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Description of document: Broadcasting Board of Governors (BBG) briefing materials related to the Presidential transition, 2016-2017

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Room 3349
330 Independence Ave. SW
Washington, D.C. 20237
Fax: (202) 203-4585

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*Office of the General Counsel
Freedom of Information and Privacy Act Office*

May 5, 2017

RE: Request Pursuant to the Freedom of Information Act – FOIA #17-013

This letter is in response to your Freedom of Information Act (FOIA) request dated December 6, 2016 to the Broadcasting Board of Governors (BBG), which the Agency received on December 16, 2016. In your request, you seek a copy of the BBG briefing materials related to the Presidential transition, i.e., for Agency Review Teams/Agency Landing Teams from July 1, 2016 to the present.

On April 21, 2017 we notified you that chargeable reproduction fees for your request were \$118.35. On April 26, 2017, you responded that you were electing to narrow your request to the first 100 pages of the responsive records to avoid incurring chargeable reproduction fees. The records in question had already been reproduced in hard copy prior to digitization and thus the Agency could not fulfil your alternative request to provide electronic copies that had not incurred reproduction fees.

Accordingly, pursuant to your April 26 correspondence amending your original request, the records responsive to your amended request are contained on the enclosed CD-ROM. No information was redacted from the documents provided, and all documents responsive to your amended request have been provided to you.

This concludes the Agency's response to your request and it is now closed. You may contact me or the Agency's FOIA Public Liaison at 202-203-4550 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1 877-684-6448; or facsimile at 202-741-5769.



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Finally, if you are still not satisfied with response you may file an administrative appeal with the Agency by writing to: Chairperson, Access Appeal Committee, BBG, Suite 3349, 330 Independence Avenue, SW, Washington, DC 20237. Your appeal must be postmarked or transmitted by fax to 202-203-4548 within 90 days of the date of this letter.

If you have any questions regarding your request, please contact me at (202) 203-4550 or the Office of the General Counsel at the above address. Currently, inquiries are not accepted via E-mail.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew T. Krog". The signature is stylized with a large, prominent "A" and "K".

Andrew T. Krog
FOIA and Privacy Act Officer



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ADVISORY BOARD FOR CUBA BROADCASTING

The Board was established under section 5 of the Radio Broadcast to Cuba Act. Pub. L. No. 98 111, §5, 97 Stat. 749, 750-51 (1983) (codified as amended at 22 U.S.C.A. § 1465c (West Supp. 1999)).

Under the Act, the Board is to “review the effectiveness of the activities carried out under this subchapter [relating to radio broadcasting to Cuba] and the Television Broadcasting to Cuba Act and shall make recommendations to the President and the Broadcasting Board of Governors as it may consider necessary.”

The Advisory Board consists of nine members, appointed by the President and subject to Senate confirmation, of whom not more than five shall be members of the same political party. The President designates one member of the Board to serve as Chairperson. The term of each member of the Board is three years. Any member whose term has expired may serve until a successor has been appointed.

The Board currently sits five members, all of whom are on expired terms:

- Jose A. Costa, Jr.
- Feliciano Foyo
- Joseph Glennon
- Adam Lindemann
- Robert McKinney



BOARD OVERVIEW AND LEGAL AUTHORITIES

The United States International Broadcasting Act of 1994 (IBA), as amended, established the Broadcasting Board of Governors and gave the Board broad authority over all aspects of U.S. government-sponsored nonmilitary international broadcasting, including all of the authorities that had been available to the Director of the United States Information Agency before the BBG became an independent agency on October 1, 1999.

The elements of U.S. international media which are subject to the Board's authority include:

- (i) The International Broadcasting Bureau (IBB) which operates, and plays a coordinating role with respect to, the global distribution and affiliate network over which the programs produced by Agency-funded programming entities are distributed. The IBB also handles many of the administrative and "back office" functions of the federal agency.
- (ii) The programming entities within the federal agency, i.e., the Voice of America (VOA) and the Office of Cuba Broadcasting (OCB).
- (iii) The programming entities outside of the federal agency, i.e., Radio Free Europe/Radio Liberty (RFE/RL), Radio Free Asia (RFA) and the Middle East Broadcast Networks (MBN).

Board Overview:

There are eight Presidentially-appointed members of the bipartisan Board of Governors, one of whom is confirmed as Chairman of the Board, in addition to the Secretary of State who serves ex officio. Not more than four Board Members (other than the Secretary of State) shall be members of the same political party. The term of office of each Member is three years. Board positions are part-time and require Senate confirmation (PAS). Any member whose term has expired may serve until a successor has been appointed. The President may, at any time, appoint one member to serve as Chairman, subject to Senate confirmation.

Authorities:

The IBA enumerates the legal authorities of the Board that allow it to supervise U.S. international media. These authorities are divided into non-delegable authorities and delegable authorities.

The Board's non-delegable authorities roughly correspond to the formulation and implementation of U.S. international media strategy, as well as federal agency governance. The delegable authorities deal broadly with the operational aspects of U.S. international media.

- Specifically, the authorities in section 305(a)(1),(2), (3), (4), (5), (6), (9), and (11), of the IBA as amended, 22 USC §6204(a)(1),(2), (3), (4), (5), (6), (9), and (11), may not be delegated:

“The Board may delegate to the Director of the International Broadcasting Bureau, or

any other officer or employee of the United States, to the extent the Board determines to be appropriate, the authorities provided in this section, except those authorities provided in paragraph (1), (2), (3), (4), (5), (6), (9), or (11) of subsection (a) of this section. (emphasis added).

Non-Delegable Authorities/Responsibilities:

- “To supervise all broadcasting activities conducted pursuant to this chapter, the Radio Broadcasting to Cuba Act [22 U.S.C. 1465 et seq.], the Television Broadcasting to Cuba Act [22 U.S.C. 1465aa et seq.] ...” §305(a)(1) (22 USC §6204(a)(1))
- “To review and evaluate the mission and operation of, and to assess the quality, effectiveness, and professional integrity of, all such activities within the context of the broad foreign policy objectives of the United States.” §305(a)(2) (22 USC §6204(a)(2))
- “To ensure that United States international broadcasting is conducted in accordance with the standards and principles contained in section 6202 of this title.” §305(a)(3) (22 USC §6204(a)(3))
- “To review, evaluate, and determine, at least annually, after consultation with the Secretary of State, the addition or deletion of language services.” §305(a)(4) (22 USC §6204(a)(4)).
- “To make and supervise grants for broadcasting and related activities in accordance with sections 6207 and 6208 of this title.” §305(a)(5) (22 USC §6204(a)(5)).
- “To allocate funds appropriated for international broadcasting activities among the various elements of the International Broadcasting Bureau and grantees, subject to the limitations in sections 6207 and 6208 of this title and subject to reprogramming notification requirements in law for the reallocation of funds.” §305(a)(6) (22 USC §6204(a)(6))
- “To submit to the President and the Congress an annual report which summarizes and evaluates activities under this chapter, the Radio Broadcasting to Cuba Act [22 U.S.C. 1465 et seq.], and the Television Broadcasting to Cuba Act [22 U.S.C. 1465aa et seq.] . . .” §305(a)(9) (22 USC §6204(a)(9))
- “To appoint such staff personnel for the Board as the Board may determine to be necessary subject to the provisions of title 5 governing appointments in the competitive service, and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.” §305(a)(11) (22 USC §6204(a)(11))

Delegable Authorities/Responsibilities:

- “To review engineering activities to ensure that all broadcasting elements receive the highest quality and cost-effective delivery services.” §305(a)(7) (22 USC §6204(a)(7))
- “To undertake such studies as may be necessary to identify areas in which broadcasting activities under its authority could be made more efficient and economical.” §305(a)(8) (22 USC §6204(a)(8)).
- “To the extent considered necessary to carry out the functions of the Board, procure supplies, services, and other personal property.” §305(a)(10) (22 USC §6204(a)(10)).
- “To obligate and expend, for official reception and representation expenses, such amount as may be made available through appropriations” §305(a)(12) (22 USC §6204(a)(12)).
- “To make available in the annual report required by paragraph (9) information on funds expended on administrative and managerial services by the Bureau and by grantees and the steps the Board has taken to reduce unnecessary overhead costs for each of the broadcasting services.” §305(a)(13) (22 USC §6204(a)(13))
- The Board may provide for the use of United States Government transmitter capacity for relay of Radio Free Asia. §305(a)(14) (22 USC §6204(a)(14))
- “(A) To procure temporary and intermittent personal services to the same extent as is authorized by section 3109 of title 5, at rates not to exceed the daily equivalent of the rate provided for positions classified above grade GS-15 of the General Schedule under section 5108 of title 5. (B) To allow those providing such services, while away from their homes or their regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5 for persons in the Government service employed intermittently, while so employed.” §305(a)(15) (22 USC §6204(a)(15))
- “To procure, pursuant to section 1535 of title 31 (commonly known as the “Economy Act”), such goods and services from other departments or agencies for the Board and the International Broadcasting Bureau as the Board determines are appropriate.” §305(a)(16) (22 USC §6204(a)(16))
- “To utilize the provisions of titles III, IV, V, VII, VIII, IX, and X of the United States Information and Educational Exchange Act of 1948 [22 U.S.C. 1431 et seq.], and section 6 of Reorganization Plan Number 2 of 1977, as in effect on the day before the effective date of title XIII of the Foreign Affairs Agencies Consolidation Act of 1998, to the extent the Board considers necessary in carrying out the provisions and purposes of this chapter.” §305(a)(17) (22 USC §6204(a)(17))

- “To utilize the authorities of any other statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding that had been available to the Director of the United States Information Agency, the Bureau, or the Board before the effective date of title XIII of the Foreign Affairs Consolidation Act of 1998 for carrying out the broadcasting activities covered by this chapter.” §305(a)(18) (22 USC §6204(a)(18))
- “To provide for the payment of [certain] primary and secondary school expenses [including certain authorized transportation] for dependents of personnel stationed in the Commonwealth of the Northern Mariana Islands (CNMI) ” §305(a)(19)(A),(B) (22 USC §6204(a)(19)(A),(B))



TERMS OF BOARD MEMBERS
(AS OF 9/14/2016)

Chairman Jeffrey Shell (D)	Term expired 8/13/2015
Governor Ryan Clark Crocker (R)	Term expired 8/13/2016
Governor Michael Kempner (D)	Term expired 8/13/2015
Vacancy – Susan McCue (D)	Term expired 8/13/2011
Governor Karen Kornbluh (D)	Term expired 8/13/2016
Governor Kenneth R. Weinstein (R)	Term expired 8/13/2014
Governor Matthew C. Armstrong (R)	Term expired 8/13/2015
Governor Leon Aron (R)	Term expired 8/13/2016
Secretary John Kerry	Ex-Officio

NOTE: According to the law, “Any member whose term has expired may serve until a successor has been appointed and qualified.”



CEO OVERVIEW

History of CEO Appointment

The BBG's 2012-2016 Strategic Report, titled *Impact through Innovation and Integration*, identified specific organizational reforms to create a more robust and efficient broadcast organization. These include establishing a Chief Executive Officer (CEO) to manage the agency's day-to-day affairs.¹

The Board recognized that, as a part-time Board, it could not effectively manage the daily operations of a federal Agency. Managing this complex organization is a full-time job. The Board envisioned that, under this arrangement, it would attend to broad strategic issues, maintain the firewall to protect the independence and integrity of the agency's journalism, and oversee the success of the BBG mission. The CEO would serve at the pleasure of the Board and manage the agency's day-to-day affairs and operations.

To fill this need, in September 2015 the Board selected, and the White House appointed as a non-career SES, John Lansing to serve as CEO.²

Creation of a CEO of the Broadcasting Board of Governors (BBG) was a crucial first step in enabling the BBG to operate more effectively. It has been enormously helpful to have a CEO under existing law, both for broadcast operations and to oversee the hundreds of BBG staff across the world; a part-time Board, however engaged, was simply not able to meet these needs.

Current Operations and Shortfalls

However effective thus far, absent a legislative fix the Board lacks the authority to provide the CEO with other Board authorities that are ultimately central to running the Agency on a day-to-day basis.

As currently compiled, the Board has only delegated certain authorities to the CEO – its so-called “delegable authorities.” Yet under the 1994 International Broadcasting Act, the Board also has other “non-delegable” authorities which are also otherwise crucial to the day-to-day management of the Agency.

¹ Notably, In January 2013, the Office of the Inspector General for the Department of State and the Broadcasting Board of Governors (OIG) recommended the BBG seek to create a CEO position, underscoring the importance of such an action, as follows: “the concept of a CEO ... complemented by a part-time, Presidentially-appointed board of directors focused on strategic issues, has worked well with entities like the Millennium Challenge Corporation and the Corporation for Public Broadcasting. A CEO would allow the Board to put the necessary focus on these strategic concerns and keep out of day-to-day management.” (OIG January 2013 Inspection Report)

² Andy Lack served as CEO for 53 days, but returned to NBC News.

For the purposes of illustration, below are some examples of how current statutory language ultimately limits the CEO’s ability to exercise unified leadership and management of regular operations, and the Board’s ability to operate like a traditional Board:

- The Board cannot currently delegate its authority to move funds between and among programs, projects, and activities, i.e., federal operational divisions, broadcasters, and the grantees. Thus, the CEO does not have the authority to move funds between such projects – not even a penny. The Agency needs a board vote for the most minor movements of funds, even in the most urgent or compelling of circumstances.
 - Note: Nothing herein would derogate from existing notification requirements, which remain in force. If the Board had to notify the Congress before moving funds, e.g., as a reprogramming, so would the CEO.
- The Board cannot delegate its authority to directly “supervise” and thus ultimately manage BBG operations—specifically the BBG grantees (Radio Free Europe/Radio Liberty, Radio Free Asia, and the Middle East Broadcasting Networks). The CEO needs such authority to fully manage operations on a daily basis to ensure the Agency and its Broadcasts meet the Board’s strategic goals. Specifically, the Board cannot delegate its authority to “supervise all broadcasting activities conducted [by the BBG]”; or to “make and supervise grants broadcasting and related activities.”
- There are also some minor anomalies that exists in provisions of law that refer to the IBB Director for authority that would be vested in the CEO, in heading day-to-day operations.

Next Steps – “Empowered CEO”

The Agency believes the Board needs the permissive authority to delegate these authorities to a CEO, if it so chooses, to create a fully “empowered CEO.” To do so would both further increase operational agility and accountability, and help future Administrations recruit powerful candidates for this job.³

To fill this gap, beginning with the FY2014 Budget Request (submitted in April 2013), OMB has submitted CEO language in the “General Provisions” section of President’s Annual Budget Request to: (1) create a CEO position, appointed by and answerable to the Board, who may exercise *all* of the Board’s current authorities, (2) to make certain the day to day responsibilities solely the responsibility of the CEO, and, (3) to formally de-authorize the IBB Director Position.

The Board-approved, FY2014 CBJ stated the following:

³ Please note that the BBG Board does not support, or believe advisable, to create a Senate-confirmed or otherwise “politically appointed” CEO serving independent of the BBG Board. The Board supports a CEO who serves at the pleasure of the Board.

“The FY2014 Budget establishes a Chief Executive Officer for international broadcasting to oversee the day-to-day operations of the Agency and remedy senior management challenges identified by BBG, the Office of the Inspector General, the GAO, the White House, and the Department of State. FY’14 CBJ page 4. *See also* FY’14 CBJ at pages 4-5; 16-20; 126.”

In the President’s FY2017 Annual Budget request, the Agency and OMB proposed more extensive language, which may be included in Congress’s FY 2017 Budget Bill, to authorize the Board to delegate all of its currently non-delegable authorities to a CEO, if the Board desired to do so.

OMB’s proposed language is as follows:

“Provided further, That the Board may delegate any of its authorities or duties, or those of the Director of the International Broadcasting Bureau, to a Chief Executive Officer (CEO), appointed by the Board, to whom all Agency employees, except the Board, shall report, and to whom the Board may require the head of an international broadcasting entity overseen by the BBG to report.”

The Senate Appropriations Committee has picked up the OMB’s language in its FY2017 bill. The proposed Senate language is permissive, authorizing the Board to delegate any of its authorities to the BBG CEO as it so chooses. If taken up in the House, and passed, this legislative fix would overcome the restriction heretofore preventing the Board from delegating all of its authorities to a CEO, and also authorizes the Board to delegate any authorities of the IBB Director to the BBG CEO, which resolves some minor anomalies in current authorizations.



DELEGATION OF AUTHORITY TO THE CHIEF EXECUTIVE OFFICER (CEO)

Pursuant to the authority vested in us as the Board of Governors of the Broadcasting Board of Governors (“the Board”) under the United States International Broadcasting Act of 1994, as amended (22 U.S.C. §6201, et seq.) (the “International Broadcasting Act”), and any and all statutes incorporated therein by reference, including certain titles of the United States Information and Educational Exchange Act of 1948, the Foreign Affairs Consolidation Act of 1998 (Public Law 105-277), the Board hereby delegates the following functions to the Chief Executive Officer (CEO) of United States International Broadcasting:

Section 1. Delegation of Functions

- 1) To oversee and direct the carrying out of all non-military international broadcasting activities supported by the United States Government other than those that are (i) described in §6207 and §6208 of the International Broadcasting Act; (ii) expressly reserved to Board of Governors, the Secretary of State or any other person or entity under the provisions of such Act; or (iii) expressly delegated to some person or office other than the CEO pursuant to a decision of the Board of Governors. This function includes the authority to identify, evaluate and resolve strategic trade-offs and conflicts among the broadcasting entities, consistent with the broad strategic guidelines established by the Board and subject to the Board’s continuing oversight.
- 2) To operate as an extension of the Board to assist the Board in carrying out the Board’s responsibilities for decisions and oversight for United States international broadcasting and provide the Board with technical, professional, and administrative support as well as strategic guidance and oversight of selected agency programs.
- 3) With respect to non-delegable authorities reserved by §6204(b) of the International Broadcasting Act to the Board, (i) to assist and monitor, and to oversee implementation of the Board’s decisions and compliance with relevant statutory mandates by the elements of United States international broadcasting (i.e., the International Broadcasting Bureau, the Voice of America, the Office of Cuba Broadcasting and, as permitted by law, the grantees of the Broadcasting Board of Governors); (ii) to gather and coordinate the reporting and analysis of information from the elements of United States international broadcasting and make recommendations to the Board as necessary to inform the Board’s decision-making processes and facilitate the Board’s statutory oversight role; and (iii) to represent the Board to the U.S. Congress, other Federal agencies, the press and relevant third parties.
- 4) To provide for the general administrative management of the federal agency known as the Broadcasting Board of Governors, including without limitation, by exercising any authority provided for in the International Broadcasting Act, except those non-delegable authorities reserved by §6204(b) of such Act to the Board.

