

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1262

To reorganize United States international broadcasting, to authorize an Asian Democracy Radio service, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 20 (legislative day, JUNE 30), 1993

Mr. PELL (by request) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To reorganize United States international broadcasting, to authorize an Asian Democracy Radio service, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE.**

4        This title may be cited as the “United States Inter-  
5        national Broadcasting Act of 1993.”.

6        **SEC. 2. CONGRESSIONAL FINDINGS AND DECLARATION OF**  
7        **PURPOSES.**

8        The Congress hereby finds and declares—

9                (a) that United States publicly-funded inter-  
10        national radio broadcasters—VOA, RFE/RL, Inc.,

1 and Radio Marti—have won the attention and re-  
2 spect of millions of listeners, especially in closed so-  
3 cieties and emerging democracies, by serving as a  
4 consistently reliable and authoritative source of news  
5 and information about events in the respective audi-  
6 ence areas, as well as in the international commu-  
7 nity and in the United States;

8 (b) that the Voice of America (VOA) has built  
9 a substantial global listenership by providing full-  
10 service programming of high quality about events  
11 around the world, significant developments in all  
12 countries to which it broadcasts, as well as informa-  
13 tion about the United States, its policies, institutions  
14 and people, consistent with Public Law 94-350;

15 (c) that the continuation of Radio Free Europe  
16 and Radio Liberty broadcasting operating in a man-  
17 ner not inconsistent with the broad foreign policy  
18 objectives of the United States and in accordance  
19 with high professional standards is in the national  
20 interest;

21 (d) that Radio Marti and Television Marti, con-  
22 tinue to broadcast, in a manner not inconsistent  
23 with the broad foreign policy of the United States,  
24 to Cuba news, commentary, and other information

1 about events in Cuba and elsewhere, and promote  
2 the cause of freedom in Cuba;

3 (e) that the introduction of similar radio broad-  
4 casting to the people of Asia in those countries  
5 where communications media are not fully developed  
6 or free would serve the goals of United States for-  
7 eign policy by promoting freedom and democracy in  
8 those countries;

9 (f) that it is the policy of the United States to  
10 promote the rights of freedom of opinion and expres-  
11 sion, including the freedom to seek, receive, and im-  
12 part information and ideas through any media and  
13 regardless of frontiers, in accordance with Article 19  
14 of the Universal Declaration of Human Rights;

15 (g) that open communication of information  
16 and ideas among the peoples of the world contrib-  
17 utes to the advances of democracy and international  
18 peace, and that promotion of such information is in  
19 the interests of the United States;

20 (h) that the long-range interests of the United  
21 States continue to be served by communicating di-  
22 rectly with the peoples of the world by radio and tel-  
23 evision;

24 (i) that the continuation of all broadcasting car-  
25 ried out prior to the date of enactment of this Act

1 by the United States Information Agency including,  
2 but not limited to the Voice of America, Radio  
3 Marti, TV Marti, WORLDNET Television and Film  
4 Service, all under existing mandates, charters, and  
5 authorities is in the national interest; and

6 (j) that a reorganization and consolidation of  
7 United States nonmilitary international broadcasting  
8 will strengthen the capability of such broadcasting to  
9 support freedom and democracy around the world  
10 and will achieve a more efficient utilization of scarce  
11 national resources.

12 **SEC. 3. ESTABLISHMENT OF BROADCASTING BOARD OF**  
13 **GOVERNORS.**

14 (a) ESTABLISHMENT.—There is hereby established  
15 within the United States Information Agency a Broadcast-  
16 ing Board of Governors (hereinafter referred to as the  
17 “Board”).

18 (b) COMPOSITION OF THE BOARD.—The Board shall  
19 consist of eight members. The President shall appoint, by  
20 and with the advice and consent of the Senate, seven vot-  
21 ing members to the Board. The President shall designate  
22 one member (other than the Director of the United States  
23 Information Agency) as Chairman of the Board. The Di-  
24 rector of the United States Information Agency shall be  
25 one of the voting members. The Director of the Inter-

1 national Broadcasting Bureau, ex officio, shall be a mem-  
2 ber of the Board, but may not vote in the determinations  
3 of the Board.

