTS

2016—Subsec. (a)(1). Pub. L. 114-328, § 1288(5)(A), which directed substitution of “authorized under section 6204(a)(20) of this title” for “of the Broadcasting Board of Governors established under section 6203 of this title and no other members”, was executed by making the substitution for “of the Broadcasting Board of Governors established under section 6203 of this title and of no other members”, to reflect the probable intent of Congress.

Subsec. (d). Pub. L. 114-328, § 1288(5)(B), amended subsec. (d) generally. Prior to amendment, text read as follows: “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.”

Subsec. (g)(4). Pub. L. 114-328, § 1288(5)(C), substituted “any other grantee of the Board” for “International Broadcasting Bureau” and “by the Chief Executive Officer” for “by the Board”.

Subsec. (i). Pub. L. 114-328, § 1288(5)(D), struck out par. (1) designation before “Effective”.

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 Asia.

(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 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.

(2) Any grant agreement under this section shall require that any contract entered into by Radio Free Asia shall specify that all obligations are assumed by Radio Free Asia and not by the United States Government.

(3) Any grant agreement shall require that any lease agreements entered into by Radio Free Asia shall be, to the maximum extent possible, assignable to the United States Government.

(4) Grants made for the operating costs of Radio Free Asia may not exceed \$30,000,000 in each of the fiscal years 2000 and 2001.

(5) Grants awarded under this section shall be made pursuant to a grant agreement which requires that grant funds be used only for activities consistent with this section, and that failure to comply with such requirements shall permit the grant to be terminated without fiscal obligation to the United States.

## (d) Limitations on administrative and managerial costs

It is the sense of the Congress that administrative and managerial costs for operation of Radio Free Asia should be kept to a minimum and, to the maximum extent feasible, should not exceed the costs that would have been incurred if Radio Free Asia had been operated as a Federal entity rather than as a grantee.

## (e) Assessment of effectiveness of Radio Free Asia

Not later than 3 years after the date on which initial funding is provided for the purpose of operating Radio Free Asia, the Board shall submit to the appropriate congressional committees a report on—

(1) whether Radio Free Asia is technically sound and cost-effective,

(2) whether Radio Free Asia consistently meets the standards for quality and objectivity established by this chapter,

(3) whether Radio Free Asia is received by a sufficient audience to warrant its continuation,

(4) the extent to which such broadcasting is already being received by the target audience from other credible sources; and

(5) the extent to which the interests of the United States are being served by maintaining broadcasting of Radio Free Asia.

**(f) Notification and consultation regarding displacement of Voice of America broadcasting**

**(1) Notification**

The Board shall notify the appropriate congressional committees before—

(A) entering into any agreements for the utilization of Voice of America transmitters, equipment, or other resources that will significantly reduce the broadcasting activities of the Voice of America in Asia or any other region in order to accommodate the broadcasting activities of Radio Free Asia; or

(B) entering into any agreements in regard to the utilization of Radio Free Asia transmitters, equipment, or other resources that will significantly reduce the broadcasting activities of Radio Free Asia.

**(2) Consultation**

The Chief Executive Officer of the Board shall consult with such committees on the impact of any such reduction in Voice of America broadcasting activities or Radio Free Asia broadcasting activities.

**(g) Alternative grantee**

If the Chief Executive Officer determines at any time that Radio Free Asia is not carrying out the functions described in this section in an effective and economical manner, the Board may award the grant to carry out such functions to another entity.

**(h) Not a Federal agency or instrumentality**

Nothing in this chapter may be construed to make Radio Free Asia a Federal agency or instrumentality.

(Pub. L. 103–236, title III, §309, Apr. 30, 1994, 108 Stat. 439; Pub. L. 103–415, §1(s)(2), Oct. 25, 1994, 108 Stat. 4302; Pub. L. 106–113, div. B, §1000(a)(7) [div. A, title V, §501], Nov. 29, 1999, 113 Stat. 1536, 1501A–450; Pub. L. 110–321, §4, Sept. 19, 2008, 122 Stat. 3535; Pub. L. 111–71, §1, Oct. 9, 2009, 123 Stat. 2058; Pub. L. 111–202, §3, July 13, 2010, 124 Stat. 1374; Pub. L. 114–323, title VII, §703(a), Dec. 16, 2016, 130 Stat. 1941; Pub. L. 114–328, div. A, title XII, §1288(6), Dec. 23, 2016, 130 Stat. 2553.)

REFERENCES IN TEXT

This chapter, referred to in subsections (e)(2) and (h), 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.

AMENDMENTS

2016—Subsec. (a)(1). Pub. L. 114–323, §703(a)(1), substituted “Asia.” for “the following countries: The People’s Republic of China, Burma, Cambodia, Laos, North Korea, Tibet, and Vietnam.”