- 5) To appoint members of a professional staff for such positions as the CEO may determine are necessary, and to manage, review and evaluate on an annual basis the performance of such staff members. The appointment of the Chief Financial Officer and General Counsel shall be subject to approval by the Board.
- 6) To serve as the principal day-to-day liaison for the Board with other U.S. government agencies, foreign governments, and private-sector organizations.

Section 2. General Provisions

- 1) Notwithstanding any other provision of this order, individual Governors shall not at any time exercise any function or authority delegated or reserved by this delegation of authority to the CEO, except pursuant to a Board decision adopted in accordance with the relevant voting provisions of the International Broadcasting Act. Functions herein delegated are subject to the continuing oversight and supervision of the Board acting as a whole.
- 2) The CEO will provide oversight and direction to the Director of the Voice of America, the Director of the Office of Cuba Broadcasting, and other employees of the federal agency with respect to all functions delegated by the Board in Section 1, including the oversight and implementation of Board decisions, the management of a global distribution network for U.S. nonmilitary international broadcasting activities and general administrative management functions ,including, without limitation, financial, legal, communications, strategic planning, policy formulation and implementation, management analysis, human resource, equal employment opportunity, procurement, security, information technology, new media, administrative, graphics, research, , training, marketing, and program evaluation services.
- 3) Functions delegated by this delegation of authority may be re-delegated by the CEO, to the extent consistent with law and subject to the other provisions of this delegation.
- 4) Any reference in this delegation of authority to any act, order, determination, delegation of authority, regulation, or procedure shall be deemed to be a reference to such act, order, determination, delegation of authority, regulation, or procedure as amended from time to time.
- 5) This Delegation Order supersedes all prior delegations of authority to the other officers or employees of the BBG, including to the Director of the International Broadcasting Bureau and the members of the Interim Management Team.



CHAIRMAN, BROADCASTING BOARD OF GOVERNORS

Introduction

Incumbent serves as the Chairman of the Broadcasting Board of Governors.

The functions of the Board are to:

Supervise all broadcasting activities conducted pursuant to the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act.

Review and evaluate the mission and operation of, and to assess the quality, effectiveness, and professional integrity of, all such activities within the context of the broad foreign policy objectives of the United States.

Ensure that United States international broadcasting is conducted in accordance with standards and principles contained in Public Law 103-236, section 303.

Review, evaluate, and determine, at least annually, the addition or deletion of language services.

Make and supervise grants for broadcasting and related activities.

Allocate funds appropriated for international broadcasting activities among the various elements of the International Broadcasting Bureau and grantees, subject to the limitations in Public Law 103-236, sections 308 and 309 and subject to reprogramming notification requirements in law for the reallocation of funds.

Review engineering activities to ensure that all broadcasting elements receive the highest quality and cost effective delivery services.

Undertake such studies as may be necessary to identify areas in which broadcasting activities under its authority could be made more efficient and economical.

Submit to the President and the Congress an annual report that summarizes and evaluates activities under United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act.

Procure supplies, services and other personal property for the Board.

Obligate and expend, for official reception and representation expenses, such amount as may be made available through appropriations.

Make available in the annual report information on funds expended on administrative and managerial services by the Bureau and by grantees and the steps the Board has taken to reduce unnecessary overhead costs for each of the broadcasting services.

Provide for the use of United States Government transmitter capacity for relay to Radio Free Asia.





MEMBER, BROADCASTING BOARD OF GOVERNORS

Introduction

Incumbent serves as a member of the Broadcasting Board of Governors.

The functions of the Board are to:

Supervise all broadcasting activities conducted pursuant to the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act.

Review and evaluate the mission and operation of, and to assess the quality, effectiveness, and professional integrity of, all such activities within the context of the broad foreign policy objectives of the United States.

Ensure that United States international broadcasting is conducted in accordance with standards and principles contained in Public Law 103-236, section 303.

Review, evaluate, and determine, at least annually, the addition or deletion of language services.

Make and supervise grants for broadcasting and related activities.

Allocate funds appropriated for international broadcasting activities among the various elements of the International Broadcasting Bureau and grantees, subject to the limitations in Public Law 103-236, sections 308 and 309 and subject to reprogramming notification requirements in law for the reallocation of funds.

Review engineering activities to ensure that all broadcasting elements receive the highest quality and cost effective delivery services.

Undertake such studies as may be necessary to identify areas in which broadcasting activities under its authority could be made more efficient and economical.

Submit to the President and the Congress an annual report that summarizes and evaluates activities under United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act.

Procure supplies, services and other personal property for the Board.

Obligate and expend, for official reception and representation expenses, such amount as may be made available through appropriations.

Make available in the annual report information on funds expended on administrative and managerial services by the Bureau and by grantees and the steps the Board has taken to reduce unnecessary overhead costs for each of the broadcasting services.

Provide for the use of United States Government transmitter capacity for relay to Radio Free Asia.





NOMINATION OF UNDER SECRETARY RICK STENGEL TO BECOME THE CHAIRMAN AND MEMBER OF THE BBG BOARD

Background

As outlined in other documents, the Board of the BBG is appointed by the President and must be confirmed by the Senate (the Senate has jurisdiction over all nominations that must be approved by Congress, and the Senate Foreign Relations Committee (SFRC) has jurisdiction over BBG nominations). The President recently released a document outlining his Intent to Nominate Rick Stengel, the serving Under Secretary of State for Public Diplomacy, to become the Chair and member of the BBG. The nomination will become official on Monday, November 14, when the Senate resumes session and the nomination is sent to SFRC.

The current Chair, Jeff Shell, has served for longer than almost any other BBG Chair. Under Secretary Stengel is a highly viable candidate for this position, having the requisite experience for the job – he is a former Managing Editor of Time Magazine and long-time journalist, and holds experience in U.S. government and public diplomacy issues – and also experience serving on the BBG’s Board. The Secretary of State, who is the ninth and only government official on the Board, does not attend Board, but traditionally elects for the Under Secretary of Public Diplomacy to attend on his or her behalf.

This nomination comes late in the year, and at a time when few nominations are transmitted because of the proximity to the end of the Administration. However, the Chair is vested with an enormous amount of responsibility by law, and if not confirmed this year, a new nomination would not be a high priority for SFRC and the Senate. In fact, it could take until this time next year for a new Administration to select a new nominee for the position of Chair.

Process

President’s Intent to Nominate – completed

President’s Nomination – expected Monday, November 14, 2016

Meetings with Members of SFRC and/or staff – currently underway

SFRC business meeting to approve nomination – currently unscheduled, but not likely until at least the first week of December

Floor Consideration or Consideration by Unanimous Consent (UC) – final passage of the nomination by the Senate; likely to occur by UC, in which the nomination will be passed unless objections are raised



Jeff Shell
Chairman of the Board

Jeff Shell is chairman of Universal Filmed Entertainment.

He previously served as chairman of NBC Universal International from 2011-2013 and as president of Comcast Programming Group from 2005 to 2011. Prior to joining Comcast, Shell held a number of positions, including CEO of Gemstar TV Guide International and President of the FOX Cable Networks Group. As president of the FOX Cable Networks, he oversaw the operations of FOX's entertainment and sports cable programming businesses. He currently serves on the board of the National Constitution Center. Shell earned a B.S. in Economics and Applied Mathematics from the University of California, Berkeley and an M.B.A. from Harvard University.

Shell is the chair of the Broadcasting Board of Governors and chairs the BBG's Advisory Committee and Special Committee on the Creation of a Chief Executive Officer. He also chairs the boards of directors for the BBG's grantee networks.

He was confirmed as Chairman of the Broadcasting Board of Governors on August 1, 2013.



**Ambassador Karen Kornbluh
Board Member**

Ambassador Karen Kornbluh is the Executive Vice President of External Affairs for Nielsen, responsible for global public policy, privacy strategy, and corporate social responsibility.

Prior to joining Nielsen, Kornbluh was the U.S. Ambassador to the Organization for Economic Co-operation and Development (OECD) from 2009 – 2012. Previously, she was Policy Director for then Senator Barack Obama. In the Clinton Administration, she served as Deputy Chief of Staff at the US Treasury Department and Director of the Office of Legislative and Intergovernmental Affairs at the Federal Communications Commission. Additionally, Kornbluh founded the New America Foundation's Work and Family Program and is a senior fellow for Digital Policy at the Council on Foreign Relations. She has a bachelor's degree from Bryn Mawr College and a Master of Public Policy degree from the John F. Kennedy School of Government at Harvard University.

She was confirmed as a member of the Broadcasting Board of Governors on December 16, 2014.



Kenneth Weinstein
Board Member

Weinstein has been President and CEO of Hudson Institute since 2011. Since joining Hudson Institute in 1999, he has held several other positions, including Chief Executive Officer, Chief Operating Officer, Senior Fellow, and Director of the Washington Office. From 1996 to 1998, he was the Director of the Government Reform Project at the Heritage Foundation, and from 1994 to 1996, he was Director of Research at the New Citizenship Project. He served on the National Council of the Humanities from 2006 to 2012 and was appointed to the D.C. Advisory Board to the U.S. Commission on Civil Rights in 2010. Weinstein received a B.A. from the University of Chicago, an M.Phil. from the Institut d' Études Politiques de Paris, and a Ph.D. from Harvard University.

Weinstein serves as a member of the Advisory Committee and the Special Committee on the Creation on a Chief Executive Officer. He also served on the Special Committee on the Future of Shortwave Broadcasting, which on August 1, 2014, issued its report, [To Be Where the Audience Is; The Future of Shortwave.](#)

He was confirmed as a member of the board on September 23, 2013.



Dr. Leon Aron
Board Member

Dr. Leon Aron is Resident Scholar and Director of Russian Studies at the American Enterprise Institute, a position he has held since 1993. He was a weekly Contributor at the Voice of America's Russian language radio and television show *Gliadya iz Ameriki (Looking from America)* from 1990 to 2004.

Dr. Aron was previously an Adjunct Professor at Georgetown University from 1994 to 1996 and a Senior Policy Analyst at the Heritage Foundation from 1987 to 1992. He was awarded the Peace Fellowship from the U.S. Institute of Peace from 1992 to 1993. Dr. Aron received a B.A. from Moscow State Pedagogical Institute and an M.A. and a Ph.D. from Columbia University.

He was confirmed as a member of the Broadcasting Board of Governors on December 12, 2014.



Matt Armstrong
Board Member

Mr. Matt Armstrong is an author, lecturer, and strategist on public diplomacy and international media. He has worked on traditional and emerging security issues with both civilian and military government agencies, news organizations, think tanks, and academia across several continents.

Mr. Armstrong serves on several organizational boards, including the Public Diplomacy Council, a nonprofit organization committed to the importance of the academic study, professional practice, and responsible advocacy of public diplomacy. He is also on the board for the Lodestone Trust, a land conservation trust providing an enduring venue for the research and development of programs in outdoor group therapy for military service-related post-traumatic stress disorder patients under professional supervision. He is also on the editorial boards for several journals covering strategic communication and national security. Since 2009, he has been a member of the National Press Club.

Previous public diplomacy related roles include Executive Director of the U.S. Advisory Commission on Public Diplomacy, adjunct lecturer of public diplomacy at the Annenberg School of Journalism and Communication at the University of Southern California, and president & founder of the MountainRunner Institute, a 501(c)3 non-profit focused on issues related to public diplomacy. In 2004, he launched the leading blog on public diplomacy and strategic communication, www.MountainRunner.us.

Mr. Armstrong earned a B.A. in International Relations and a Master of Public Diplomacy from the University of Southern California. He also studied European security and the Middle East at the University of Wales, Aberystwyth.

He chairs the Special Committee on the Voice of America in the 21st Century and is a member of the Board's Advisory Committee. He also served as the chair of the Special Committee on the Future of Shortwave Broadcasting, which on August 1, 2014, issued its report, *To Be Where the Audience Is: The Future of Shortwave*.

He was confirmed as member of the Broadcasting Board of Governors on August 1, 2013.



Michael Kempner
Board Member

Michael W. Kempner is the Founder, President, and CEO of MWW, a public relations firm he founded in 1986. He is board member of Goodwill Industries International and a Founding Board Member of ConnectOne Bancorp. He served on the White House Council for Community Solutions from 2010 to 2012. In 2013, he was named Agency Leader of the Year by *PR News*, Executive of the Year by *American Business Awards*, and Agency Professional of the Year and Communications Professional of the Year by *Bulldog Stars of PR*. Mr. Kempner received a B.S. from American University.

He was confirmed as a member of the Broadcasting Board of Governors on December 12, 2014.



Ryan Crocker
Board Member

Ambassador Ryan C. Crocker is dean of the Bush School of Government and Public Service at Texas A&M University – a position from which he had taken a leave of absence to serve as U.S. ambassador to Afghanistan from 2011 to 2012.

His is also the James Schlesinger Distinguished Visiting Professor at the University of Virginia. Prior to resuming his position as dean, Ambassador Crocker was a Kissinger Senior Fellow at Yale University. His 37-year career in the Foreign Service included service as U.S. Ambassador to Iraq, Pakistan, Syria, Kuwait, and Lebanon. He is a Member of the Council on Foreign Relations and the Board of Trustees of Whitman College. Ambassador Crocker is a recipient of the Presidential Medal of Freedom, the Presidential Distinguished Service Award, the Secretary of State’s Distinguished Service Award, and the Department of Defense Medal for Distinguished Civilian Service. He earned a B.A. from Whitman College.

Crocker served on the Special Committee on the Future of Shortwave Broadcasting, which on August 1, 2014, issued its report, [To Be Where the Audience Is; The Future of Shortwave.](#)

He was confirmed as member of the Broadcasting Board of Governors on August 1, 2013.



John Forbes Kerry
Ex Officio Board Member

On February 1, 2013, John Forbes Kerry became the 68th Secretary of State of the United States.

Previously, Mr. Kerry served 28 years in the United States Senate, with the last four as Chairman of the Senate Foreign Relations Committee.

As a senator Mr. Kerry was a leader on key foreign policy and national security issues facing the United States, including nuclear nonproliferation and global climate change. Prior to chairing the committee, Mr. Kerry chaired the Asia and Middle East subcommittees where he authored and passed major legislation on international drug trafficking, international money laundering, humanitarian aid, and climate change, and he helped negotiate the agreement establishing the United Nations tribunal to prosecute war crimes in Cambodia.

Mr. Kerry is represented on the Board by Richard Stengel, Under Secretary of State for Public Diplomacy and Public Affairs.

Testimony of Matthew Armstrong
Member, Broadcasting Board of Governors
Before the House Armed Services Committee, Subcommittee on Emerging
Threats and Capabilities
October 22, 2015

Mr. Chairman and Members of the Subcommittee, thank you for inviting me to speak to the unique role the Broadcasting Board of Governors (BBG) and United States international media play in advancing our national interests.

I am pleased to join today's panel alongside my colleagues from the Department of Defense (DoD). It is appropriate, and important, that we remain vigilant to the ways in which information and ideas impact our national security. Every day, around the world, we face adversaries and challengers whose primary weapon is not kinetic, but the expert deployment, and at times active suppression, of information.

In today's increasingly interconnected world, responding to the global explosion of information must be a key focus of U.S. foreign policy. Each day, the voices and messages of our friends and foes alike travel and impact beyond familiar political borders with the press of a "share" button. Communities and conversations in the digital space are created without limit to a specific geographical area. As technology continues to develop, cross-border communications and dissemination of information will only increase.

While the information revolution offers the world a plethora of opportunity, particularly those who have lacked a voice either locally and on the global stage, it also provides challenges. In just the past five years, we have seen vivid examples where both state and non-state actors have effectively used information to challenge the United States, our values of democracy and freedom, and the very existence of objective truth.

From Crimea, to Syria, Northern Nigeria, and Southeast Asia, propaganda and censorship have resurged in our increasingly networked world to foment hate and confusion, monitor and suppress dissent, activate acts of terror and roll-back hard-won freedoms. Actors from ISIL to Russia to China are using information not just to "win the news cycle," but to shape the very choices of statecraft.

U.S. foreign policy cannot be effective if we do not appreciate how information shapes the actions of policymakers, institutions, and everyday citizens on the

street. The simple truth is that today's media has the power to reach through the screen to activate audiences to action – or to suppress them. Failing to recognize this fact limits the effectiveness of our foreign policy.

U.S. international media advances U.S. national interests by engaging audiences that are critical to advancing democratic values through open and free exchanges of information.

The BBG oversees all nonmilitary international media supported by the U.S. government, including the Voice of America (VOA), the Office of Cuba Broadcasting (OCB), and BBG-funded grantees Radio Free Europe/Radio Liberty, Inc. (RFE/RL), Radio Free Asia (RFA) and the Middle East Broadcasting Networks, Inc. (MBN). We inform, engage, and connect people around the world in support of freedom and democracy.

Throughout U.S. international media's long history, the tools and goals have been consistent: delivering consistently accurate, reliable and credible reporting that opens minds and stimulates debate in closed societies and those where free media are not yet fully established – especially where local media fails to inform and empower its citizens.