4 (c) TERM OF OFFICE.—The term of office of each  
5 member of the Board shall be three years, except that the  
6 Director of the United States Information Agency and the  
7 Director of the International Broadcasting Bureau of the  
8 United States Information Agency shall remain members  
9 of the Board during their respective terms of service. The  
10 President shall appoint, by and with the advice and con-  
11 sent of the Senate, Board members to fill vacancies occur-  
12 ring prior to the expiration of a term, in which case the  
13 members so appointed shall serve for the remainder of  
14 such term. Any member whose term has expired may serve  
15 until his or her successor has been appointed and quali-  
16 fied.

17 (d) SELECTION OF BOARD.—Members of the Board  
18 appointed by the President shall be citizens of the United  
19 States who are not currently regular full-time employees  
20 of the United States Government, except the Director of  
21 the United States Information Agency. Such members  
22 shall be selected by the President from among Americans  
23 distinguished in the fields of mass communications, print,  
24 broadcast media or foreign affairs.

1           (e) COMPENSATION.—Members of the Board, while  
2 attending meetings of the Board or while engaged in du-  
3 ties relating to such meetings or in other activities of the  
4 Board pursuant to this section, including travel time, shall  
5 be entitled to receive compensation equal to the daily  
6 equivalent of the compensation provided for Level IV of  
7 the Executive Schedule under Section 5315 of title 5,  
8 United States Code. While away from their homes or regu-  
9 lar places of business they may be allowed travel expenses,  
10 including per diem in lieu of subsistence, as authorized  
11 by law (5 U.S.C. 5703) for persons in the Government  
12 service employed intermittently: *Provided, however, that*  
13 the Director of the United States Information Agency and  
14 the Director, International Broadcasting Bureau, United  
15 States Information Agency, shall not be entitled to any  
16 compensation under this Act, but may be allowed travel  
17 expenses as provided in the preceding sentence.

18 **SEC. 4. FUNCTIONS OF THE BOARD.**

19           The Board is authorized—

20           (a) to provide guidance and oversight to the  
21 International Broadcasting Bureau which is author-  
22 ized to administer Radio Free Europe, Radio Lib-  
23 erty, Voice of America, the Office of Cuban Broad-  
24 casting, Asian Democracy Radio, and such services  
25 of WORLDNET Television and Film Service as de-

1       terminated by the Board with the concurrence of the  
2       Director of the United States Information Agency;

3           (b) to review and evaluate the mission and op-  
4       eration of the International Broadcasting Bureau  
5       and to assess the quality, effectiveness and profes-  
6       sional integrity of its programming within the con-  
7       text of the foreign policy objectives of the United  
8       States;

9           (c) to review and evaluate, at least annually,  
10      the mix of traditional Voice of America program-  
11      ming and surrogate programming and make rec-  
12      ommendations to the President, through the Direc-  
13      tor of the United States Information Agency, on the  
14      addition or deletion of language services;

15          (d) to undertake such studies as may be nec-  
16      essary to identify areas in which the operations of  
17      the International Broadcasting Bureau could be  
18      made more efficient and economical;

19          (e) to report annually to the President, through  
20      the Director of the United States Information Agen-  
21      cy, summarizing the activities of the Board and eval-  
22      uating the operations of the International Broad-  
23      casting Bureau;

1 (f) to the extent it deems necessary to carry out  
2 the functions under this Act, procure supplies, serv-  
3 ices and other personal property;

4 (g) to appoint such staff personnel for the  
5 Board as may be necessary, subject to the provisions  
6 of title 5, United States Code, governing appoint-  
7 ments in the competitive service, and to fix their  
8 compensation in accordance with the provisions of  
9 chapter 51 and subchapter III of chapter 53 of such  
10 title relating to classification and General Schedule  
11 pay rates; and

12 (h) to make available for its own use, for offi-  
13 cial reception and representation expenses not to ex-  
14 ceed the current amount authorized for the Board  
15 for International Broadcasting, which will not be in-  
16 creased or decreased without the concurrence of the  
17 Director of the United States Information Agency  
18 and the Chairman of the Board.

