

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.

#### AMENDMENTS

2024—Subsecs. (f) to (h). Pub. L. 118-159 added subsec. (f) and redesignated former subsecs. (f) and (g) as (g) and (h), respectively.

2021—Subsec. (a). Pub. L. 116-283, §1299Q(d)(1), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “Except as provided in subsection (b)(2), the International Broadcasting Advisory Board (referred to in this section as the ‘Advisory Board’) shall consist of five members, including the Secretary of State, appointed by the President and in accordance with subsection (d), to advise the Chief Executive Officer of the Broadcasting Board of Governors, as appropriate.”

Subsec. (b). Pub. L. 116-283, §1299Q(d)(1), added subsec. (b) and struck out former subsec. (b) which related to retention of existing BBG Board Members.

Subsec. (c). Pub. L. 116-283, §1299Q(d)(1)–(3), redesignated subsec. (d) as (c), inserted “Advisory” before “Board” in subsec. heading and “who are” before “distinguished” in par. (2), and struck out former subsec. (c) which related to terms of office.

Subsec. (d). Pub. L. 116-283, §1299Q(d)(4), added subsec. (d). Former subsec. (d) redesignated (c).

Subsecs. (e) to (g). Pub. L. 116-283, §1299Q(d)(4), added subsecs. (e) to (g).

2016—Pub. L. 114-328 amended section generally. Prior to amendment, section related to the role of the Secretary of State in international broadcasting.

1998—Pub. L. 105-277, §1323(j)(1), substituted “Role of Secretary of State” for “Foreign policy guidance” in section catchline.

Subsec. (a). Pub. L. 105-277, §1323(j)(2)–(4), designated existing provisions as subsec. (a), inserted heading, substituted “State” for “State, acting through the Director of the United States Information Agency,” and inserted before period at end “, as the Secretary may deem appropriate”.

Subsec. (b). Pub. L. 105-277, §1323(j)(5), added subsec. (b).

#### Statutory Notes and Related Subsidiaries

##### 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.

#### § 6206. Grantee corporate boards of directors

##### (a) In general

The corporate board of directors of each grantee under this chapter—

(1) shall be bipartisan;

(2) shall, except as otherwise provided in this Act, have the sole responsibility to operate their respective grantees within the jurisdiction of their respective States of incorporation;

(3) shall be composed of not fewer than 5 members, who shall be qualified individuals who are not employed in the public sector; and

(4) shall appoint successors in the event of vacancies on their respective boards, in accordance with applicable bylaws.

##### (b) Not Federal employees

No employee of any grantee under this chapter may be a Federal employee.

(Pub. L. 103-236, title III, §307, as added Pub. L. 117-263, div. I, title XCVII, §9704, Dec. 23, 2022, 136 Stat. 3914.)

#### Editorial Notes

##### REFERENCES IN TEXT

This chapter, referred to in text, 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.

This Act, referred to in subsec. (a)(2), is Pub. L. 103-236, Apr. 30, 1994, 108 Stat. 382, known as the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995. For complete classification of this Act to the Code, see Short Title of 1994 Amendment note set out under section 2651 of this title and Tables.

##### PRIOR PROVISIONS

A prior section 6206, Pub. L. 103-236, title III, §307, Apr. 30, 1994, 108 Stat. 436; Pub. L. 105-277, div. G, subd. A, title XIII, §1323(k), Oct. 21, 1998, 112 Stat. 2681-780, related to the International Broadcasting Bureau, prior to repeal by Pub. L. 114-328, div. A, title XII, §1288(4), Dec. 23, 2016, 130 Stat. 2552.

#### Statutory Notes and Related Subsidiaries

##### PERSONAL SERVICES CONTRACTING PILOT PROGRAM

Pub. L. 107-228, div. A, title V, §504, Sept. 30, 2002, 116 Stat. 1393, as amended by Pub. L. 109-140, §6, Dec. 22, 2005, 119 Stat. 2652; Pub. L. 109-472, §9, Jan. 11, 2007, 120 Stat. 3556; Pub. L. 110-161, div. J, title VI, §634(r), Dec. 26, 2007, 121 Stat. 2330; Pub. L. 110-321, §5, Sept. 19, 2008, 122 Stat. 3536, authorized the Director of the International Broadcasting Bureau to establish a pilot program for the purpose of hiring United States citizens or aliens as personal services contractors for service in the United States as broadcasters and other broadcasting specialists in the International Broadcasting Bureau, and provided that such authority would terminate on Dec. 31, 2009. Subsequent laws incrementally extended the authority until Sept. 30, 2016.