The mission of the Broadcasting Board of Governors is unique. We are a 24/7 global media organization, built for a global mission. BBG radio, television, Internet, and mobile programs reach more than 215 million people each week, in sixty-one languages.

As a journalism organization, our mission is to empower people with both the truth and the context of local, regional, and global affairs, as well as through news from the United States. Our journalists don't just present the news, they unpack the news to provide their audiences with a greater understanding of their world and what is happening. Great journalism – the stories that stick with an audience – shows, often indirectly and subtly, how democracies should work. Great journalism helps audiences understand how democratic accountability, rule of law (not rule by law), human rights, and human security should work, and the differences between the vision of democratic ideals and the reality, so that audiences understand the contrast.

The unique difference of the BBG is not only that we do the news in sixty-one different languages, but also that we prioritize our content to impact our strategic audiences. Many of our reporters are not only from our target markets, but they

also maintain extensive networks in them and speak as locals. They don't parachute in. We know the audiences, what they need to know, and how the story is best told. This is what makes the BBG networks, including VOA, unique. We are called upon, as enshrined in our founding legislation, to operate in markets until “private information dissemination is found to be adequate.” Virtually by definition, we target markets that are hard to reach and, at best, under served by accessible reliable independent media. There is no other agency or corporation like us – that puts the audience first, and that actively builds true, independent media markets, in order to one day not be needed. We use future redundancy as a primary measure of success.

President Obama said in his recent speech at the U.N. General Assembly: “The strength of nations depends on the success of their people – their knowledge, their innovation, their imagination, their creativity, their drive, their opportunity – and that, in turn, depends upon individual rights and good governance and personal security.”

By unleashing the power of professional journalism, we open up new markets for independent media and, in doing so, challenge the governments, institutions, and non-state actors who would manipulate facts to limit choice or infringe the rights of their people. Accurate news not only informs the public, it allows individuals to aspire to freedom by offering them a platform from which to make decisions based on what is verifiably true – rather than on what their governments may tell them. In short, by exporting the power of a free press we fuel and sustain the exchange of ideas and the struggle for individual thought and freedom – the very building blocks of democratic freedom.

The VOA Charter, which is enshrined in our enabling legislation, mandates that our programs “present the policies of the United States clearly and effectively, and...also present responsible discussions and opinion on these policies.” In this way we are a part of broader U.S. public diplomacy, a means by which the U.S. Government can articulate and explain its policies and actions, and through which Congress and other constituencies can present alternate views.

Our journalism exposes corruption and abuse, and empowers our audience to root it out. When we cover the success of free and open elections, as we have recently in Nigeria, we educate audiences on how opposition parties can seek power peacefully through the ballot. When we help repressed voices talk about their future, as we do in Iran, we show how communities can solve problems on their own.

And when we train the lens on our own challenges, for example by covering the protests surrounding Ferguson, Missouri and the subsequent national debate on racial equality, the Detroit bankruptcy, or differing views on key foreign policy initiatives, such as the recent negotiations with Iran, we allow the world to see democracy not as an abstraction, but as a constantly evolving work in progress. This reporting shows the strength of our democracy – the identification of problems, the ability to air our differences in peaceful, respectful ways in line with the rule of law – and gives the opportunity to dive into often unfamiliar concepts to our audiences, such as accountability of civil authorities, what a grand jury is, and how a legal system can work. Even talking about how – and why – Americans go about paying parking tickets can open the eyes of our audiences.

Journalism is a powerful force for change. By acting as the “foreign domestic media” we play a critical role in the lives of audiences, as a news source that provides them with information, in their local language and relevant to their daily lives, that helps them make critical decisions. Decisions on their tolerance for local corruption. Decisions on whether to believe disinformation or form an opinion on fact-based information. Decisions on whether to be connected to the world or remain isolated from it.

U.S. International Media and U.S. Foreign Policy

Today, with so much of the world awash in information, the BBG’s role is changing. As our adversaries have embraced the opportunities to engage and influence audiences using new tools and techniques, the BBG has made changes as well.

Our success no longer depends on our unique global reach, but also on the intensity of the BBG’s relationships with its audiences, the extent to which they share and comment on our news and information and, ultimately, how they influence local knowledge and thought.

The impact of U.S. international media for the next decade is based on our ability to be an influential news and information source in this dynamic 21st century information environment. Under the leadership of our new CEO, the BBG is aggressively moving along five core themes to be the 21st century media organization the tax payers – and the Government – demands.

First, the BBG is accelerating our shift toward engaging audiences on digital platforms, especially utilizing the power of video, mobile, and social networks. We must be on the platform, in the format, and providing the content the audience needs – be it radio, television, or mobile tools and social media. To be clear, this is not just one-way dissemination, but also the empowering and encouraging of their participation in the conversations.

Second, we are rapidly expanding coordination and content-sharing across the BBG’s five interdependent networks in order to cover and report on the stories that matter to audiences and markets that increasingly transcend political borders and languages. For instance, this will allow us to more effectively share our coverage of the Middle East with interested audiences in Indonesia and Russia, or issues surrounding Chinese investment in Africa with audiences across Latin America.

Third, the BBG is concentrating its efforts in five key issue areas where we can be most effective in support of our mission. These five areas are Russia; covering violent extremism; the widening regional influence of Iran; China, not only in the South China Sea region, but also in Africa and Latin America; and, the continuing struggle for democratic rights in Cuba.

Fourth, we are evolving to an organization actively engaged in curating, commissioning, and acquiring content. This is about more than just internal capacity. There are new generations of compelling storytellers, such as the youth in many of our markets, documentarians and journalists that engage their peers every day on digital platforms.

Finally, in the past, the BBG was asked to maximize our potential reach, as befitting a broadcasting organization with a broadcasting mentality. We “paid back” the American people whenever we powered up a new transmitter or launched a new program over satellite. Today, we are focusing on impact over reach; specifically by putting the audience first in how we collect, create and distribute news and information.

Now, let me touch upon three key challenges that may be of interest to the Committee.

Responding to Russia

The Kremlin has demonstrated the use of propaganda and disinformation as a tool of foreign policy, as well as maintaining support at home. By doing so, the

Kremlin has built a house of cards that is susceptible to the truth and transparency. We see the constant statements and laws to shut down the freedom of speech and the freedom to listen in Russia. We see the same in the Kremlin's second greatest export – propaganda and obfuscation – that encourages audiences to “Question More” - to the point of not trusting anyone or thinking independently.

Countering Russian propaganda is not a proactive strategy; it is a reactionary posture predisposed to responding to the Kremlin's initiative. It allows the Kremlin the space to be proactive in disseminating disinformation to distract and obfuscate reality to manufacture blame and mask their own activities.

The BBG engages key audiences in Russia, the Russian periphery, and globally to provide them with the realities about Russian, and US activities, and, importantly, their context. Like elsewhere, we want our audiences to be empowered by facts and to think, to see the ‘say-do’ gaps of their leaders, which we have found over the decades to be a successful strategy for countering propaganda. For instance, RFE/RL continues to ramp up DIGIM, its new social-media driven digital reporting and engagement service, which includes the “Footage vs. Footage” feature, a daily video product that compares and contrasts how Russian media and global media report on the same events, providing the facts of a case and pointing out inconsistencies in Russian reporting.

We engage the audience's – often silently held – interests and concerns. The fundamental question that Former Soviet Union (FSU) citizens are considering is “Are we headed in the right direction?” They are weighing whether Putin's political and social reality is where they want to raise their children, start or grow a business, get an education; these are pocketbook and core questions that speak to hopes and dreams. In other words, the future media environment is not just about countering Kremlin propaganda, but a campaign for the future of the region.

Covering Violent Extremism

Extremist narratives too often go unaddressed within local media environments and digital echo chambers. These narratives are often tied to extremists' alleged religious virtue and organizational invincibility, with a toxic additive of anti-American conspiracy theories.

Our journalism exposes the gap between rhetoric and reality – ideologically and organizationally – of extremist groups. We do this through objective reporting that

adheres to the highest standards of professional journalism. By covering violent extremism, we expose it for what it is.

Extremist groups have excelled at re-centering the news cycle on their violence. The BBG offers audiences more than coverage of violence through programming on positive alternative visions for the world to build support for more stable local and regional communities.

While other parts of the government directly support civil society, the BBG is uniquely positioned to elevate moderate voices – from the street to the elites. To cover local issues of concern, and provide constructive outlets for communities to discuss the issues that matter to them. For example, MBN’s 30-minute, weekly documentary series “Delusional Paradise” presents firsthand accounts, obtained through original interviews, of families and communities that have suffered at the hands of ISIL. The program includes compelling accounts of families, in their own words, who have lost loved ones both due to ISIL recruitment and attacks, including the first interview with the Jordanian pilot’s family.

Internet Freedom

A third prominent challenge for us is the fundamental importance of information freedom.

This is an enduring and central role for the BBG. Almost 75 years ago, President Roosevelt gave his ‘Four Freedoms’ speech that symbolized America's war aims and gave hope to a war-wearied people because they knew they were fighting for freedom. His first freedom was of speech and expression everywhere in the world.

Today information freedom means the freedom for people around the world to be informed, to engage and connect with one another and ultimately use that information to change their lives and the lives of their community for the better.

I have followed, worked on, and blogged about public diplomacy and strategic communication issues for more than a decade. And I’ve been privileged enough to combine these experiences in my work on the Broadcasting Board of Governors.

I recall the rush when early bloggers in formerly closed societies pushed the envelope, and blogged about things their governments would rather see kept quiet.

At the time, there were those who called blogs “the samizdat of the 21st century” – a reference to the underground newsletters self-published by Soviet dissidents during the Cold War. And, for a time, bloggers and independent journalists did do some astounding work in places like Russia, China, Iran, Cuba, Egypt and Azerbaijan.

The BBG created the Internet Anti-Censorship (or “IAC” program) to accomplish two simple goals. The first is to support journalists, bloggers, civil society actors and activists to use the Internet safely and without fear of interference. The second is empower world citizens to have access to modern communication channels that are free of restrictions, and allow them to communicate without fear of repressive censorship or surveillance.

Using funds provided by Congress for internet freedom programs, our International Broadcasting Bureau funds large scale proxy servers and other means to defeat censorship, such as proxy servers like Psiphon. Through the BBG’s investment and supports of multiple circumvention technologies, we have been able to create a new generation of mobile apps that directly challenge and overcome the firewall of Iran and Great Firewall of China. Our web proxy servers allow literally over a billion sessions a day of Internet users from the Middle East, North Africa, Eurasia and East Asia to access news and information outside of their tightly controlled information markets.

Through our Open Technology Fund, we underwrite apps and programs for computers and mobile devices that help to encrypt communications and evade censorship. OTF’s approach to identify and support next-generation internet freedom technologies has led to the development of first-of-its kind tools which support encryption of text messages and mobile phone calls, detection of mobile phone censorship and intrusion efforts, and technologies which allow transfer of data without use of the internet or mobile networks. Such efforts allow users facing changing methods of curtailing free expression online to continue to communicate safely.

The success of our Internet Freedom work is at the core of our role as journalists and reflects our unique capabilities within the U.S. government. In the digital era, the freedom to speak and the freedom to listen remain essential. And you can count on the BBG expanding our efforts in this area into the future.

Cooperation between BBG and Department of Defense

Finally, I would like to turn towards our engagement with other U.S. government colleagues. The BBG has a unique set of capabilities that were enabled by a range of authorities and requirements that first established and then grew U.S. international media. While we do work closely with other parts of government to accomplish our own mission, the Board of Governors and staff at the BBG remain committed to, and strong guardians of, the Agency's statutory journalistic firewall, which ensures the independence and journalistic integrity of our broadcasts and other content.

Having said this, the BBG does cooperate effectively with other U.S. government agencies, including colleagues at the Department of Defense, Department of State, USAID, and the Centers for Disease Control. We have a number of projects already underway with each agency, and are exploring others where appropriate.

The BBG has worked closely with various different DoD commands to accomplish mutual goals. In an agreement with Africa Command, the Voice of America produced a youth program to understand the impacts of violent extremism among Somalia youth. The radio programming was supplemented by SMS messaging, Town Hall meetings and journalism training for young people.

In Southeast Asia we have executed an agreement with Pacific Command that enabled the BBG to launch a new journalism effort focused on extremism in that region, including Thailand, Indonesia, Bangladesh and Malaysia.

And Voice of America continues to train broadcast technicians and photographers within the combatant commands in the technical aspects of journalism. We are already laying plans to host and train more technical operations staff during the FY 2016 fiscal year.

Conclusion

To close, the fundamental purpose and intent of the BBG is to empower our audiences to own their future. We enable this goal by providing fact-based alternatives to the propaganda they suffer, giving them access to truth, and demonstrating the building blocks of democratic society – accountability, rule of law (versus rule by law), human security issues, and more.

Voice of America's first broadcast stated: "The news may be good or bad; we will tell you the truth." At BBG, we continue to operate with that in mind, because truth builds trust and credibility, and delivering credible news is the most effective

means to ensure impact and provide the audience with information that will affect their daily lives and use in their own decision-making.

And with that, I am happy to take questions. Thank you for your time and attention.

**Testimony of Broadcasting Board of Governors Chief Executive Officer John F. Lansing
Before the Senate Appropriations Committee
Subcommittee on State, Foreign Operations, and Related Programs
February 24, 2016**

Chairman Graham, Ranking Member Leahy, thank you for inviting me to submit testimony on behalf of the Broadcasting Board of Governors (BBG) to the Subcommittee on State, Foreign Operations, and Related Programs of the Senate Appropriations Committee.

As the Chief Executive Officer of the BBG, I appreciate your inclusion of our FY 2017 budget request testimony into the Record, on the date of Secretary of State John Kerry's testimony before this Committee. The President's request for the BBG for FY 2017 is \$777.8 million, an increase of 3.7% over FY 2016 enacted.

The BBG is the independent agency tasked with overseeing and supervising civilian international media activities funded by the United States Government. Our mission is "to inform, engage, and connect people around the world in support of freedom and democracy." BBG directly oversees the federal Voice of America (VOA) and Office of Cuba Broadcasting (OCB), and BBG-funded grantees Radio Free Europe/Radio Liberty (RFE/RL), Radio Free Asia (RFA) and the Middle East Broadcasting Networks (MBN).

The BBG distributes programming in 61 languages to more than 100 countries via terrestrial and satellite TV, the web, live streaming, mobile devices, and social media – as well as radio – shortwave, medium wave (AM), FM and satellite. Our global audiences comprise more than 226 million people each week.

Funding for the five networks in our FY 2017 request includes:

- \$224.4 million for Voice of America, a multimedia broadcast service which began in 1942 as a radio news service for people living in closed and war-torn societies, and currently reaches people through both traditional and modern media platforms;
- \$121.1 million for Radio Free Europe/Radio Liberty, a private, nonprofit, multimedia broadcasting corporation that serves as a surrogate media source in 28 languages and in 23 countries including Russia, Ukraine, Iran, Afghanistan, Pakistan, and the former Soviet republics of Central Asia;
- \$112.1 million for Middle East Broadcasting Networks, a private, non-profit, multimedia broadcasting corporation that provides the United States a direct line of communication with Arabic-speaking people of the Middle East and North Africa;
- \$38 million for Radio Free Asia, a private, nonprofit, multimedia corporation that serves as a surrogate broadcaster in Asian countries that prevent or restrict freedom of the press;
- \$27.1 million for Office of Cuba Broadcasting, which administers Radio and Television (TV) Marti programs.

The sheer volume of available media has increased exponentially as people migrate to digital and mobile platforms, but not all information is created equal. Actors from ISIL to China to Russia are using information not just to "win the news cycle," but also are using propaganda and

censorship to foment hate and confusion, monitor and suppress dissent, and sow the ground for terroristic activities.

During the Cold War the United States countered the information vacuums created under suppressive regimes with reporting through Voice of America, Radio Free Europe, and other tools.

Today, certain state actors are promulgating an abundance of false, doctored, or misleading information on a multitude of different platforms for consumption. Through both its federal components (VOA and OCB) and its BBG-funded grantees (MBN, RFE/RL, and RFA), BBG provides a platform for high-quality reporting that serves as a beacon for accurate, fact-based journalism. In environments inundated with propaganda or falsehoods, the best antidote is objective, fact-based reporting that arms citizens with the truth. As such, BBG's global reach and journalistic credibility play a vital role in correcting falsehoods, holding people and institutions accountable, and demystifying U.S. policy in these communities.

Since my tenure as CEO, and with the unanimous support of the Board, I have aggressively prioritized five core themes to ensure the BBG is the 21st century media organization that the tax payers demand. The President's FY 2017 Budget Request feeds directly into these themes.

First, we are accelerating our shift towards engaging audiences on digital platforms, especially through the power of video, mobile, and social media. Our request supports this shift in several ways, including \$2.5 million to expand the "Raise Your Voice" campaign into new geographic spaces. MBN's successful program uses multiple and modern platforms – such as Google Hangout discussions, infographics, short videos, and other social media – to engage in discussion about the fight against extremism and terrorism across Iraq. The FY 2017 request proposes to expand "Raise Your Voice" to Egypt, Central Asia, and the Balkans.

Our request also includes \$2 million for expanded global distribution capability. This investment will increase our ability to reach satellite audiences in the increasingly popular HD format. It will simultaneously lower our costs by leveraging advanced Internet protocol (IP) based networks to distribute audio and video content across the entire globe.

Second, we are rapidly expanding coordination and content-sharing across the BBG's five interdependent networks in order to cover and report on the stories that matter to audiences. I will describe my leveraging of the U.S. International Media Coordinating Council (ICC) in more depth later in this testimony.

Third, the BBG is concentrating its efforts in five key issue areas where we can be most impactful in support of our mission and U.S. global priorities: reporting on Russia; covering violent extremism; the widening regional influence of Iran; China and places in which Chinese media is influential; and promoting universal human rights and fundamental freedoms in Cuba.