19 **SEC. 5. JOURNALISTIC INTEGRITY AND FOREIGN POLICY**  
20 **GUIDANCE.**

21 The Board shall protect the Bureau against po-  
22 litical interference with broadcasting. The United  
23 States Information Agency will respect the profes-  
24 sional independence and integrity of the broadcast-  
25 ing services. The Secretary of State shall provide in-

1 formation and guidance on foreign policy issues to  
2 the Director of the United States Information Agen-  
3 cy. The Director of the United States Information  
4 Agency shall provide guidance on foreign policy is-  
5 sues to the Board members.

6 **SEC. 6. INTERNATIONAL BROADCASTING BUREAU.**

7 (A) ESTABLISHMENT.—There is hereby estab-  
8 lished an International Broadcasting Bureau within  
9 the United States Information Agency (hereinafter  
10 the “Bureau”).

11 (b) ORGANIZATION OF THE BUREAU.—The Bu-  
12 reau, in recognition of and to implement the pur-  
13 poses of this Act, will consist of the following sepa-  
14 rate elements:

15 (1) Voice of America;

16 (2) Office of Surrogate Broadcasting;

17 (3) Such services of the WORLDNET Tele-  
18 vision and Film Service as determined by the Board  
19 with the concurrence of the Director of the United  
20 States Information Agency;

21 (4) Engineering and Technical Operations; and,

22 (5) Such other elements as the Director of the  
23 International Broadcasting Bureau may from time  
24 to time establish with the concurrence of the Direc-

1       tor of the United States Information Agency and the  
2       Board.

3           (c) ORGANIZATION OF THE OFFICE OF SURRO-  
4       GATE BROADCASTING.—The Office of Surrogate  
5       Broadcasting will administer and oversee Radio Free  
6       Europe, Radio Liberty, the Office of Cuba Broad-  
7       casting (including Radio Marti and TV Marti), and  
8       Asian Democracy Radio, and such other surrogate  
9       services as may from time to time be established.

10          (d) SELECTION OF THE DIRECTOR OF THE BU-  
11       REAU.—The Director of the Bureau will be ap-  
12       pointed by the Chairman of the Board, in consulta-  
13       tion with the Director of the United States Informa-  
14       tion Agency and with the concurrence of a majority  
15       of the Board. The Director of the Bureau shall be  
16       entitled to receive compensation at the rate now or  
17       hereafter prescribed by law for Level IV of the Exec-  
18       utive Schedule.

19          (e) SEPARATELY IDENTIFIED APPROPRIATION  
20       ACCOUNT.—Funding for the Bureau and the Board  
21       shall be provided in a separately identified appro-  
22       priation account and be authorized as a separate  
23       category by the Congress. The Director of the Bu-  
24       reau shall submit proposals on appropriation of  
25       broadcasting funds to the Board. The Board will

1 forward its recommendations concerning the pro-  
2 posed budget for the Board and the Bureau to the  
3 Director of the United States Information Agency  
4 for his consideration as a part of the Agency's budg-  
5 et submission to the Office of Management and  
6 Budget. The Director of the United States Informa-  
7 tion Agency shall include in the Agency's submission  
8 to the Office of Management and Budget, the com-  
9 ments and recommendations of the Board concern-  
10 ing the proposed broadcasting budget.

11 **SEC. 7. ASIAN DEMOCRACY RADIO.**

12 The Director of the United States Information Agen-  
13 cy is authorized to create and support within the Office  
14 of Surrogate Broadcasting of the International Broadcast-  
15 ing Bureau a surrogate broadcasting service to be known  
16 as "Asian Democracy Radio," which shall—

17 (a) provide accurate and timely information,  
18 news, commentary about events in the respective  
19 countries of Asia and elsewhere to promote the cause  
20 of freedom and democracy in those countries of Asia  
21 where communications media are not fully developed  
22 or free; and

23 (b) be a source of information about develop-  
24 ments in Asia and a forum for a variety of opinions

1 and voices from within Asian nations whose people  
2 do not fully enjoy freedom of expression.

3 **SEC. 8. TRANSITION.**

4 (a) AUTHORIZATION.—The President is hereby au-  
5 thorized to direct the transfer of all functions and authori-  
6 ties from the Board for International Broadcasting to the  
7 United States Information Agency, the Board, or the Bu-  
8 reau as may be necessary to implement this Act.