Subsec. (b)(1). Pub. L. 114–323, §703(a)(2), struck out “the respective countries of” before “Asia”.

Subsec. (f)(2). Pub. L. 114–328, §1288(6)(A), substituted “Chief Executive Officer of the Board” for “Chairman of the Board”.

Subsecs. (g), (h). Pub. L. 114–328, §1288(6)(B), (C), added subsec. (g) and redesignated former subsec. (g) as (h).

2010—Subsec. (c)(2). Pub. L. 111–202, §3(1), struck out “, and shall further specify that funds to carry out the activities of Radio Free Asia may not be available after September 30, 2010” after “Government”.

Subsecs. (f) to (h). Pub. L. 111–202, §3(2)–(4), redesignated subsecs. (g) and (h) as (f) and (g), respectively, designated first sentence of subsec. (f) as par. (1), inserted heading, inserted subpar. (A) designation before “entering into any agreements for the utilization of Voice of America”, added subpar. (B), designated second sentence of subsec. (f) as par. (2), inserted heading, inserted “or Radio Free Asia broadcasting activities” before period at end, and struck out former subsec. (f) which related to sunset provisions.

2009—Subsec. (f). Pub. L. 111–71 substituted “2010” for “2009”.

2008—Subsec. (c)(2). Pub. L. 110–321 substituted “2010” for “2009”.

1999—Subsec. (c). Pub. L. 106–113, §1000(a)(7) [div. A, title V, §501(1), (2)], redesignated subsec. (d) as (c) and struck out heading and text of former subsec. (c), which required the Board, through the Director of the United States Information Agency, to submit to Congress a detailed plan for the establishment and operation of Radio Free Asia prior to the awarding of a grant to carry out this section.

Subsec. (c)(1). Pub. L. 106–113, §1000(a)(7) [div. A, title V, §501(3)(A)], struck out “(A)” after “(1)” and struck out subpar. (B) which read as follows: “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 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. Broadcast entities reporting to Chief Executive Officer

### (a) Consolidation of grantee organizations

#### (1) In general

The Chief Executive Officer, subject to the regular notification procedures of the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate, who is authorized to incorporate a grantee, may condition annual grants to RFE/RL, Inc., Radio Free Asia, and the Middle East Broadcasting Networks on the consolidation of such grantees into a single, consolidated private, non-profit corporation (in accordance with section 501(c)(3) of title 26 and exempt from tax under section 501(a) of such title), in such a manner and under such terms and con-

ditions as determined by the Chief Executive Officer, which may broadcast and provide news and information to audiences wherever the agency may broadcast, for activities that the Chief Executive Officer determines are consistent with the purposes of this chapter, including the terms and conditions of subsections (g)(5), (h), (i), and (j) of section 6207 of this title, except that the Agency may select any name for such a consolidated grantee.

### (2) Special rule

No State or political subdivision of a State may establish, enforce, or continue in effect any provision of law or legal requirement that is different from, or is in conflict with, any requirement or authority applicable under this chapter relating to the consolidation, incorporation, structure, or dissolution of any grantee under this chapter.

### (b) Mission

The consolidated grantee established under subsection (a) shall—

(1) counter state-sponsored propaganda which undermines the national security or foreign policy interests of the United States and its allies;

(2) provide uncensored local and regional news and analysis to people in societies where a robust, indigenous, independent, and free media does not exist;

(3) help countries improve their indigenous capacity to enhance media professionalism and independence, and develop partnerships with local media outlets, as appropriate; and

(4) promote unrestricted access to uncensored sources of information, especially via the internet, and use all effective and efficient mediums of communication to reach target audiences.

### (c) Federal status

Nothing in this chapter or any other Act, or any action taken pursuant to this chapter or any other Act, may be construed to make such a consolidated grantee described in subsection (a) or RFE/RL, Inc., Radio Free Asia, or the Middle East Broadcasting Networks or any other grantee or entity provided funding by the agency a Federal agency or instrumentality. Employees or staff of such grantees or entities may not be Federal employees. For purposes of this section and this chapter, the term “grant” includes agreements under section 6305 of title 31, and the term “grantee” includes recipients of such agreements.

### (d) Leadership of grantee organizations

Officers and directors of RFE/RL Inc., Radio Free Asia, and the Middle East Broadcasting Networks or any organization that is established through the consolidation of such entities, or authorized under this chapter, shall serve at the pleasure of and may be named by the Chief Executive Officer of the Board.

### (e) Maintenance of the existing individual grantee brands

RFE/RL, Incorporated, Radio Free Asia, and the Middle East Broadcasting Networks, Incorporated should remain brand names under which news and related programming and content may