Our initiative for "Next Generation" influencers (\$15 million) will expand digital and video production at both VOA and RFE/RL to engage with influential young audiences and future leaders in several of these areas. Our specific targets are young adults impacted by pressure

from Russia, or by the media campaigns of violent extremist groups such as ISIL. Specifically, RFE/RL will work in Russia and launch teams for Central Asia and areas in Russia's periphery affected by protracted conflicts like Trans-Dniestria, South Ossetia, Abkhazia, and the North Caucasus, while VOA will reach both Russian-speakers and regional audiences vulnerable to ISIL extremism, including Indonesia, Bangladesh, Pakistan and Afghanistan.

Fourth, we are evolving to an organization actively engaged in curating, commissioning, and acquiring content. For broader impact, the BBG needs to focus its reporting to not just rehash the daily news, but rather to provide powerful original reporting, and depth and perspective on current events for more meaning and impact. Curating external content to provide day-to-day news and content will free up BBG resources to perform the more compelling and impactful, in-depth reporting.

Finally, and critically, we are emphasizing impact in addition to audience size. By putting audience interests and needs first in how we collect, create and distribute news and information, and working backward from there, we propose to take a more modern approach to informing, engaging, and connecting with our audiences.

BBG specifically requests \$2 million for a research investment for impact studies in key younger demographics that can assist in developing audience loyalty and trust for BBG's expanding Russian-language media, in engaging young audiences in regions experiencing high levels of violent extremism, as well as increasing the impact of digital media to those who opt-in in Cuba and Latin America.

Other significant aspects of the request include \$182.3 million for the technical infrastructure we need to produce and deliver our wide range of media products from the five networks to audiences around the world; and \$63 million for the shared support services. And we request \$9.7 million for Broadcasting Capital Improvements to support infrastructure and enhancements at two key sites, including our Kuwait Transmitting Station.

Our request recognizes that some increases must be offset by reductions. To do so, the BBG strives to trim and eliminate expensive services and infrastructure that are no longer critical to the mission. At a cost saving of \$5.7 million, BBG will realign transmitting station sites and transmissions across its worldwide network in response to the global migration from shortwave listening to other media formats. BBG has also identified \$14.3 million in operating and administrative reductions.

As CEO, I am placing a high priority on Internet freedom. The BBG Internet Freedom (IF) program is in accordance with a Congressional directive that we fund "the continued development of technologies that provide or enhance access to the Internet, including circumvention tools that bypass Internet blocking, filtering, and other censorship techniques used by authoritarian governments" (Section 7078 of FY 2016 Appropriations Act).

In December 2015, I proposed and the Board passed a framework and governance structure to strengthen and formalize the process by which the agency evaluates and funds projects to counter Internet censorship across the globe. Starting in 2016, this process is expected to be overseen by

a new Internet Freedom Office, which will answer directly to me as CEO, to oversee the selection and evaluation of IF projects.

The request also includes a proposal to establish a new Spanish-language “grantee” that would be authorized to receive a federal grant from the BBG to carry out broadcasting to Cuba. Nothing in this request should be construed to change either the mission or the brands of the current Office of Cuba Broadcasting. The viewers and listeners of Cuba would still receive the same high-quality broadcasting as under the current structure.

As CEO of the BBG, I recognize that we must change, and the BBG Board shares this viewpoint as well. To that end, I appreciate the opportunity to speak about reforms at the BBG and legislation that would enact reforms.

It is critical to acknowledge that in the recent past, the BBG has not responded as effectively as necessary to respond to fast-breaking global challenges. As BBG Chairman Jeff Shell testified before the Senate Foreign Relations Committee in November, “As with any media organization, be it Universal Pictures or the BBG, the responsibility for organizational breakdown and inertia starts at the top.” I agree that the difficulties engendered by a part-time Board tasked with day-to-day operations of an agency with global reach demand a strong solution.

Creating a Chief Executive Officer position at the BBG who is empowered to manage the day-to-day BBG operations and functions, including the ability to shift resources as needed and appoint senior officials, has been a key first reform. The Board has already taken strong steps in this regard by voluntarily electing to shift all the powers it could legally delegate to a CEO, who oversees nonmilitary international broadcasting activities and provides day-to-day management of BBG operations.

As that CEO, I am happy to report that – with the full support of the Board – we have taken steps toward meaningful agency reform under this new structure. The current Board – a bipartisan, collaborative panel appointed by the President and confirmed the Senate – is fully united behind the changes we need to make to ensure BBG’s success, and the ways we need to operate to do so. It is a pleasure to work hand in glove with a slate of public policy and industry experts who are steadily focused on the mission of the agency, without reverting to the distractions of party politics.

Under the current structure, I have been able to make headway on management changes that will significantly strengthen our agency. Referring to existing authorizing legislation, I have convened a standing coordinating body of the BBG networks, called the U.S. International Media Coordinating Committee (ICC). The ICC is tasked to “examine and make recommendations to the Board on long-term strategies for the future of international broadcasting, including the use of new technologies, further consolidation of broadcast services, and consolidation of currently existing public affairs and legislative relations functions in the various international broadcasting entities,” as authorized under section 307 of the International Broadcasting Act, as amended.

The ICC now meets on a biweekly basis, and comprises the CEO and the five network heads. The ICC has led to drastically enhanced cooperation with clear successes in content coordination and cost savings and efficiencies. For example, VOA was able to share material from the State of the Union that the non-federal networks were unable to obtain, and similarly shared and enhanced each other's coverage of the Paris attacks, Burmese elections, and other more recent news.

In addition to the steps I have already taken, however, the BBG requires specific legislative changes. At the Board's request, the BBG asks to permanently enshrine the CEO position into law as the operational and oversight lead at BBG, and our FY 2017 Budget Request makes this request.

In my conversations with Members of Congress, many have pointed out to me that while the situation seems to have improved at the BBG with the advent of the CEO position and a better-functioning Board, there is no guarantee for harmonious operations in the future. A legislative fix would ensure that the CEO position exists permanently, and that the Board's strategic governance function is more clearly defined.

While the Board has elected to delegate key powers to the CEO through its own volition, the current authority limits the scope of the Board's delegable authority. In practice, for example, this can mean Board deliberation and vote is still required to reallocate even the most *de minimis* dollar amount of funds across the various bureaus and federal and grantee broadcasting networks of the BBG when requirements change. In other words, in order to move even one penny between the entities, even under the most urgent of circumstances, the CEO must seek a vote of the full Board.

It is clear that we need to institutionalize the CEO role through legislation, authorizing the Board to delegate the remainder of its authorities, required for effective and efficient day-to-day operation of the agency, to the CEO. The Board would continue to focus on strategic oversight and governance.

Beyond these management fixes, we also need to ensure further structural and operational agility. Unfortunately, many of our existing authorities, a number of which date back to 1948 or thereabouts, are either obsolete or incomplete for our purposes as a 21st century media organization.

A key area in this regard is surge capacity. When crises arise, BBG is often asked to quickly surge its efforts to the affected region. The International Broadcasting Act requires the agency to do so by providing for the "capability to provide a surge capacity to support United States foreign policy objectives during crises abroad." We require not just enhanced authority to operate notwithstanding certain standard processes, but also the ability to turn to a ready source of funding. For us, this means the authority to receive or fully utilize funds from other agencies. [We also wish to explore with your committee the establishment of a no-year fund for these purposes.

Beyond these concrete legislative changes, I wish to address other aspects of BBG reform that have been addressed in proposed legislation. My desire, and that of the BBG Board, is to work across all actors and Committees in the Congress, in order to ensure that the BBG benefits from the perspective of stakeholders who have long studied international media and broadcasting issues. Further to this end, I believe it is critical to engage in an open and clear dialogue on different proposals and their potential impacts.

One existing proposal would bifurcate the BBG's oversight and dissolve federal and Congressional oversight of several U.S. funded media entities (called the "grantee" entities). While well-intentioned, we believe that this proposal carries the potential for abuse and misappropriation of funds that could occur with weakened oversight. It would return us to the very same structure which Congress implemented once before, and then specifically repealed for these very same reasons.

Existing legislation would significantly weaken federal oversight and supervision over the BBG-funded grantees. It would also establish a self-replenishing, private board that is ultimately answerable to neither the Executive Branch nor Congress. The proposal would also prevent the BBG from requiring that grantees follow a unified U.S. strategy or tailor efforts to meet U.S. goals and priorities. These changes raise significant oversight and governance concerns from the Administration's perspective.

That said, the Board and I believe that existing legislation offers a potential framework for common ground in several key areas, and that certain portions hold merit and are worth further discussion and consideration. We should, for instance, engage in further study of the establishment of a sub-agency that would oversee the grantees, as has been suggested by reform-minded legislators. We might find significant savings and efficiencies in creating unified systems for personnel and administration to replicate the work currently being done identically in three separate grantee organizations.

With the legislative fixes outlined in the FY 2017 budget and in this testimony, and without the detrimental legislative fixes also outlined, the BBG will be best positioned to thrive in its mandated role as a unique tool in the U.S. foreign affairs toolbox, and will be a powerful force for countering the challenges posed by the growth of misleading or propagandistic information globally.

Testimony of John Lansing
CEO and Director of the Broadcasting Board of Governors
Before the Senate Foreign Relations Committee
November 17, 2015

Chairman Corker, Ranking Member Cardin, and Members of the Committee, thank you for inviting me to speak today regarding the future of the Broadcasting Board of Governors (BBG) and United States international media. I am pleased to join BBG Chairman Jeff Shell and BBG Governor Ken Weinstein today.

I currently serve as the Chief Executive Officer and Director of the BBG, where I oversee all operational aspects of U.S. international media and provide day-to-day management of BBG networks on behalf of the Board.

In my testimony today I want to present my initial reactions to the BBG mission, detail our effectiveness, and outline some of the steps I am taking to position the BBG to be both a leader in the international media space and a uniquely powerful tool in the U.S. foreign policy toolbox.

Prior to my current role as BBG CEO, I served for nine years as President of Scripps Networks, where I helped the company become a leading developer of unique content across various media platforms including television, digital, mobile and publishing.

More important, I am a journalist at heart. I started out as a photojournalist in the field, with a camera on my shoulder, and from there I was hooked. I worked my way up to serve as a field producer, assignment manager, managing editor, and news director at television stations in Detroit, Michigan and Cleveland, Ohio.

It is through my professional experience as a journalist that I gained deep respect for the vital role that impartial, fact-based reporting plays in our society. By holding people, institutions, and governments accountable to the truth – and by arming citizens with undeniable facts – journalists show, often indirectly and subtly, how democracies should work. Great journalism presents not only the news, but also the context of that news to provide audiences with a greater understanding of their world and to empower them to take action.

As President Obama said in his speech at the 2015 U.N. General Assembly: “The strength of nations depends on the success of their people – their knowledge, their innovation, their imagination, their creativity, their drive, their opportunity – and

that, in turn, depends upon individual rights and good governance and personal security.”

The Broadcasting Board of Governors is fundamentally engaged in the business of fact-based journalism. We are not a propaganda outfit. Rather, we advance U.S. national interests by engaging audiences that are critical to furthering democratic values through open and free exchanges of information.

Throughout U.S. international media’s long history, the tools and goals have been unwavering: to deliver consistently accurate, reliable and credible reporting that opens minds and stimulates debate in closed societies and those where free media are not yet fully established – especially where local media fails to inform and empower its citizens.

In short, we inform, engage, and connect people around the world in support of freedom and democracy. This mission is critically important because, more than ever before, information matters.

In today’s increasingly interconnected world, responding to the global explosion of information must no longer be considered as a “value added” function in support of broader strategic ends, but rather a key focus of U.S. foreign policy in its own right. Today’s media has the power to reach through the screen to activate audiences to action – or to suppress them. Failing to recognize this fact limits the effectiveness of our foreign policy.

Our global agenda will not be effective if we fail to appreciate how the flow of information shapes the actions of policymakers, institutions, and everyday citizens on the street, and capitalize on these trends.

Equally important, we must constantly evaluate how audiences’ media consumption preferences change – and we must change with them – if we are to be successful. Any media executive worth his or her salt understands that as markets and audiences evolve, so too must your organization if it is to remain competitive and impactful.

As CEO of the BBG, I recognize that we must change as well. Chairman Shell outlined a few solutions that we believe the Congress can provide that would allow the BBG to succeed in the 21st Century. First and foremost, we need legislation to enshrine a Chief Executive Officer position at the BBG who is empowered to

manage all BBG operations and functions, including the ability to shift resources as needed and appoint senior officials.

But, regardless of these legislative fixes, my team and I have taken action internally to move the BBG into a more modern, impactful stance. As our adversaries have embraced the opportunities to engage and influence audiences using new tools and techniques, so too must the BBG team.

The key driver of all of our internal reforms is *impact*. Our success no longer depends on our unique global reach, but also on the intensity of the BBG's relationships with its audiences, the extent to which they share and comment on our news and information and, ultimately, how they influence local knowledge and thought.

The impact of U.S. international media for the next decade will be based on our ability to be an influential news and information source in this dynamic 21st century information environment. We cannot afford to lose our status as a global, influential news service. BBG's programming must exist on the platforms our audiences prefer and use. It must include content that moves and engages them. It must include a focus on regions of the world that need us the most –closed or closing societies. It must use modern tools to embrace younger demographics and engage them as future influencers.

In order to accomplish these imperatives, I, with the unanimous support of the Board, am aggressively prioritizing five core themes to ensure the BBG is the 21st century media organization that the tax payers demand. I will briefly outline these themes here, but I am happy to answer any questions, and brief you in greater detail on any of these points, as needed.

First, we are accelerating our shift toward engaging audiences on digital platforms, especially utilizing the power of video, mobile, and social networks. If we are to be a credible information source we must be on the platforms used by our audiences – be it radio and television, or mobile tools and social media. These platforms not only reach new audiences, but represent a shift from one-way dissemination, to more empowering and engaging audience participation.

A great example of this ethos is the Middle East Broadcasting Networks' (MBN) "Raise Your Voice" campaign, which encourages citizens across the Middle East to speak out and be a part of the discussion about the fight against violent extremism. Over just the past four months more than 590,000 votes have been cast

on daily “Raise Your Voice” polls and MBN now has 12.3 million followers on Facebook.

Second, we are rapidly expanding coordination and content-sharing across the BBG’s five interdependent networks in order to cover and report on the stories that matter to audiences and markets that increasingly transcend political borders and languages. For instance, this will allow us to more effectively share our unique coverage of the Middle East with interested audiences in Indonesia and Russia, or issues surrounding Chinese investment in Africa with audiences across Latin America.

BBG has taken several notable steps in this regard already. One of my first steps as CEO was to convene the U.S. International Media Coordinating Council (ICC), comprised of the heads of each of our five networks.

The BBG’s five networks – Voice of America, the Office of Cuba Broadcasting, Radio Free Europe/Radio Liberty, Radio Free Asia and the Middle East Broadcasting Networks – operate independently and effectively. But, in many instances, they may have overlapping stakes on key stories – for example, violent extremism or Russian military action in Syria.

In order to better coordinate our reporting, and make use of scarce resources, the ICC now meets monthly to discuss ongoing reporting, share information, and join forces where possible on hard-hitting reporting.

Voice of America (VOA) and Radio Free Europe/Radio Liberty (RFE/RL) are already making powerful strides on this front. The two networks worked together to create *Current Time*, a popular daily 30-minute Russian-language television news program that is now available in nine European countries of the former Soviet Union via 25 media outlets, and worldwide via digital platforms. In Russia, where placement on domestic stations is not possible, *Current Time* is available on NewsTube.ru, Russia’s largest news site. Our new research shows that nearly two million people in Russia are watching *Current Time* weekly online and that the program is most popular among 15-24 year olds.

Third, the BBG is concentrating its efforts in five key issue areas where we can be most effective in support of our mission. While our reach is global, the BBG cannot cover all events with equal intensity; we need to focus our efforts.

To do so, we are focusing our reporting on the key spheres of importance that matter most to U.S. foreign policy, U.S. global interests, and the U.S. taxpayer:

- Reporting on Russia;
- Covering violent extremism;
- The widening regional influence of Iran;
- China, not only in the South China Sea region, but also in Africa and Latin America;
- Promoting universal rights and fundamental freedoms in Cuba.

Fourth, we are evolving to an organization actively engaged in curating, commissioning, and acquiring content. For broader impact, we need to focus BBG original reporting to not just rehash the daily news, but to provide depth and perspective on events for more meaning and impact. To do so, we will complement our deeper original reporting through the added curation of external content.

Curating external content will not only free up BBG resources for more impactful, in-depth reporting, it will also potentially support the new generations of compelling storytellers, such as the youth in many of our markets, documentarians and journalists that engage their peers every day on digital platforms.

Finally, we are emphasizing impact over sheer reach. In the past, the BBG was asked to focus primarily on maximizing the number of people our programs potentially reached. This number-centric strategy was befitting a broadcasting organization with a broadcasting mentality. But in today's digital and engaged media environment, we must focus on more than just reach. By putting the audience first in how we collect, create and distribute news and information, we take a more modern approach to informing, engaging and connecting with our audiences.

These five priorities provide an initial framework for how the BBG will position itself as an influential media source on the global stage, and as a more functional tool in the USG strategic toolkit. I look forward to working with this Committee, and the rest of the Congress, to implement these strategies fully.

To close, the fundamental purpose and intent of the BBG is to empower our audiences to own their future. We do this by providing fact-based alternatives to the propaganda, offering them access to truth, and demonstrating the building

blocks of democratic society – accountability, rule of law (versus rule by law), human security, and more.

Voice of America’s first broadcast stated: “The news may be good or bad; we will tell you the truth.” At BBG, we continue to operate with that mindset, because truth builds trust and credibility, and delivering credible news is the most effective means to ensure impact and provide the audience with information that will affect their daily lives and empower their own decision-making.