9 (b) EXCEPTED SERVICE APPOINTMENT AUTHOR-  
10 ITY.—Notwithstanding the provisions of section 607 of the  
11 Treasury, Postal Service, and General Government Appro-  
12 priations Act, 1993, Public Law 102–393, or any other  
13 Act, now or hereafter enacted barring employment or com-  
14 pensation on the basis of citizenship, the Director of the  
15 United States Information Agency shall appoint to the  
16 United States Information Agency, the Bureau, or the  
17 Board, any personnel or RFE/RL, Inc., who are perma-  
18 nent employees as of September 30, 1995, without regard  
19 to the provisions of title 5 of the United States Code gov-  
20 erning appointments in the competitive service, and fix  
21 their compensation without regard to the provisions of  
22 chapter 51 and subchapter III of chapter 53 of such title  
23 5, governing classification and General Schedule pay  
24 rates. To the extent permitted by law, compensation, bene-  
25 fits, and personnel rules shall be modeled after existing

1 RFE/RL, Inc., personnel and compensation systems until  
2 the employees leave or retire.

3 (c) NEW APPOINTEES.—The Director of United  
4 States Information Agency may assign personnel for serv-  
5 ice with RFE/RL, Inc., with the concurrence of the Presi-  
6 dent of RFE/RL, Inc., between the date of enactment of  
7 this Act and September 30, 1995. Such assignment shall  
8 not affect the rights and benefits of such personnel as em-  
9 ployees of the United States Information Agency.

10 (d) BOARD FOR INTERNATIONAL BROADCASTING  
11 PERSONNEL.—All Board for International Broadcasting  
12 full-time United States Government personnel (except spe-  
13 cial Government employees) and part-time United States  
14 Government personnel holding permanent positions shall  
15 be transferred to the United States Information Agency,  
16 the Board, or the Bureau. Such transfer shall not cause  
17 any such employee to be separated or reduced in grade  
18 or compensation.

19 (e) OTHER AUTHORITIES.—The Director of the Unit-  
20 ed States Information Agency is authorized to utilize the  
21 provisions of titles VIII and IX of the United States Infor-  
22 mation and Educational Exchange Act of 1948, as amend-  
23 ed, and any other authority available to the Director on  
24 the effective date of this Act, to the extent that he or she

1 deems necessary in carrying out the provisions and pur-  
2 poses of this Act.

3 (f) REPEAL.—The Board for International Broad-  
4 casting Act of 1973, as amended, (22 U.S.C. 2871, et  
5 seq.) is hereby repealed effective September 30, 1994, but  
6 in no event shall the Act be repealed before the appoint-  
7 ment and confirmation of all members to the Broadcasting  
8 Board of Governors.

9 (g) APPROPRIATED FUNDS.—No appropriated funds  
10 shall be available for grants to RFE/RL, Inc. after Sep-  
11 tember 30, 1995.

12 (h) SAVINGS PROVISIONS.—

13 (1) CONTINUING EFFECT OF LEGAL DOCU-  
14 MENTS.—All orders, determinations, rules, regula-  
15 tions, permits, agreements, grants, contracts, certifi-  
16 cates, licenses, registrations, privileges, and other  
17 administrative actions—

18 (A) which have been issued, made, grant-  
19 ed, or allowed to become effective by the Presi-  
20 dent, any Federal agency or official thereof, or  
21 by a court of competent jurisdiction, in the per-  
22 formance of functions which are transferred  
23 under this Act, and

24 (B) which are in effect at the time this Act  
25 takes effect, or were final before the effective

1           date of this Act and are to become effective on  
2           or after the effective date of this Act,  
3           shall continue in effect according to their terms until  
4           modified, terminated, superseded, set aside, or re-  
5           voked in accordance with law by the President, the  
6           Director of the United States Information Agency or  
7           other authorized official, a court of competent juris-  
8           diction, or by operation of law.