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

##### (a) Board of RFE/RL, Incorporated

The Agency 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 authorized under section 6204(a)(20)<sup>1</sup> of this title; 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 Agency 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 Agency.

(2) Not later than 90 days after confirmation of all members of the Agency, the Agency shall provide a report to Congress on the number of

<sup>1</sup> See References in Text note below.

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 Chief Executive Officer determines at any time that RFE/RL, Incorporated is not carrying out the functions described in this section in an effective and economical manner, the Agency may award the grant to carry out such functions to another entity.

**(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 Agency 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 Agency 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 Agency or the United States;

(4) that duplication of language services and technical operations between RFE/RL, Incorporated and the<sup>2</sup> any other grantee of the Agency be reduced to the extent appropriate, as determined by the Chief Executive Officer; 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 Agency 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) For any activity for the purpose of influencing the passage or defeat of legislation being considered by Congress.

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

**(i) Report on management practices**

Effective not later than March 31 and September 30 of each calendar year, the Inspector General of the Department of State and the Foreign Service shall submit to the Agency 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 chapter 4 of title 5 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; Pub. L. 114-328, div. A, title XII, §1288(5), Dec. 23, 2016, 130 Stat. 2552; Pub. L. 116-283, div. A, title XII, §1299Q(e)(3), Jan. 1, 2021, 134 Stat. 4025; Pub. L. 117-286, §4(b)(45), Dec. 27, 2022, 136 Stat. 4348; Pub. L. 118-31, div. F, title LXVI, §6602, Dec. 22, 2023, 137 Stat. 1011.)

**Editorial Notes**

REFERENCES IN TEXT

Section 6204(a)(20) of this title, referred to in subsec. (a)(1), which related to authority of the Chief Executive Officer to condition any grant or cooperative agreement to RFE/RL, Inc., or certain other entities on authority to determine membership of the boards of such entities, was repealed by Pub. L. 117-263, div. I, title XCVII, §9706(2), Dec. 23, 2022, 136 Stat. 3915. Former sec-

<sup>2</sup> So in original. The word "the" probably should not appear.

tion 6204(a)(21) of this title was redesignated as section 6204(a)(20) of this title.

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 Board for International Broadcasting Act, referred to in subsecs. (f) and (j)(3), is Pub. L. 93-129, Oct. 19, 1973, 87 Stat. 456, 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.

#### CODIFICATION

Pub. L. 116-283, div. A, title XII, §1299Q(e)(3), Jan. 1, 2021, 134 Stat. 4025, 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.

#### AMENDMENTS

2023—Subsec. (h). Pub. L. 118-31, §6602(2), redesignated pars. (2) and (4) as (1) and (2), respectively. Former par. (1) struck out.

Pub. L. 118-31, §6602(1), which directed amendment of subsec. (h) by striking out “subparagraphs (1), (3), and (5)”, was executed by striking out pars. (1), (3), and (5), to reflect the probable intent of Congress. Prior to amendment, pars. (1), (3), and (5) read as follows:

“(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.

“(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.

“(5) To compensate freelance contractors without the approval of the Agency.”

2022—Subsec. (j)(3). Pub. L. 117-286 substituted “chapter 4 of title 5” for “the Inspector General Act of 1978”.

2021—Subsec. (a). Pub. L. 116-283, §1299Q(e)(3)(A), substituted “Agency” for “Board” in introductory provisions.

Subsec. (b). Pub. L. 116-283, §1299Q(e)(3)(B), substituted “Agency” for “Board” wherever appearing.

Subsec. (d). Pub. L. 116-283, §1299Q(e)(3)(C), substituted “Agency” for “Board”.

Subsec. (g). Pub. L. 116-283, §1299Q(e)(3)(D), substituted “Agency” for “Board” wherever appearing.

Subsec. (h)(5). Pub. L. 116-283, §1299Q(e)(3)(E), substituted “Agency” for “Board”.

Subsec. (i). Pub. L. 116-283, §1299Q(e)(3)(F), substituted “Agency” for “Board”.

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.

#### Statutory Notes and Related Subsidiaries

##### 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