And with that, I am happy to take questions. Thank you for your time and attention.

Testimony of Jeff Shell
Chairman of the Broadcasting Board of Governors
Before the Senate Foreign Relations Committee
November 17, 2015

Chairman Corker, Ranking Member Cardin, and Members of the Committee, thank you for inviting me to speak to the unique role that the Broadcasting Board of Governors (BBG) and United States international media play in advancing our national interests.

I am pleased to be joined today by my colleagues Governor Ken Weinstein and CEO John Lansing. Alongside the rest of the Board and staff at the International Broadcasting Bureau and across the BBG, we are working diligently to shape the Broadcasting Board of Governors into a unique and powerful tool in the U.S. foreign policy toolkit. The BBG team deserves a lot of credit for their consistently excellent programming and I want to use this opportunity to thank them.

Let me also thank the Members of this Committee for shining a light on the important work that the Broadcasting Board of Governors carries out on behalf of the United States. Many Americans are not aware of Broadcasting Board of Governors, its unique mission and growing role in international media.

Put simply, our job at BBG is “to inform, engage, and connect people around the world in support of freedom and democracy.” To do so, we oversee all nonmilitary international broadcasting supported by the U.S. government, including the Voice of America (VOA), the Office of Cuba Broadcasting (OCB), and BBG-funded grantees Radio Free Europe/Radio Liberty (RFE/RL), Radio Free Asia (RFA) and the Middle East Broadcasting Networks (MBN).

We use these resources to provide news and information to overseas audiences that lack adequate sources of objective news and information about their countries and societies, their region, the United States, and the world. In short, we put fact-based journalism to work, on a global scale, on behalf of the American people.

Our reach is global. BBG radio, television, Internet, and mobile programs are consumed by more than 226 million people each week, in more than 100 countries in sixty-one languages – many of them in communities and countries that face organized misinformation campaigns.

Global media is an area that I understand well. As Chairman of Universal Filmed Entertainment Group, my day job, I oversee worldwide operations for Universal Pictures. And prior to taking on my current role, I served as Chairman of NBCUniversal International in London, where I was responsible for overseeing the operations of all NBCUniversal International businesses, and as President of Comcast Programming Group.

In my professional experience, international media is marked by complexity. In my current job it is my responsibility to ensure that Universal's programming remains successful in a rapidly changing global media environment. I note similar challenges through my role at the BBG, where we not only must contend with a dynamic media landscape but also the asymmetric challenge of state and non-state actors, often well-funded, who effectively deploy media and digital tools to challenge the United States, our values of democracy and freedom, and the very existence of objective truth.

It is critical to acknowledge that in the recent past the BBG has not responded as effectively as it could to these growing challenges. As with any media organization, be it Universal Pictures or the BBG, the responsibility for organizational breakdown and inertia starts at the top. Some of our past problems derived from Board dysfunction and the failure to link the work of the Board to the day-to-day operations of the BBG's global team, and the growing sense of irrelevance and inability to "join the fight" that these challenges engendered.

But despite past challenges, two facts remained enduring. First, the BBG's mission remained unassailably critical to U.S. foreign policy. Second, we boast a team of brave and hardworking individuals who work around the world, in relative obscurity and often outright danger, each and every day to fulfill the BBG's mission to inform, engage, and connect people around the world in support of freedom and democracy.

These facts informed the work of the Board as we sought to overcome past challenges and ensure the meaningful impact of BBG efforts across the globe. I am happy to report that we are making significant progress on this front.

Our biggest change is that our current Board is fully united behind the changes we need to make to ensure BBG's success, and the ways we need to operate to do so. We are non-partisan and comprised of media and foreign affairs experts who deeply believe in the BBG mission and the need to lead the U.S.' fight against the "weaponization of information" by our adversaries and challengers. The level of

cooperation and expertise on this Board is the best I have seen, be it inside government or outside.

Most importantly, we recognize that the Board's role cannot be operational. The BBG is a complex institution and it is beyond the ability of any appointed Board, comprised of appointees with day jobs, to manage it effectively. Recognizing this fact, the Board elected to shift all the powers it could legally delegate to a Chief Executive Officer, who would oversee all aspects of U.S. international media and provide day-to-day management of BBG operations.

A critical act in this regard was to select John Lansing to serve our CEO. John's experience and temperament make him the perfect person for this job. He is a recognized leader in media management, having served nine years as President of Scripps Networks, where he is credited with guiding the company to become a leading developer of unique content across various media platforms including television, digital, mobile and publishing. Equally important, he is a journalist at heart – formerly an award-winning photojournalist and field producer, assignment manager, managing editor, and news director at multiple television stations earlier in his career.

And we have taken steps to modernize our operations as well. For instance, in 2014, we undertook a comprehensive review of the efficacy of shortwave radio as a distribution platform for U.S. international media, which resulted in a shift in focus to digital and mobile tools as our future tools of choice, because that is where our audiences are now and where they will be in the future. CEO Lansing will address our aggressive shift to digital media in his testimony.

Additionally, the BBG is embracing new tools to support the fundamental right of information freedom. Through the Internet Anti-Censorship Program and Open Technology Fund, we are supporting journalists, bloggers, civil society actors, and activists to use the Internet safely and without fear of interference.

Finally, through the strong presence on the Board of Under Secretary of State for Public Diplomacy and Public Affairs Richard Stengel, we are more coordinated with the Department of State than ever before. Closer coordination has allowed the BBG to use its unique resources to impact in some of today's most important foreign policy arenas, such as on the digital battlefield in Ukraine or the global threat of violent extremism.

We recognize we also need to be better coordinated with Congress, which is why we are deeply appreciative of the opportunity to speak to this Committee today. In taking the above listed steps, and many others, the current Board has demonstrated its clear commitment to positioning BBG to succeed in the modern media environment. We look to Congress to provide certain additional authorities that will further ensure our success.

First, and foremost, we need the Congress fully enshrine the CEO as the operational lead at BBG. While the Board has elected to delegate key powers to the CEO through its own volition, it is clear that we need to institutionalize this role through legislation so that all future Boards can benefit from expert operational leadership.

Furthermore, we not only need to enshrine the role of the CEO, but we also need to fully empower the position to serve all relevant functions as required by the Board. As I mentioned previously, the sitting Board elected to delegate all authorities that it legally could to the CEO – but unfortunately the Board lacks the authority to fully modernize in this regard. We require legislation to authorize the Board to delegate the remainder of its authorities, required for effective and efficient day-to-day operation of the agency, to the CEO, so that the Board may focus on strategic oversight and governance.

This includes the currently “non-delegable” authority of the Board to reallocate even the most *de minimis* dollar amount of funds across the various bureaus and federal and grantee broadcasting entities of the BBG when requirements change. In other words, in order to move even one penny between the entities, even under the most urgent of circumstances, the CEO must seek a vote of the full Board.

Beyond these management fixes, we also need to ensure further structural and operational agility, if we are to successfully counter today’s dynamic challenges in the information space. Unfortunately, many of our existing authorities, a number of which date back to 1948, or thereabouts, are either obsolete or incomplete for our purposes as a 21st century organization.

A key area in this regard is surge capacity. When crises arise, BBG is often asked to surge its efforts to the affected region quickly. The International Broadcasting Act requires the agency to do so by providing for “the capability to provide a surge capacity to support United States foreign policy objectives during crises abroad.” But, as a surge generally requires increased content and broadcasting, we require not just enhanced authority to operate notwithstanding certain standard processes,

but also the ability to turn to a ready source of funding. For us, this means the authority to receive or fully utilize funds from other agencies, or to make use of a no-year fund established for this purpose.

With these fixes, the BBG will be best positioned to thrive in its mandated role as a unique tool in the U.S. foreign affairs toolbox, and will be a powerful force for countering the challenges posed by the growth of misleading or propagandistic information globally.

Mr. Chairman, I would like to conclude on a more personal note. As Chairman of Universal Filmed Entertainment Group, I have been lucky enough to lead an organization that has secured its most profitable and successful years in memory. We released films such as “Jurassic World,” “Furious 7,” and “Straight Outta Compton” to critical acclaim and commercial success. I am immensely proud of that success. But that pride at these successes pales in comparison to how proud I am to serve my country as Chairman of the Broadcasting Board of Governors, and the incredible progress we have made over the past two years on behalf of the American people. I look forward to working with the Congress, and this Committee, on our work still to come.

Testimony of Kenneth R. Weinstein
Member, Broadcasting Board of Governors
Before the Senate Foreign Relations Committee
November 17, 2015

Chairman Corker, Ranking Member Cardin, and Members of the Committee, thank you for inviting me to speak today on the impact that the Broadcasting Board of Governors (BBG) and United States international media has around the world. We as a nation need to remain vigilant to the ways in which information and ideas, as well as disinformation and false ideologies, affect our national security, and I thank the Committee for holding today's hearing. I am pleased to join my colleagues, BBG Chairman Jeff Shell and CEO John Lansing, at today's hearing.

I have served as a Board Member on the Broadcasting Board of Governors since October 2013 and as the President and CEO of the Hudson Institute since March 2011. As a political theorist who has spent the past few decades working on U.S. foreign policy and its impact in Asia, the Middle East and Europe, I have had the opportunity to analyze the strategic context, direction, and efficacy of both U.S. foreign policy and US civilian international media.

Today, I will describe the overall operating context for BBG international media, examine some of the challenges and opportunities inherent in that context, and note important ways that BBG reporting is impacting audiences in support of U.S. foreign policy and freedom in this space.

US international media operates in an environment of rapid geopolitical change and growing instability in world affairs. Last week's horrific terror attacks in Paris are just the latest example of the challenging international environment, and one in which tragic events in one country are increasingly linked to those in others.

The broad features of recent geopolitical change include Russia's aggression in Ukraine; the spread of ISIS and other jihadist groups in the Middle East, Africa, Central Asia and now, alas, Western Europe; Iran's growing tentacles in the Middle East; economic slowdown in China, and growing assertiveness in the South China Sea.

This geopolitical instability and rising threat level occurs at a time of mass technological innovation, reducing the costs for communication to both large and targeted audiences. Across the globe, the enemies of liberty have become increasingly adept at marshaling the same cost-effective technologies that make the

dissemination of information much less expensive today than it has ever been in human history.

Against this backdrop of geopolitical evolution, both elite and public opinion has proven ill-prepared about how to react to unprecedented policy change. At this time of uncertainty, state propaganda agencies have stepped into the breach, making what Peter Pomerantsev of the Legatum Institute termed the “weaponization of information” a central facet of international conflict.

The enemies of free societies – both state and non-state actors – have become increasingly skilled at “weaponization of information,” aggressively using the tools of a free society, including the media and social media, to distort reality, and defend the indefensible: tyranny, kleptocracy, murder, religious intolerance and pre-modern visions of human society that deny fundamental human rights. They do so pro-actively, with creativity and attention to production value and a targeting of audiences that is far more sophisticated than the Soviet Union ever did, thereby weakening intellectual and moral opposition to their policies abroad, highlighting shortcomings of Western societies through a distorted lens, or fomenting anti-Western sentiment at home to justify inexcusable actions by their governments abroad.

Well-funded state propaganda outlets designed to have the patina of impartial media outlets include Russia’s RT, Sputnik, Ruptly, Rossiya Segnodnya, and other secondary platforms, which according to State Department estimates spends over \$1.4 billion annually on propaganda. The Columbia Journalism Review estimates that CCTV’s English language efforts will be nineteen times the annual budget of the BBC, the world’s largest news organization. According to *The Atlantic*, Al Jazeera spent \$1 billion to start Al Jazeera English and the network gets \$100 million for its annual budget. These differing platforms target specific audiences, especially in the West, seeking to undermine the possibility of a firm and united Western response to current policy crises.

A second major challenge the BBG faces is the transnational power of and appeal of groups such as ISIS. As predictable political borders have eroded, so have the traditional boundaries that once shaped the media landscape. Today, communities and conversations arise in a digital space without geographic limitation, and technology massively compresses the time and space needed for disinformation and influence to spread.

Social media and the Internet have proven fertile ground, not just for Russian disinformation but also for spreading Islamic radicalism, free from the more truthful filter of traditional journalism. Through social media, ISIS, itself in competition with other radical Islamist groups, projects a romanticized vision of life under the Caliphate to disaffected men and women in Western Europe, the Middle East, Africa and Asia. Teenagers in Britain, Turkey or Saudi Arabia may follow the dictates of radical Imams on YouTube and abandon the comforts of home for war-torn regions of Syria or Iraq.

These trends have important ramifications for how BBG, and others, target our intended audiences. Information-seeking communities and individuals get news updates not solely through established media outlets in limited geographical locations, but through their preferred information platforms. CEO Lansing will speak to this issue in greater detail in his testimony, so I will simply note here that moving forward we must continue to embrace digital and social media tools as key platforms for our content, as these are the tools that our priority markets – youths and future influencers – already use on a regular basis.

A second challenge is the sheer volume of available media and the effect that has on how global audiences consume information and, ultimately, make social, economic, and political decisions. Every day, global communities are awash in information. But not all information is created equal. From Crimea, to Syria, Northern Nigeria, and Southeast Asia, propaganda and censorship foment hate and confusion, monitor and suppress dissent, activate acts of terror and roll back hard-won freedoms. Actors from ISIL to China to Russia are using information not just to “win the news cycle,” but to shape the very choices of statecraft.

This current context stands in stark contrast to the Cold War, during which certain global actors sought to prevent the flow of information to the point of creating vacuums in key communities, which the United States moved to fill with reporting through Voice of America, Radio Free Europe, and other tools. Today, we see the opposite: an abundance of false, doctored, or misleading information on a multitude of different platforms for consumption.

A key BBG challenge is ensuring that our high-quality reporting serves as a beacon for accurate, fact-based journalism in spaces awash with dishonest, misleading, or government-controlled information. In environments inundated with propaganda or falsehood, the best antidote is objective, fact-based reporting that arms citizens with the truth.

As such, BBG's global reach and journalistic credibility play a vital role in correcting falsehoods, holding people and institutions accountable, and demystifying U.S. policy in these communities.

Along these lines, I would like to touch on three key areas where the BBG is operating with impact in the modern media space.

Responding to Russia

The Kremlin is actively using propaganda and disinformation as a tool of foreign policy and to maintain support at home. To counter Russian propaganda, the BBG engages key audiences inside Russia, along the Russian periphery, and globally to provide them with the realities about Russian and U.S. activities and, importantly, their context. As elsewhere, we have an appreciation of different audiences that we seek to reach, and want our audiences to be empowered by facts, the most effective strategy for countering propaganda.

Since the fall of the Yanukovich government in Ukraine in February 2014, and the ensuing occupation and attempted annexation of Crimea and Russian aggression in eastern Ukraine, the BBG has dramatically increased programming to the region. Voice of America (VOA) and Radio Free Europe/Radio Liberty (RFE/RL) have added or expanded more than 35 new programs on multiple media platforms in Russian, Ukrainian, and other languages to reach new audiences in Ukraine, Russia, elsewhere in the former Soviet space, and around the world.

U.S. International Media are a real force in Ukraine, as I have seen from my travels there. We have every reason to be proud of our journalists. We have every reason to be proud of our journalists in the field. Our coverage of the protests on the Maidan was unparalleled and our brave journalists at RFE/RL remained on the job in the face of intimidation and physical violence; their continuous and fact-based reporting of violence perpetrated by forces loyal to the Yanukovich government was critical to Ukraine's democratic revolution. Our journalists, whether at RFE/RL or Voice of America, are widely respected as among the best in the business, and our diverse programming, which at times has aired programs critical of the Poroshenko government, has broad appeal.

The BBG's response to Russian propaganda represents five broad lines of effort:

- Focus programming to impact strategic audiences

- Expand partnerships to reach audiences in local markets and influence the news agenda
- Move resources to digital platforms to directly engage audiences
- Increase research on the ground to better understand audiences and impact
- Utilize BBG capabilities and expertise to meet unfilled strategic needs and opportunities

The BBG is already seeing strong impact in the region. More than 500 Central Asia media outlets have already subscribed to RFE/RL's Central Asia news wire service, which launched in September in Russian and vernacular languages. Voice of America and RFE/RL programs are now carried on more than 120 television, radio and internet outlets in Ukraine.

RFE/RL continues to ramp up DIGIM, its new social-media driven digital reporting and engagement service, which includes the "Footage vs. Footage" feature, a daily video product that contrasts how Russian media and global media report on the same events, provides the facts of a case and pointing out inconsistencies and falsehoods in Russian reporting.

Additionally, RFE/RL and Voice of America have expanded *Current Time*, their popular daily 30-minute Russian-language television news program into Central Asia. It is now on the air in nine countries via 25 media outlets, and *Current Time* is available to digital audiences worldwide. In Russia, where placement on domestic stations is not possible, *Current Time* is available on NewsTube.ru, Russia's largest news site. Our new research shows that nearly two million people in Russia are watching *Current Time* weekly online, and that it is most popular among 15-24 year olds.

Through these programs we engage the audience's – often silently held – interests and concerns. Russians, for instance, are considering whether their country is heading in the right direction. They are weighing whether Putin's political and social reality is where they want to raise their children, start or grow a business, get an education; these are core questions that speak to hopes and aspirations. In other words, the future media environment is not just about countering Kremlin propaganda, but a campaign for the future of the region.

It is worth noting that the BBG is not solely engaged in reporting in this area; we also provide equipment and journalism training to key populations. For example, following consultations in June with Ukrainian authorities and our Department of State, BBG provided broadcasting transmission equipment to Ukraine to facilitate

delivery of radio and television programs to audiences in areas controlled by Russia or Russian-backed separatists. The equipment: a new, 134-meter tower; a 60 kW solid state Medium Wave transmitter; and three portable FM stations, will be used as part of a low-power network to be deployed near contested areas.

