

(g) Reporting requirements**(1) Annual report**

The Open Technology Fund shall highlight, in its annual report, internet freedom activities, including a comprehensive assessment of the Open Technology Fund's activities relating to the implementation of subsections (b) and (c). Each such report shall include the following:

(A) An assessment of the current state of global internet freedom, including trends in censorship and surveillance technologies and internet shutdowns, and the threats such pose to journalists, citizens, and human rights and civil-society organizations.

(B) A description of the technology projects supported by the Open Technology Fund and the associated impact of such projects in the prior year, including the countries and regions in which such technologies were deployed, and any associated metrics indicating audience usage of such technologies, as well as future-year technology project initiatives.

(2) Assessment of the effectiveness of the Open Technology Fund

Not later than two years after January 1, 2021, the Inspector General of the Department of State and the Foreign Service shall submit to the appropriate congressional committees a report on the following:

(A) Whether the Open Technology Fund is technically sound and cost effective.

(B) Whether the Open Technology Fund is satisfying the requirements of this section.

(C) The extent to which the interests of the United States are being served by maintaining the work of the Open Technology Fund.

(h) Audit authorities**(1) In general**

Financial transactions of the Open Technology Fund, as such 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 at which accounts of the Open Technology Fund are normally kept.

(2) Access by GAO

The Government Accountability Office shall have access to all books, accounts, records, reports, files, papers, and property belonging to or in use by the Open Technology Fund pertaining to financial transactions as may be necessary to facilitate an audit. The Government Accountability Office 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 the Open Technology Fund shall remain in the possession and custody of the Open Technology Fund.

(3) Exercise of authorities

Notwithstanding any other provision of law, 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 [5 U.S.C. App.] with respect to the Open Technology Fund.

(Pub. L. 103-236, title III, § 309A, as added Pub. L. 116-283, div. A, title XII, § 1299P(b), Jan. 1, 2021, 134 Stat. 4016.)

Editorial Notes

REFERENCES IN TEXT

Section 7050(b)(2)(C) of the Further Consolidated Appropriations Act, 2020, referred to in subsec. (b)(5), is section 7050(b)(2)(C) of Pub. L. 116-94, div. G, title VII, Dec. 20, 2019, 133 Stat. 2915, which is not classified to the Code.

This chapter, referred to in subsections (b)(6) and (e)(2), was in the original "this Act", and was translated, to reflect the probable intent of Congress, 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. For complete classification of title III to the Code, see Short Title note set out under section 6201 of this title and Tables.

The Intergovernmental Personnel Act, referred to in subsec. (e)(4), probably means the Intergovernmental Personnel Act of 1970, Pub. L. 91-648, Jan. 5, 1971, 84 Stat. 1909, which is classified principally to chapter 62 (§ 4701 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4701 of Title 42 and Tables.

The Inspector General Act of 1978, referred to in subsec. (h)(3), 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.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective and applicable beginning on July 1, 2021, see section 1299P(e) of Pub. L. 116-283, set out as an Effective Date of 2021 Amendment note under section 6203 of this title.

§ 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, the Open Technology Fund, 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, the Open Technology Fund, 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, the Open Technology Fund, 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 Agency.

(e) Maintenance of the existing individual grantee brands

RFE/RL, Incorporated, Radio Free Asia, the Open Technology Fund, 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.

(f) Maintenance of proprietary information

No consolidation of grantees authorized under subsection (a) involving any grantee shall result

in any legal transfer of ownership of any proprietary information or intellectual property to the United State Agency for Global Media or any other Federal entity.

(g) Rule of construction

No consolidation of grantees authorized under subsection (a) shall result in the consolidation of the Open Technology Fund or any successor entity with any other grantee.

(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; amended Pub. L. 116-283, div. A, title XII, §§ 1299P(c)(2), (3), 1299Q(e)(5), (f), Jan. 1, 2021, 134 Stat. 4020, 4025, 4026.)

Editorial Notes

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.

CODIFICATION

Pub. L. 116-283, div. A, title XII, § 1299Q(e)(5), (f), Jan. 1, 2021, 134 Stat. 4025, 4026, which amended this section, was itself amended by Pub. L. 116-260, div. O, title XIII, § 1301, Dec. 27, 2020, 134 Stat. 2158, to make it effective 90 days after Jan. 1, 2021. However, the amendment by Pub. L. 116-260 could not be executed because it was enacted before the provision from Pub. L. 116-283 that it amended.

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, subdiv. A, title XIII, §§ 1301, 1323(i)(2), Oct. 21, 1998, 112 Stat. 2681-776, 2681-780, effective Oct. 1, 1999.

AMENDMENTS

2021—Subsec. (a)(1). Pub. L. 116-283, § 1299P(c)(3), inserted “the Open Technology Fund,” before “and the Middle East Broadcasting Networks”.

Subsec. (c). Pub. L. 116-283, § 1299P(c)(2), inserted “the Open Technology Fund,” before “or the Middle East Broadcasting Networks”.

Subsec. (d). Pub. L. 116-283, § 1299Q(e)(5), substituted “Agency” for “Board”.

Pub. L. 116-283, § 1299P(c)(3), inserted “the Open Technology Fund,” before “and the Middle East Broadcasting Networks”.

Subsec. (e). Pub. L. 116-283, § 1299P(c)(3), inserted “the Open Technology Fund,” before “and the Middle East Broadcasting Networks”.

Subsecs. (f), (g). Pub. L. 116-283, § 1299Q(f), added subsecs. (f) and (g).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 1299P(c)(2), (3) of Pub. L. 116-283 effective and applicable beginning on July 1, 2021, see section 1299P(e) of Pub. L. 116-283, set out as a note under section 6203 of this title.

§ 6209a. Inspector General authorities

(a) In general

The Inspector General of the Department of State and the Foreign Service shall exercise the