

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 conditions 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 be disseminated by the consolidated grantee. Additional brands may be created as necessary.

(Pub. L. 103-236, title III, §310, as added Pub. L. 114-328, div. A, title XII, §1288(7), Dec. 23, 2016, 130 Stat. 2553.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (c), and (d), was in the original a reference to this Act, and was translated as referring to 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, to reflect the probable intent of Congress. For complete classification of title III to the Code, see Short Title note set out under section 6201 of this title and Tables.

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PRIOR PROVISIONS

A prior section 6209, Pub. L. 103-236, title III, §310, Apr. 30, 1994, 108 Stat. 442, related to transition of transfer of functions from Board for International Broadcasting to United States Information Agency, Board, or Bureau, prior to repeal by Pub. L. 105-277, div. G, subd. A, title XIII, §§1301, 1323(1)(2), Oct. 21, 1998, 112 Stat. 2681-776, 2681-780, effective Oct. 1, 1999.

§ 6209a. Inspector General authorities

(a) In general

The Inspector General of the Department of State and the Foreign Service shall exercise the same authorities with respect to the Broadcasting Board of Governors as the Inspector General exercises under the Inspector General Act of 1978 [5 U.S.C. App.] and section 3929 of this title with respect to the Department of State.

(b) Respect for journalistic integrity of broadcasters

The Inspector General of the Department of State and the Foreign Service shall respect the journalistic integrity of all the broadcasters covered by this chapter and may not evaluate the philosophical or political perspectives reflected in the content of broadcasts.

(Pub. L. 103-236, title III, §310A, as added Pub. L. 114-328, div. A, title XII, §1288(7), Dec. 23, 2016, 130 Stat. 2554.)

REFERENCES IN TEXT

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

This chapter, referred to in subsec. (b), was in the original “this Act”, and was translated as reading “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, to reflect the probable intent of Congress. For complete classification of title III to the Code, see Short Title note set out under section 6201 of this title and Tables.

CHANGE OF NAME

Broadcasting Board of Governors renamed United States Agency for Global Media pursuant to section 6204(a)(22) of this title. The renaming was effectuated by notice to congressional appropriations committees dated May 24, 2018, and became effective Aug. 22, 2018.

§ 6209b. Role of the Secretary of State in foreign policy guidance

To assist the Board in carrying out its functions, the Chief Executive Officer shall regularly consult with and seek from the Secretary of State guidance on foreign policy issues.

(Pub. L. 103-236, title III, §310B, as added Pub. L. 114-328, div. A, title XII, §1288(7), Dec. 23, 2016, 130 Stat. 2554.)

§ 6210. Preservation of American jobs

It is the sense of the Congress that the Director of the United States Information Agency and the Chairman of the Board for International Broadcasting should, in developing the plan for consolidation and reorganization of overseas