Covering Violent Jihadi Movements

Extremist narratives too often go unaddressed within local media environments and digital echo chambers. These narratives are often tied to extremists' alleged religious virtue and organizational invincibility, with a toxic additive of anti-American and anti-Semitic conspiracy theories.

Our journalism exposes the gap between rhetoric and reality – ideologically and organizationally – of violent jihadist groups. We do this through objective reporting that adheres to the highest standards of professional journalism. By covering violent extremism, we expose it for what it is.

Extremist groups have excelled at re-centering the news cycle on their violence. To counter this tactic, the BBG is pursuing several strategic goals in this space:

- Delegitimize extremism by reporting on and exposing the realities of extremist groups
- Make communities more resilient to extremism through engagement
- Promote diverse voices in the Muslim community otherwise overlooked in biased media environments

While other parts of the government directly support civil society, the BBG is uniquely positioned to elevate moderate voices – from the street to the elites. We cover local issues of concern, and provide constructive outlets for communities to discuss the issues that matter to them.

For example, the Middle East Broadcasting Networks' (MBN) "Raise Your Voice" campaign continues to successfully encourage citizens across the Middle East to speak out and be a part of the discussion about the fight against extremism. As a result, MBN has seen a large surge in digital traffic and on social media; in last four months over 590,000 votes have been cast on daily "Raise Your Voice" polls and MBN has 6.2 million followers on Facebook.

As part of the "Raise Your Voice" campaign, MBN launched "*Delusional Paradise*" in September, a weekly 30-minute documentary series comprised of

firsthand accounts of families who have suffered at the hands of ISIL. This is precisely the kind of work the BBG should be doing: “*Delusional Paradise*” presents powerful firsthand and deeply moving accounts and interviews of families and communities that have suffered at the hands of ISIL. The program includes chilling interviews with families who have lost loved ones to ISIL recruitment, and compelling interviews with families victimized by ISIL attacks, including an interview with Jordanian pilot Muath al-Kasasbeh’s family after he was burned to death by ISIL.

Internet Freedom

A third prominent challenge for us is the fundamental importance of information freedom. This is an enduring and central role for the BBG, from the Cold War to today.

Today, information freedom means the unfettered ability for people around the world to engage and connect with one another, to be informed, and ultimately to use that information to change their lives and the lives of their community for the better.

In 2002, the BBG created the Internet Anti-Censorship Program (or “IAC” program) to accomplish two major goals. The first is to support journalists, bloggers, civil society actors and activists to use the Internet safely and without fear of interference. The second is to empower world citizens to have access to modern, unrestricted communication channels and to allow them to communicate without fear of repressive censorship or surveillance.

Using funds provided by Congress for censorship circumvention programs, our International Broadcasting Bureau funds large scale proxy servers, such as Psiphon, and other means to defeat censorship. The BBG’s investment and support of multiple circumvention technologies has helped to create a new generation of mobile apps that directly challenge and overcome the powerful government-enforced firewalls of Iran and China. Our web proxy servers allow more than one billion Internet sessions a day. Users from the Middle East, North Africa, Eurasia and East Asia are able to access news and information outside of their tightly controlled information markets.

Through our Open Technology Fund, we underwrite apps and programs for computers and mobile devices that help to encrypt communications and evade censorship. OTF’s approach to identify and support next-generation internet

freedom technologies has led to the development of first-of-its kind tools that encrypt text messages and mobile phone calls, detect mobile phone censorship and intrusion efforts, and allow transfer of data without use of the internet or mobile networks. Such efforts allow users facing constantly changing censorship methods to continue to communicate safely online.

We are seeing major success in this area. The BBG has internet freedom tools working in 200 languages. BBG/OTF's tools have supported nearly 1 trillion circumvention page views over the past year and the delivery of over 1 billion emails and newsletters delivered behind the Great Firewall of China every year. BBG currently provides the fastest Internet connectivity in Cuba, via satellite.

The success of our Internet Freedom work is at the core of our role as journalists and reflects our unique capabilities within the U.S. government. In the digital era, the freedom to speak and the freedom to listen remain essential. With the support of Congress, we aim to rapidly expand our presence and operations in this area.

Examples of Other Areas of Impact

The above cases are just a few examples of BBG's powerful impact in areas that are critical to U.S. foreign policy. But they are by far not the only instances. Some are more targeted but highly critical.

For example, in Nigeria, the eradication of polio was halted by rumors and misinformation about the safety of international vaccination programs. In response, Voice of America partnered with the Centers for Disease Control to carry out a multi-year campaign of reporting, Public Service Announcements, town hall meetings, and media trainings. In part due to our work to eliminate falsehoods surrounding the transmission of and vaccination against polio, Nigeria was just last month removed from the CDC's list of countries with endemic polio.

During protests and an attempted coup sparked by Burundian President Pierre Nkurunziza's decision to run for a third term, the government targeted independent media, forcibly closing down all privately-owned radio stations. However, VOA remains on the air via an owned-and-operated FM station in the capital, Bujumbura, which can be heard in most of the small country, as well as in refugee camps in Tanzania and the DRC. VOA is now one of the only available sources of news and information in Kirundi – the only language spoken by nearly all Burundians – as well as French and Swahili.

And, earlier this year, Somali President Hassan Sheikh Mohamoud contacted VOA's Somali Service to thank it for broadcasting a series on democratic constitution-making that he said was extremely valuable in his country's constitutional drafting conference in January 2014.

In conclusion, at a time of rapid geopolitical change and significant technological evolution, there are many new and unprecedented challenges in the global information space. In the face of these challenges, and with budgets that are far exceeded by those of our geostrategic competitors, the Broadcasting Board of Governors is having significant impact in some of the most difficult locations on earth. The Board views these successes as a foundation to build on and we hope that the Committee will remain cognizant of our growing success as it considers potential reforms.



BROADCASTING BOARD OF GOVERNORS

By-Laws of the Broadcasting Board of Governors

Section 1. Promulgation

1.01 STATUTE

These By-Laws have been adopted by the Broadcasting Board of Governors to govern the conduct of the Broadcasting Board of Governors business pursuant to the United States International Broadcasting Act of 1994, as amended (22 U.S.C. §6201, et seq.), which act as so amended is hereinafter referred to as the “Statute.” These By-Laws are in all respects subject to the provisions of the Statute and shall be interpreted accordingly.

1.02 AMENDMENT

These By-Laws may be amended at any meeting of the Broadcasting Board of Governors by a majority vote of the Governors present (upon a quorum of five (5) Governors being present), provided that the proposed amendments have been mailed to each member of the Broadcasting Board of Governors not later than ten (10) days prior to such meeting.

Section 2. Board of Governors

2.01 POWERS AND COMPOSITION

The governing body of United States government-sponsored international broadcasting is the Broadcasting Board of Governors, as specified in the Statute. The Board shall consist of nine (9) members. Exclusive of the Secretary of State, not more than four (4) of the members of the Board appointed by the President shall be of the same political party. (22 U.S.C. §6203(b)). The Board is solely empowered and responsible for setting the tone and direction of United States international broadcasting strategy and for exercising the non-delegable authorities of the Agency as set forth in the Statute.

2.02 AUTHORITIES

The Board shall have the authorities specified in 22 U.S.C. §6204(a)(1)-(18) for the purpose of carrying out its responsibilities for United States international broadcasting.

2.03 APPOINTMENT

Members of the Broadcasting Board of Governors are appointed in the manner specified by the Statute. In addition to the Secretary of State, eight (8) voting members are appointed by the President, by and with the advice and consent of the Senate. The President shall appoint one member (other than the Secretary of State) as the Chair of the Board, subject to the advice and consent of the Senate.

2.04 TERM OF OFFICE

Governors shall serve such terms, and vacancies on the Broadcasting Board of Governors shall be filled, as specified in the Statute. The term of office of each member of the Board shall be three (3) years, except that the Secretary of State shall remain a member of the

Board during his or her term of service. The President shall appoint, by and with the advice and consent of the Senate, Board members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until a successor has been appointed and qualified. When there is no Secretary of State, the Acting Secretary of State shall serve as a member of the Board until the Secretary of State is appointed. (22 U.S.C. §6203(c)).

2.05 SELECTION OF BOARD

Members of the Board appointed by the President shall be citizens of the United States who are not regular full-time employees of the United States Government. Such members shall be selected by the President from among Americans distinguished in the fields of mass communications, print, broadcast media, or foreign affairs. (22 U.S.C. §6203(d)).

2.06 DECISIONS

Decisions of the Board shall be made by majority vote, a quorum being present. (22 U.S.C. §6203(f)).

2.07 QUORUM

At any meeting of the Board of Governors, five (5) members constitute a quorum (22 U.S.C. §6203(f)), but in the absence of a quorum a lesser number may adjourn the meeting.

2.08 MEETINGS

The Board of Governors shall hold regular and special meetings at such times and places as the Board of Governors may from time to time determine.

In its regular meetings, as head of the federal agency, the Board will endeavor to focus on issues of strategic concern for United States international broadcasting. The Board will establish a schedule of meetings and meeting venues for a full calendar year as soon as practicable after the start of each new fiscal year. In establishing a meeting schedule, the Board should assess the days of the week and venues that are deemed optimal by a majority of the Governors.

2.09 SPECIAL MEETINGS

A special meeting of the Board of Governors may be called on request of any four (4) members of the Board of Governors or the Chair on not less than forty-eight (48) hours written notice.

2.10 NOTICE OF MEETINGS

Notice of regular meetings of the Broadcasting Board of Governors for the following calendar year shall be given in writing to each Governor by November of the current year. Notices of special meetings shall be given to each Governor at least ten (10) days prior to such meetings, except in urgent circumstances.

2.11 AGENDAS

Where practicable, agendas for regular meetings shall be developed beginning thirty (30) days prior to each meeting and distributed electronically to each Governor at least fourteen (14) days prior to each meeting. The Director of the International Broadcasting Bureau (IBB Director) shall propose agenda items for plenary Board meetings to the Chair based on discussions with individual Governors. Individual Governors may designate specific agenda topics and/or resolutions.

The Board shall make use of a consent agenda to adopt items of business that are non-controversial or routine. By using a consent agenda, the Board has consented to the consideration of items of business as a group and will be voted on with a single motion and vote, rather than calling for multiple separate votes. At the Board meeting, the Chairman will ask if any member of the Board wishes to remove an item from the consent agenda for separate consideration, and if so, the Chairman will remove that item for discussion. Alternatively, any member of the Board may request to remove an item from the consent agenda for further consideration by submitting a request to the Chairman prior to the Board meeting. The remainder of the consent agenda may be voted on, omitting the items that have been removed for further consideration.

2.12 MINUTES

A record of decisions of the Board of Governors shall be made available to all members of the Board of Governors as soon as practicable after each meeting. The record of decisions shall include a written summary describing the topics discussed at the meeting and the decisions adopted by the Board and the voting Governors with respect thereto. In addition, closed sessions of the Board shall be recorded and made available in accordance with the requirements of the Government in the Sunshine Act and the Board's protocol for release of materials from closed Board meetings (Appendix 1).

2.13 MOTIONS AND VOTING

All motions must be seconded and adopted by a majority vote. With respect to any other motion or voting procedure on which the Board cannot agree, the Board will refer to Robert's Rules of Order for resolution.

2.14 NOTATION VOTING

When requested by any Governor, any action required or permitted to be taken at a meeting of the Broadcasting Board of Governors may be taken without a meeting if all Governors are notified in writing of the action for which a decision is requested to be taken and five (5) or more Governors vote to approve the action by responding affirmatively to an electronic ballot distributed to each Governor. The ballot shall set forth the proposed action(s) and provide an opportunity to specify approval or disapproval of each proposed action and a reasonable time within which to return the ballot to the IBB Director, or the Director's designee. Each Governor who wishes to vote must indicate approval or disapproval and return it to the IBB Director within the time specified. Any member of the Board may terminate the balloting and require that the matter be scheduled for a Board meeting, by so indicating on the ballot. The Governors'

approval or disapproval of any action by this method shall have the same force and effect as a vote by the Board of Governors at a formal meeting of the Board. All ballots returned to the IBB Director shall be filed with the records of the proceedings of the Board of Governors maintained by the IBB Director.

2.15 EMERGENCY MEETINGS

Upon the occurrence of urgent circumstances, when requested by the Chair, any four (4) Governors may convene an emergency meeting of the Board of Governors upon twenty-four (24) hours notice, including notice by telephonic or electronic communication. The emergency meeting may be conducted in person, telephonically, or by such other means as may be determined by the Chair or a majority of the Board

2.16 METHOD OF COMMUNICATION FOR ACTION WITHOUT A MEETING

Any and all communications to and from Governors seeking or taking action by the Governors without a meeting may be made by hand delivery, by deposit in U.S. mail, by express mail, by electronic facsimile, by electronic mail, or by such other means as may be determined by the Board.

Section 3. Officers

3.01 CHAIR OF THE BOARD

The Chair of the Broadcasting Board of Governors is appointed by the President as Chair of the Board, subject to the advice and consent of the Senate. (22 U.S.C. §6203(b)(2)).

Subject to the authority and ongoing direction of the plenary Board, the following authorities are delegated to the Chair:

- Call and preside at all meetings of the Board. The Chair has from time to time requested another Governor to preside at a Board meeting when the Chair has not been able to attend the meeting in person.
- Act as Chair of the Advisory Committee of the Board and appoint special committees of the Board and chairpersons thereof.
- Subject to the authority of the plenary Board, direct the work of the International Broadcasting Bureau, through the IBB Director.
- In consultation with the Advisory Committee, evaluate the performance of the IBB Director, and review the IBB Director's performance evaluations of senior BBG officers. For his evaluation of the IBB Director, the Chair, after consulting the Advisory Committee, shall share and seek approval of the full Board. (Board member or committee Chair requests for specific staff support are channeled through the IBB Director as appropriate to assure coordination and efficient use of limited staff resources.).
- Represent the Board in all matters requiring conferences or communications with officers, departments, or agencies of the U.S. Government and foreign governments. This authority may be delegated to other Governors, or to the IBB Director as determined by the Chair.

- Solicit Board approval of decisions by telephone/videoconference in the absence of a regularly scheduled meeting or at the written request of at least four (4) members. When necessary or desirable, the Chair may call a special, telephonic/video meeting of the Board at any time between regularly scheduled meetings upon forty-eight (48) hours notice (except in cases of extreme and unforeseeable urgency).
- Delegate authority to the IBB Director on certain matters not requiring formal action of the Board. (The IBB Director shall be delegated authority to sign documents that request the obligation and/or expenditure of funds necessary to implement programs and activities of the Broadcasting Board of Governors. Such documents include but are not limited to personnel actions, travel authorizations and vouchers, requisitions for supplies and equipment, contracts for services, time and attendance cards, and such other papers as the Chair may designate from time to time. These authorities are redelegable.)
- Approve the Board's meeting agenda as proposed by the IBB Director.
- Authorize any Governor or senior BBG officer to perform a function vested in or delegated to the Chair, to the extent permitted by law.
- Execute on behalf of the Board all instruments in writing which have been authorized by the Board. The IBB Director, or the Director's designee, may assist the Chair in this regard by affixing his signature electronically to routine documents and others that he or she has requested or approved.

3.02 DIRECTOR OF THE INTERNATIONAL BROADCASTING BUREAU

The Director of the International Broadcasting Bureau (IBB Director) shall be appointed by the President, by and with the advice and consent of the Senate. (22 U.S.C. 6206(b)). The International Broadcasting Bureau, under the supervision of the IBB Director, operates as an extension of the Board to assist the Board in carrying out the Board's responsibilities for decisions and oversight for all of U.S. international broadcasting. The International Broadcasting Bureau will provide the Board with technical, professional, and administrative support as well as strategic guidance and oversight of Agency programs. The IBB Director shall manage the IBB and has the role and authorities described in Section 7 of these by-laws. The IBB Director's performance in implementing these delegable authorities from the Board should be reviewed on an annual basis.

The IBB Director shall select a Chief Financial Officer and a General Counsel, subject to approval of the Board, to perform duties consistent with those described herein. The staff of the International Broadcasting Bureau shall perform their duties under the IBB Director's general direction. The IBB Director should review and evaluate on an annual basis the performance of other senior BBG officers, based on input from the Board and other appropriate sources.

3.03 SECRETARY OF THE BOARD

The General Counsel shall serve as the Secretary of the Broadcasting Board of Governors. The Secretary of the Board shall provide for and maintain the Agency's official records, including the proceedings of the Board of Governors and committees.

3.04 CHIEF FINANCIAL OFFICER

The Chief Financial Officer shall have charge of all funds of the BBG, keep the books of account, and designate depositories for funds of the BBG. The Chief Financial Officer shall assist the Board of Governors and its Committees in the exercise of their fiscal responsibilities. The Chief Financial Officer or his or her designee shall attend all meetings of the Board of Governors and relevant Board committees and shall have the right and obligation to bring directly to the Board or its committees any information on financial or compliance matters that he or she reasonably determines should be brought to their attention.

3.05 GENERAL COUNSEL

The General Counsel shall advise the Board of Governors on such legal matters as may be referred to the General Counsel by the Board of Governors or its committees. The General Counsel or his or her designee shall attend meetings of the Board of Governors and its committees and shall have the obligation to bring directly to the Board or its committees any information on legal or compliance matters that are within the purview of the Board of Governors by statute, bylaw, or as may be directed by the Board of Governors, and shall have the right to bring directly to the Board or its committees any such information that he or she reasonably determines should be brought to their attention.

3.06 PRESIDING GOVERNOR

In the event that the Chair of the Board steps down or becomes otherwise unable to perform his or her duties, the plenary Board may designate any other Governor to serve as Presiding Governor. The Presiding Governor shall exercise the roles and authorities of the Chair of the Board, as such roles and authorities are defined in these By-Laws and the decisions of the Board. Notwithstanding the foregoing, during the tenure of the Presiding Governor, the authority of the Chair to evaluate the performance of the IBB Director included in BBG By-laws §3.01 shall be exercised by the Board acting as Committee of the Whole, and shall not be exercised solely by the Presiding Governor. The Presiding Governor shall serve on an interim basis until such time as the Board selects a different Presiding Governor, the Presiding Governor chooses to step down as Presiding Governor, or a new Chairman is appointed by the President and confirmed by the Senate.