9           (2) PROCEEDINGS NOT AFFECTED.—The provi-  
10          sions of this Act shall not affect any proceedings  
11          pending before the Board for International Broad-  
12          casting at the time this Act takes effect, with re-  
13          spect to functions transferred by this Act, but such  
14          proceedings shall be continued. Orders shall be is-  
15          sued in such proceedings, appeals shall be taken  
16          therefrom, and payments shall be made pursuant to  
17          such orders, as if this Act had not been enacted, and  
18          orders issued in any such proceedings shall continue  
19          in effect until modified, terminated, superseded, or  
20          revoked by a duly authorized official, by a court of  
21          competent jurisdiction, or by operation of law. Noth-  
22          ing in this subsection shall be deemed to prohibit the  
23          discontinuance or modification of any such proceed-  
24          ing under the same terms and conditions and to the  
25          same extent that such proceeding could have been

1 discontinued or modified if this Act had not been en-  
2 acted.

3 (3) SUITS NOT AFFECTED.—The provisions of  
4 this Act shall not affect suits commenced before the  
5 effective date of this Act, and in all such suits, pro-  
6 ceedings shall be had, appeals taken, and judgments  
7 rendered in the same manner and with the same ef-  
8 fect as if this Act had not been enacted.

9 (4) NONABATEMENT OF ACTIONS.—No suit, ac-  
10 tion, or other proceeding commenced by or against  
11 the Board for International Broadcasting or by or  
12 against any individual in the official capacity of such  
13 individual as an officer of the Board for Inter-  
14 national Broadcasting shall abate by reason of the  
15 enactment of this Act.

16 (5) ADMINISTRATIVE ACTIONS RELATING TO  
17 PROMULGATION OF REGULATIONS.—Any administra-  
18 tive action relating to the preparation or promulga-  
19 tion of a regulation by the Board for International  
20 Broadcasting relating to the function transferred  
21 under this Act may be continued by the United  
22 States Information Agency with the same effect as  
23 if this Act had not been enacted.

24 (6) REFERENCES.—A reference in any provi-  
25 sion of law, reorganization plan, or other authority

1 to the Associate Director for Broadcasting of the  
2 United States Information Agency shall be consid-  
3 ered to be a reference to the Director of the Inter-  
4 national Broadcasting Bureau of the United States  
5 Information Agency.

6 (7) EFFECT ON OTHER LAWS.—The provisions  
7 of, and authorities contained in or transferred pur-  
8 suant to, this Act are not intended to repeal, limit,  
9 or otherwise derogate from the authorities or func-  
10 tions of or available the Director of the United  
11 States Information Agency or the Secretary of State  
12 under law, reorganization plan, or otherwise, unless  
13 such provision hereof—

14 (A) specifically refers to the provision of  
15 law or authority existing on the effective date of  
16 this Act, so affected; or

17 (B) is in direct conflict with such law or  
18 authority existing on the effective date of this  
19 Act.

20 (8) BOARD OF DIRECTORS, RFE/RL, INC.—

21 (A) At such time, and in such manner as  
22 the President directs, no grant may be made to  
23 RFE/RL Inc., unless the certificate of incorpo-  
24 ration of RFE/RL, Inc., has been amended to  
25 provide that—

1 (i) the Broadcasting Board of Direc-  
2 tors of RFE/RL, Inc., shall consist of the  
3 members of the Board of Governors and of  
4 no other members, except that the Director  
5 of the Bureau shall be a nonvoting mem-  
6 ber; and

7 (ii) such Broadcasting Board of Gov-  
8 ernors shall make all major policy deter-  
9 minations governing the operation of RFE/  
10 RL, Inc., and shall appoint and fix the  
11 compensation of such managerial officers  
12 and employees of RFE/RL, Inc., as it  
13 deems necessary to carry out the purposes  
14 of this act.

15 (B) Compliance with the requirement of  
16 paragraph (1) of Subsection (a) shall not be  
17 construed to make of RFE/RL, Inc., a federal  
18 agency or instrumentality.

19 (9) AUTHORIZATION FOR APPROPRIATION.—

20 There is authorized to be appropriated  
21 \$540,046,000 for fiscal year 1995, \$395,356,000 for  
22 fiscal year 1996, and \$400,784,000 for fiscal year  
23 1997 for the International Broadcasting Operations  
24 account. In addition, \$106,271,000 for fiscal year  
25 1995, \$108,874,000 for fiscal year 1996, and

- 1 \$111,528,000 for fiscal year 1997 are authorized to
- 2 be appropriated for the Radio Construction Account.

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