3.07 ALTERNATE PRESIDING GOVERNOR

In the event that the Board appoints a Presiding Governor, the Presiding Governor may select an alternate Presiding Governor with the approval of the plenary Board. The alternate Presiding Governor shall have the authority to call and preside at meetings of the Board in the event the Presiding Governor is absent from a meeting or is otherwise unable to perform his or her duties.

3.08 ACTING OFFICERS

For the purpose of these By-Laws, any reference to a particular person or position is also intended to apply to any person functioning in an “acting” capacity in such position.

Section 4. Advisory Committee

4.01 POWERS

The Advisory Committee shall be responsible for reviewing and formulating recommendations on BBG governance, financial oversight and audit, implementation of the BBG budget, execution of Board decisions, and other matters as directed by the plenary Board. The Advisory Committee will act in compliance with the written Terms of Reference adopted by the plenary Board.

4.02 COMPOSITION

The Advisory Committee will be composed of the Chair of the Board and at least one (1) of other Governor selected by the plenary Board (or such other number as may be determined by the Board). The Chair of the Board will serve as Committee Chair. The Advisory Committee will make decisions based on unanimous consent of its members, provided that, if the number of Committee members is increased to a number greater than two (2), then decisions will be made by a majority vote (with a quorum of two (2) members).

4.03 MEETINGS

The Chair of the Advisory Committee should establish a meeting schedule and select meeting venues, provided that, in lieu of physical meetings, the Committee may meet by telephone, video conference or other means.

4.04 RULES

The Advisory Committee shall have power to adopt rules for the conduct of its business in respect to all matters not provided for in the By-Laws, the decisions of the plenary Board, or the Committee’s Terms of Reference.

Section 5. Special Committees

5.01 POWERS AND PURPOSE

The Chair of the Broadcasting Board of Governors, on the Chair’s motion or upon the decision of the Board, shall have the authority to establish one or more Special Committees. The Chair of the plenary Board may designate the Chair of any Special Committee so established. A Special Committee may be established to investigate one or more designated topics or to carry out specific decisions of the Board. Upon completion of the relevant purpose, the Special Committee will present a report and recommendations to the plenary Board, reflecting the views of the Special Committee members. Any such Special Committee will be dissolved thereafter with no further action of the Board required.

5.02 COMPOSITION AND PROCEDURES

The Chair of the plenary Board shall appoint the members of each Special Committee and designate the Chair of the Special Committee. The Chair of each Special Committee should establish a meeting schedule. Special Committees may meet physically, by telephone, video conference or other means. The operations of each Special Committee will be supported by the Secretary of the plenary Board. Each Special Committee shall keep minutes of its meetings and, if practicable, report on the Committee's progress at each meeting of the plenary Board.

Section 6. Administration

6.01 BUDGET

The Chief Financial Officer shall prepare and recommend an annual budget for consideration by the Board of Governors for the necessary expenses of the Broadcasting Board of Governors. With the approval of the Board of Governors, the Chief Financial Officer shall submit the Agency's request for appropriations to the Office of Management and Budget for incorporation in the budget of the United States. The Chief Financial Officer shall provide all supporting data required for Congressional review of the BBG's budget. When the annual appropriation act has been approved, the Board of Governors shall review the BBG's budget with the Chief Financial Officer and authorize the Chief Financial Officer to expend appropriated and non-appropriated funds in accordance with the approved budget. The Chief Financial Officer may authorize any necessary reprogramming within any limitation established by the Board of Governors or the Congress and may recommend to the Board of Governors any necessary amendment of the BBG's budget.

Section 7. International Broadcasting Bureau

7.01 POWERS

The International Broadcasting Bureau was established to carry out all nonmilitary international broadcasting activities supported by the United States Government other than those described in 22 U.S.C. 6207, 6208. (22 U.S.C. 6206(a)). As an element of United States international broadcasting, the IBB is subordinate to the Board.

7.02 ROLE OF THE INTERNATIONAL BROADCASTING BUREAU

The International Broadcasting Bureau, under the supervision of the IBB Director, operates as an extension of the Board to assist the Board in carrying out the Board's responsibilities for decisions and oversight for all of U.S. international broadcasting. The International Broadcasting Bureau will provide the Board with technical, professional, and administrative support as well as strategic guidance and oversight of Agency programs.

The Board will delegate authority to the IBB Director to oversee the day-to-day management of the federal agency and to identify, evaluate, and resolve strategic trade-offs and conflicts among the broadcasting entities, consistent with the Board's strategic

guidelines and subject to the Board's continued oversight. Pursuant to the Board's broad delegation of authority, the IBB Director will be responsible for the primary functions of the International Broadcasting Bureau, which include (i) the management of the global distribution network for U.S. international broadcasting, (ii) oversight and implementation of Board decisions, and (iii) Agency administration. The International Broadcasting Bureau will also serve as the principal day-to-day-liaison for the Board with other U.S. government agencies, foreign governments, and private-sector organizations. (Nothing in the description of the role of the International Broadcasting Bureau herein, or any delegation of authority to the IBB Director hereinafter, adopted by the Board, is intended to restrict or in any way limit the Board's authority to exercise any of the authorities so described or delegated).

With respect to the nondelegable statutory duties of the Board set forth in the U.S. International Broadcasting Act of 1994 (as amended), the role of the Director of the International Broadcasting Bureau is to: (i) assist and monitor, and oversee implementation of the Board's decisions and compliance with relevant statutory mandates by the elements of USIB; (ii) gather and coordinate the reporting and analysis of information from the elements of USIB and make recommendations to the Board as necessary to inform the Board's decision-making processes and facilitate the Board's statutory oversight role; and (iii) represent the Board to the U.S. Congress, other Federal agencies, the press and relevant third parties when the Board is not available (subject to further consideration as may be given to this topic by the Communications and Outreach Committee and to such of its recommendations as the Board may adopt).

7.03 IBB COORDINATING COMMITTEE

The International Broadcasting Bureau Director shall organize and chair a coordinating committee in accordance with the Statute to examine and make recommendations to the Board on long-term strategies for the future of international broadcasting. The coordinating committee shall include representatives of Radio Free Europe/Radio Liberty, Radio Free Asia, the Middle East Broadcasting Networks and the Broadcasting Board of Governors, and, as appropriate, the Office of Cuba Broadcasting and the Voice of America. The Coordinating Committee shall meet on a quarterly basis to address operation strategies arising from the implementation activities of the elements of United States international broadcasting. The IBB Coordinating Committee will make recommendations to the Strategy and Budget Committee of the Board or, as directed, to the plenary Board.

**PROTOCOL FOR RELEASE OF MATERIALS
FROM CLOSED BOARD MEETINGS**

Closed Board meetings, or closed portions of open Board meetings, shall be recorded, either via video with audio, audio only, or by stenographer. The Board Secretary will create a complete record of the closed proceedings (either a verbatim transcript or unabridged recording, at the Board Secretary's discretion) in draft form within three (3) business days of a closed meeting or session; for meetings recorded by stenographer, a transcript should be obtained from the stenographer within three (3) business days.

The Board Secretary will highlight statements, testimony, or other information that may be subject to withholding from public release under the Government in the Sunshine Act (GISA) within three (3) business days. Interested Governors shall be provided a copy of the draft complete record to review not later than ten (10) calendar days after a closed meeting or session and should return the draft complete record with comments to the Board Secretary within five (5) business days.

The Board Secretary will finalize the complete record for legal sufficiency and compliance with the GISA and coordinate with Public Affairs for posting to the Agency's public website. The entire process should be completed in fewer than twenty-one (21) calendar days.

The Board Secretary shall maintain the original complete draft record and/or complete unabridged electronic recording of each meeting or portion of a meeting closed to the public for at least two years after such meeting, or until one year after the conclusion of any Board proceeding with respect to which the meeting or portion was held, whichever occurs later. After the applicable holding period expires, the Board Secretary shall dispose of such records in accordance with the Agency's applicable document retention schedule.

Once materials from closed Board meetings have been made available to the public, there is no requirement to maintain their availability beyond initial release. However, materials released to the public should generally be kept publically available on the Agency's website as long as space and funding permits.



BBG HISTORY AND OVERVIEW

Prior to passage of the U.S. International Broadcasting Act of 1994, the U.S. Information Agency (USIA) managed the Voice of America (VOA) and the Office of Cuba Broadcasting (OCB). Radio Free Europe/Radio Liberty (RFE/RL) operated as a private nonprofit broadcasting entity which received a grant from the Board for International Broadcasting.

The International Broadcasting Act of 1994 brought all of the radio, television, and Internet resources of U.S. non-military international broadcasting under the aegis of the nine-member Broadcasting Board of Governors (BBG). This legislation also: established Radio Free Asia (RFA) as a grantee of the BBG; and established the International Broadcasting Bureau (IBB) to manage the global distribution network of BBG-funded, private broadcasters and promote coordination among them. The IBB provides technical support for all of the broadcasting entities, including the BBG's private, nonprofit grantees.

For several years, the BBG operated within the USIA. Then, in 1998, the BBG became an independent agency with the passing of the amended International Broadcasting Act. The Foreign Affairs Reform and Restructuring Act of 1998 (P.L. 105-277) made the BBG an independent agency on October 1, 1999.

Through all its organizational changes, the BBG has continued “to inform, engage, and connect people around the world in support of freedom and democracy” through a broad range of media and language broadcasts. The BBG is comprised of two federal entities, VOA and OCB and three grantees – RFE/RL, RFA, and the Middle East Broadcasting Networks (MBN).

In the current political, economic, and technological climate, the BBG continues to innovate in order to remain relevant to its audiences, and to continue to support free and open societies through access to information.

Title: II BAM 160 - Domestic Distribution of Program Materials

Policy #: IBB-13-01

Effective Date:

Originating Office: IBB Director's Office, (202) 203-4515

(a) PURPOSE: This policy provides guidance and establishes procedures for making Agency programming available within the United States.

(b) AUTHORITY & SCOPE:

(1) Authority:

(i) Section 501 of the U.S. Information and Educational Exchange (Smith-Mundt) Act, as amended, as codified in [22 U.S.C. § 1461](#).

(ii) Section 208 of the Smith-Mundt Act, as amended, Clarification on Domestic Distribution of Program Material, [22 U.S.C. § 1461-1a](#).

(iii) The U.S. International Broadcasting Act, [22 U.S.C. 6201 et seq.](#)

(iv) The Radio Broadcasting to Cuba Act, [22 U.S.C. § 1465 et seq.](#)

(v) The Television Broadcasting to Cuba Act, [22 U.S.C. § 1465aa et seq.](#)

(vi) Office of Management and Budget Circular A-25, Revised, [Memorandum for the Heads of Executive Departments and Establishments, Subject: User Charges](#).

(2) Scope: This policy applies to all offices and divisions of the Federal Government which the Broadcasting Board of Governors supervises pursuant to the U.S. International Broadcasting Act (collectively, the Agency).

(c) POLICY:

(1) The Agency's mission is to inform, engage, and connect people around the world in support of freedom and democracy. Amendments to the Smith-Mundt Act in [Pub. L. 112-239](#) re-affirm the Agency's mission to broadcast to foreign audiences, while lifting some restrictions on disseminating information within the United States.

(2) The Agency may provide individuals, media entities, or other organizations with Agency program materials for use or distribution within the United States in accordance with law and the procedures in this policy. The Agency may not seek to syndicate its program materials through domestic media outlets with the intent to develop audiences within the United States. The Agency may provide program materials, prepared for dissemination abroad, to domestic broadcasters in foreign diaspora communities as part of the Agency's foreign policy mission. Unless these program materials are made available in the U.S. under a partnership or as part of the agency's public relations activities, (*See*, 22 U.S.C. § 1437; VI BAM 610, Partnership

Policy), then program materials must be provided upon request only. All domestic distribution shall fall within the following three categories:

(i) Public Relations – The Agency may provide information about the Agency’s operations, programs, and program materials, including granting permission for a one-time use of Agency programming, when it serves the Agency’s public relations functions.

(ii) Media and Organization Requests for an Ongoing Subscription to Agency Program Materials – Upon request, The Agency may enter an agreement to provide media entities, or other organizations, an ongoing subscription to Agency program materials on a case-by-case basis, as described below.

(A) A case-by-case determination shall include the following considerations:

(1) Whether such an ongoing subscription agreement is consistent with the public diplomacy and broad foreign policy objectives of the United States (*See*, 22 U.S.C. §§ 6201, 6202(a)(1));

(2) Whether such an ongoing subscription agreement would serve the Agency’s mission to communicate to foreign audiences, or open communication of information and ideas among the people of the world (*See*, 22 U.S.C. §§ 1461, 6201(2), 6204(a)(1));

(3) Whether such an ongoing subscription agreement would serve the Agency’s mission to promote human rights, including freedom of opinion and expression. The Agency shall consider whether a media entity’s intended use of Agency programming would support the Agency’s efforts to provide a variety of opinions or otherwise meet the needs which remain unserved by the totality of media voices available to people within nations and regions subject to censorship or repression (*See*, 22 U.S.C. §§ 6201(1), 6202(a)(8), (b)(7));

(4) Whether entering such an agreement would be consistent with the highest professional standards of broadcast journalism, as outlined in an Agency broadcasting element’s charter or journalistic code (*See*, 22 U.S.C. §§ 6202(a)(5), (c));

(5) Whether a media entity’s intended use of Agency programming would complement, rather than duplicate, adequate information dissemination from the Agency’s other broadcasters, private United States broadcasters, or government-supported broadcasting entities of other democratic nations. The Agency shall consider what, if any, broadcasts are available to the public in the relevant media market, in the same language and medium (e.g. radio or television) as the requested program materials, from private U.S. broadcasters or from government-sponsored broadcast entities from democratic nations (*See* 22 U.S.C. §§ 1462, 6202(a)(3)-(4); H. Conf. Rep. No. 103-482);

(6) Whether entering into such an agreement would help the Agency to effectively reach a significant target audience (*See* 22 U.S.C. §§ 6202(a)(7));

(7) The extent to which entering into an ongoing subscription agreement would be consistent with all other broadcasting standards, principles, charters, and objectives of the Agency (*See generally*, 22 U.S.C. §§ 1461, 1462, 6201-6206; and

(8) Whether distributing the requested program materials would be cost prohibitive because of an agreement with a third party who holds a copyright in the requested materials. (*See Pub. L. 112-239 §1078(b)*; 22 U.S.C. §§ 1461(b)(1)(C));

(B) The Agency may provide ongoing subscribers access to a professional distribution systems, such as the Direct system (“Direct”). Any agreement to grant a media entity an ongoing subscription to Agency programming:

(1) Must include limitations to ensure the subscriber keeps the Agency fully informed regarding its dissemination of Agency programming, to prevent further dissemination of Agency programming outside the scope of the agreement, and to prevent use or dissemination of Agency programming that does not meet the standards in paragraph (C)(ii)(1) above;

(2) Must place responsibility on the subscriber to secure any necessary licenses from all persons or organizations that hold a copyright in any portion of requested program materials;

(3) Must require the subscriber to credit the Agency broadcasting element which produced the programming in any and all uses of those program materials; and

(4) Must require the subscriber to play program materials unaltered and in full at least once; and

(5) May establish subscriber fees in order to recover reasonable costs.

(iii) Domestic Partnerships with Incidental Distribution - The Agency may pursue and enter contractual or partnership agreements to distribute its programming in any form, or via any medium of communication, including but not limited to satellite broadcasting and the Internet. The Agency may distribute its programming via any means, regardless of whether this distribution incidentally reaches the United States, so long as distributing programming by these means serves the Agency’s international broadcasting statutory mission. *See* VI BAM 610, Partnership Policy; and BAM Title IX, Procurement for procedures on entering partnerships or contracts.

(d) PROCEDURES AND PRIMARY RESPONSIBILITIES:

(1) Public Relations – Each broadcaster will respond to its own public relations requests through the broadcaster’s public relations office.

(i) The Public Relations Offices at each broadcaster are responsible for keeping a record of all domestic public relations programming requests they receive. This record should be provided once a year to the IBB Directors's Office.

(2) Media Requests for an Ongoing Subscription to Agency Program Materials –The procedures for reviewing and answering requests for an ongoing subscription agreement are below:

(i) The Office of Strategy and Development (OSD), responds to written requests to enter into an ongoing subscription agreement for Agency program materials in the United States, including requests for access to Direct.

(ii) After OSD receives a written request with sufficient information, OSD shall draft a recommendation regarding whether entering into an ongoing subscription agreement is in the Agency's best interests, based on the considerations in paragraph (C)(ii)(1) above.

(iii) Within two weeks of receiving a request, OSD shall provide its determination to the Agency broadcasting element that produces the requested program materials, the Office of Digital Design and Innovation (ODDI), and the Office of Technology, Services and Innovation (TSI).

(iv) ODDI and TSI shall consult with OSD and the Agency broadcasting element regarding the capabilities of Direct, or other Agency systems used to provide subscribers with ongoing access to Agency programming if OSD determines that the request may be granted.

(v) The broadcasting element that produces the requested program material makes the final determination regarding whether the Agency is capable of fulfilling and should fulfill a subscription, based on the considerations in paragraph (C)(ii)(1) above. The broadcasting element may not grant a request without an approval determination from OSD.

(vi) If the broadcasting element's final determination is that the Agency should not enter an ongoing subscription agreement, OSD shall inform the Requestor, in writing, of the Agency's decision.

(vii) If the appropriate broadcasting element determines that the Agency will enter into an ongoing subscription agreement, OSD may use a template agreement that has been previously cleared by the Office of General Counsel. Alternatively, OSD may negotiate a new agreement or amendments to a template agreement, as long as OSD receives legal clearance from the Office of General Counsel before entering such an agreement.

(viii) OSD shall keep a copy of:

(A) The final determination regarding the best interest of the Agency based on the standards in paragraph (C)(ii)(1) above;

(B) The final version of all subscription agreements; and

(C) Any other records related to the subscription agreement.

(ix) The relevant broadcasting element shall coordinate with ODDI and TSI to ensure that the programming the subscriber requests is available on Direct, or is available through another system.

(x) Annual Review:

(A) Within one year of the effective date of each subscription agreement to allow continuing use or distribution of Agency program material within the United States, OSD shall review its original determination regarding the standards in paragraph (C)(ii)(1) and submit the results of that review to the IBB Director and relevant BBG broadcasting organization's Director.

(B) If, for any reason, OSD, the IBB Director, or the VOA or OCB Director determine that providing an ongoing subscription is no longer in the best interest of the Agency, the Agency shall take appropriate action, including but not limited to amending or terminating a subscription agreement.

(3) Domestic Partnerships and Contracts with Incidental Distribution – Agency non-fee partnership requests will follow the procedures in VI BAM 610, Partnership Policy, which is managed by the IBB Office of Administrative and Secretariat Operations. The procedures for entering into Contracts are found in the Federal Acquisition Regulation and BAM Title IX. The Office of Contracts manages contracts and procurements, including Contracts to broadcast or make Agency programming available abroad, with incidental distribution in the United States.

(4) Determining Fees – The Office of the Chief Financial Officer (OCFO), Financial Operations Division, in consultation with OSD and the Agency broadcasting element, shall draft the Agency's determination whether to charge fees, and the amount of fees, in accordance with OMB Circular A-25. OCFO shall conduct a review of the Agency's determination on fees, at least once every two years, or more frequently as necessary. OCFO shall keep all records associated with the Agency's determinations, and periodic reviews, as described in OMB Circular A-25 paragraph 8(g).

(e) DEFINITIONS:

(1) "Media Entity" means any person or entity, that actively gathers information of potential interest to a segment of the public, turns gathered information into a distinct work, or distributes that work to an audience within the United States.

(2) "Organization" means any corporation, trust, association, cooperative, or other group organized primarily for scientific, educational, service, charitable, or similar purpose, including but not limited to institutions of higher education.

(3) "Programming" or "Program Material" means radio broadcasts, television broadcasts, and Internet content that the Agency disseminates to audiences outside of the United States, pursuant to: The U.S. Information and Educational Exchange Act of 1948 (22 U.S.C. § 1461

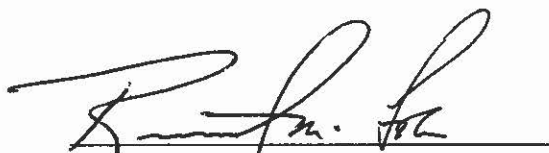
et seq.); The U.S. International Broadcasting Act of 1994 (22 U.S.C. § 6201 et seq.); The Radio Broadcasting to Cuba Act (22 U.S.C. § 1465 et seq.); or The Television Broadcasting to Cuba Act (22 U.S.C. § 1465aa et seq.).

(4) "Syndicate" means to license the right to distribute programming to multiple media entities outside the network of the broadcaster that produced the programing.

(f) EFFECTIVE DATE AND APPROVAL:

Approved by:

Effective Date:



Richard M. Lobo
Director
International Broadcasting Bureau

July 2, 2013



BBG STATUTE AND GOVERNANCE

The Broadcasting Board of Governors (BBG) is authorized to exercise authority over non-military United States international media (USIM) by virtue of its statute, the United States International Broadcasting Act of 1994 (as amended), 22 USC § 6201 *et seq.* (hereinafter referred to as the “BBG Statute”).

The BBG Statute sets forth a structure within which the BBG may govern USIM, but also leaves a number of governance questions to be determined by the Board.

Given the complexity of the BBG mission, it is recommended that the Board make decisions about these open governance questions at an early stage in order to facilitate Board operations throughout the new Board’s tenure.

I. Structure of Governance Required by the BBG Statute

The BBG Statute contains specific provisions concerning the Board’s composition, its authorities, and the elements of USIM, that provide an overarching structure within which the Board fulfills its statutory role.

Board Composition. The BBG Statute provides for a single 9-member board of the federal agency. The Governors have collective authority over USIM; they have no authority acting individually unless such authority is delegated to them by the Board itself. The Board makes decisions by majority vote and has a quorum requirement of five (5) members.

The statute requires the appointment of a Chairman, but does not specify the Chairman’s authorities.

The Secretary of State is an *ex officio* member of the Board. He/she is represented by the Undersecretary of State for Public Diplomacy by virtue of a State Department delegation of authority. The BBG Statute defines her role as follows: “To assist the Board in carrying out its functions, the Secretary of State shall provide information and guidance on foreign policy issues to the Board, as the Secretary may deem appropriate.” Id. at §6205(a).

(By separate statute, the Secretary of State is also obligated to “make every effort . . . to coordinate with the BBG to (A) develop a comprehensive and coherent strategy for the use of public diplomacy resources; and (B) develop and articulate long-term measurable objectives for US public diplomacy. 22 USC § 2732(b))

Governors may not be “regular full-time employees” of the U.S. Government. The BBG Statute gives the Board non-delegable authority to appoint full-time staff (the “BBG Staff”) to assist them.

Board Authorities. The BBG Statute provides the Board with far-reaching authorities over the strategy and operations of USIM. The authorities of the Board are divided into non-delegable and delegable authorities.

The non-delegable authorities of the Board are set forth in the table below. They are roughly divided into (i) the authority to set the strategic direction and tone of USIM and (ii) the authority to provide oversight and supervision to international broadcasting activities authorized by the BBG Statute.

NON-DELEGABLE BBG AUTHORITIES	
1. To supervise all broadcasting activities conducted pursuant to the BBG Statute, the Radio Broadcasting to Cuba Act and the Television Broadcasting to Cuba Act.	
2. To review and evaluate the mission and operation of, and to assess the quality, effectiveness, and professional integrity of, all such activities within the context of the broad foreign policy objectives of the United States.	
3. To ensure that United States international broadcasting is conducted in accordance with the broadcasting standards and principles set forth in the Act:	
<p><u>Broadcasting Standards</u></p> <p>USIM shall –</p> <p>be consistent with the broad foreign policy objectives and the international telecommunications policies and treaties of the United States;</p> <p>not duplicate the activities of private US broadcasters or government supported broadcasting entities of other democratic nations;</p> <p>be conducted in accordance with the highest standards of broadcast journalism;</p> <p>be based on reliable information about its potential audience;</p> <p>be designed to effectively reach a significant audience;</p> <p>promote respect for human rights, including freedom of religion.</p>	<p><u>Broadcasting Principles</u></p> <p>USIM shall include –</p> <p>news which is consistently reliable and authoritative, accurate;</p> <p>a balanced and comprehensive projection of United States thought and institutions, reflecting the diversity of United States culture and society;</p> <p>clear and effective presentation of the policies of the United States Government and responsible discussion and opinion on those policies, including editorials, broadcast by the Voice of America, which present the views of the United States Government;</p> <p>the capability to provide a surge capacity to support United States foreign policy objectives during crises abroad;</p> <p>programming to meet needs which remain unserved by the totality of media voices available to the people of certain nations;</p> <p>information about developments in each significant region of the world;</p> <p>a variety of opinions and voices from within particular nations and regions prevented by censorship or repression from speaking to</p>

		<p>their fellow countrymen;</p> <p>reliable research capacity to meet the criteria under this section;</p> <p>adequate transmitter and relay capacity to support USIM activities; and</p> <p>training and technical support for independent indigenous media through government agencies or private United States entities.</p>
<p>4. To review, evaluate, and determine, at least annually, after consultation with the Secretary of State, the addition or deletion of language services.</p>		
<p>5. To make and supervise grants for broadcasting and related activities.</p>		
<p>6. To allocate funds appropriated for international broadcasting activities among the various elements of the International Broadcasting Bureau and grantees.</p>		
<p>7. To submit an annual report to the President and the Congress.</p>		
<p>8. To appoint such staff personnel for the Board as the Board may determine necessary to carry out its functions.</p>		

The BBG Statute gives the Board delegable authorities to implement USIM global operations such as the authority to procure supplies and services, hire personnel, fund grants for USIM, work in cooperation with other Executive branch agencies, etc. Importantly, the statute contains basket provisions that give the BBG all of the authorities that the BBG’s predecessor agencies (such as the U.S. Information Agency) had for “carrying out the broadcasting activities” authorized by the BBG Statute.

Notwithstanding the sweeping nature of the Board’s operational authorities, the BBG Statute anticipates that the Board’s authority will be exercised in a “supervisory” capacity and that the Board will not engage in day-to-day direction of USIM operations. To implement the intent of

the BBG Statute in this regard, predecessor Boards have delegated the authorities for broadcasting operations to the Director of the International Broadcasting Bureau (IBB).

The Board's authorities over USIM are subject to a "firewall" in respect of the content of BBG-funded journalism. The BBG Statute states: "The Secretary of State and the Board, in carrying out their functions, shall respect the professional independence and integrity of the International Broadcasting Bureau, its broadcasting services, and the grantees of the Board." 22 USC § 6204(d). The Board also serves as a "firewall" between BBG journalists and the rest of the US government.

The Elements of USIM. The BBG Statute provides for the implementation of USIM operations and activities through defined organizations (or elements) both within and outside of the federal agency.

The BBG Statute provides for the operation of the IBB, Voice of America (VOA), and the Office of Cuba Broadcasting (OCB) within the federal agency. The statute also anticipates the funding of two (2) private non-profit grantees, Radio Free Europe/Radio Liberty (RFE/RL) and Radio Free Asia (RFA).

The BBG Statute provides the following in respect of these USIM elements:

IBB: The statute established the IBB "to carry out all nonmilitary broadcasting activities supported by the United States Government" other than those activities undertaken by RFE/RL and RFA. *Id.* at § 6206(a).

The legislative history of the BBG Statute states that the Board has complete authority to determine the functions of the IBB. In practice, predecessor Boards have given the IBB two (2) functions: (i) management of the worldwide radio, television and new media distribution networks for USIM's journalism products, and (ii) management of the "back-office" and administrative functions of the federal agency, such as human resources management and procurement. Predecessor Boards have delegated all delegable operational authorities in the BBG statute to the IBB Director.

Although the provision was largely not implemented by predecessor Boards, the BBG Statute contains a mandate for the IBB Director to organize and chair "a coordinating committee" among representatives of the grantees, the BBG and (as appropriate) VOA and OCB. The purpose of the coordinating committee is to "examine and make recommendations to the Board on long-term strategies for the future of international broadcasting, further consolidation of broadcast services, and consolidation of currently existing public affairs and legislative relations functions in the various international broadcasting entities." *Id.* at §6206(c).

The statute does not expressly state, but clearly implies, that the IBB has a management role with respect to VOA and OCB.

VOA and OCB. The BBG Statute says little about VOA other than to state the general principles that govern VOA broadcasts, such as the VOA must serve as a “consistently reliable and authoritative source of news.” *Id.* at § 6202(c)(1). OCB was established by separate statutes, the Radio Broadcasting to Cuba Act and the Television Broadcasting to Cuba Act. 22 USC § 1465 *et seq.*

RFE/RL. The BBG Statute authorizes the making of a grant to RFE/RL subject to certain conditions, including that the members of RFE/RL’s Board of Directors be composed solely of the members of the Broadcasting Board of Governors. The statute also prescribes certain limitations on RFE/RL activities and compensation of its executives which must be set forth in the grant agreement. The statute gives the Board express authority to fund an alternative grantee in the event that the Board finds that RFE/RL “is not carrying out the functions” required by the statute “in an effective and economical manner.” 22 USC § 6207(d).

RFA. The BBG Statute authorizes the Board to make a grant to RFA for the purpose of carrying out radio broadcasting to The People’s Republic of China, Burma, Cambodia, Laos, North Korea, Tibet and Vietnam. The statute provides that the RFA grant agreement must contain certain operational limitations and restrictions and gives the Board authority to terminate the grant agreement for noncompliance. The statute is silent on the composition of RFA’s Board of Directors.

MBN. Middle East Broadcasting Networks (MBN) was established in 2003 as a private non-profit corporation and is not mentioned in the BBG Statute. Using its general grant-making authority and subject to appropriations, the Board made an initial grant to MBN and contributed certain assets and personnel from the former VOA Arabic Service to it. Subsequently, funding has been directed to MBN through grants authorized through BBG appropriations statutes.

II. Governance Issues

While the BBG Statute provides an overall framework for the Board oversight of USIM, it leaves to the Board to decide certain key governance questions. These questions include the following items:

1. Chairman’s Role. The Chair of the Broadcasting Board of Governors is appointed by the President as Chair of the Board, subject to the advice and consent of the Senate. (22 U.S.C. §6203(b)(2)).

Subject to the authority and ongoing direction of the plenary Board, the following authorities are delegated to the Chair:

- Call and preside at all meetings of the Board. The Chair has from time to time requested another Governor to preside at a Board meeting when the Chair has not been able to attend the meeting in person.
- Act as Chair of the Advisory Committee of the Board and appoint special committees of the Board and chairpersons thereof.

- Subject to the authority of the plenary Board, direct the work of the International Broadcasting Bureau, through the IBB Director.
- In consultation with the Advisory Committee, evaluate the performance of the IBB Director, and review the IBB Director's performance evaluations of senior BBG officers. For his evaluation of the IBB Director, the Chair, after consulting the Advisory Committee, shall share and seek approval of the full Board. (Board member or committee Chair requests for specific staff support are channeled through the IBB Director as appropriate to assure coordination and efficient use of limited staff resources.)
- Represent the Board in all matters requiring conferences or communications with officers, departments, or agencies of the U.S. Government and foreign governments. This authority may be delegated to other Governors, or to the IBB Director as determined by the Chair.
- Solicit Board approval of decisions by telephone/videoconference in the absence of a regularly scheduled meeting or at the written request of at least four (4) members. When necessary or desirable, the Chair may call a special, telephonic/video meeting of the Board at any time between regularly scheduled meetings upon forty-eight (48) hours notice (except in cases of extreme and unforeseeable urgency).
- Delegate authority to the IBB Director on certain matters not requiring formal action of the Board. (The IBB Director shall be delegated authority to sign documents that request the obligation and/or expenditure of funds necessary to implement programs and activities of the Broadcasting Board of Governors. Such documents include but are not limited to personnel actions, travel authorizations and vouchers, requisitions for supplies and equipment, contracts for services, time and attendance cards, and such other papers as the Chair may designate from time to time. These authorities are redelegable.)
- Approve the Board's meeting agenda as proposed by the IBB Director.
- Authorize any Governor or senior BBG officer to perform a function vested in or delegated to the Chair, to the extent permitted by law.
- Execute on behalf of the Board all instruments in writing which have been authorized by the Board. The IBB Director, or the Director's designee, may assist the Chair in this regard by affixing his signature electronically to routine documents and others that he or she has requested or approved.

2. Role of IBB. The Board has plenary authority to structure IBB consistent with the provisions of the BBG Statute. In respect of defining IBB's role, the Board may:

- Modify the delegation of operational authorities to the IBB Director, for example, by requiring Board consent for certain types of operational decisions.
- Decide whether IBB should play a management role vis-à-vis the federal programming entities, VOA and OCB.

- Clarify the mandate and the Board’s expectations for the IBB coordinating committee required by the BBG Statute.

3. Governance of Grantees. The statute provides two (2) mechanisms for the Board to guide the grantees in supporting the BBG’s strategy for U.S. international media: the use of a grant agreement and participation on the respective boards of directors of the grantee nonprofit corporations. The grantees are required to comply with the provisions of formal grant agreements and the Board may impose such conditions to the grants as it wishes, consistent with the BBG Statute. In addition, the statute requires RFE/RL to have a Board of Directors composed solely of BBG Governors. There is no such requirement for “mirror boards” for RFA and MBN, but each of these grantees has adopted by-laws to require mirror boards.

4. Board Meetings. The Board may decide how often it wishes to meet and how to structure its oversight deliberations in respect of the USIM strategy and operations.

- *Strategy*: The Board may decide how it will structure consideration of strategic issues that arise from the exercise of the Board’s non-delegable statutory authorities. Certain aspects of strategic discussions may occur in the context of preparation and submission of the BBG’s annual budget to the Office of Management and Budget and Congress.
- *Operations*: The Board should decide how and when it wishes to meet to perform its oversight role over the operations of IBB, VOA, OCB and the nonfederal grantees. The Board can, for example, hold a quarterly operational meeting for each entity and stagger the scheduling of the meetings as it wishes. The Board may determine topics to be covered during meetings and define expectations for meeting preparation. The Board may also determine appropriate delegations of authority to management of the federal entities and the grantees.

In addition to the foregoing issues, the Board may also wish (i) to decide the level of transparency and openness to the public which it wishes to have in respect of Board meetings and (ii) to consider whether the external BBG-related activities of the Governors are to be coordinated as part of a broader Board outreach strategy or are to be left to each Governor to decide on his or her own.

FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT

MARCH 10, 1998.-Ordered to be printed
Mr. Gilman, from the committee of conference, submitted the following
CONFERENCE REPORT

(To accompany HR 1757)

The committee of conference on the disagreeing votes of the two Houses- on the amendment of the Senate to the bill (H.R. 1757), to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes; having met, after full and free conference; have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Affairs Reform and Restructuring Act of 1998."

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) *DIVISIONS.-This Act is organized into three divisions as follows:*

(1) *DIVISION A.-Foreign Affairs Agencies Consolidation Act of 1998.*

(2) *DIVISION B.-Foreign Relations Authorization Act, Fiscal Years 1998 and 1999.*

(3) *DIVISION C.-United Nations Reform Act of 1998.*

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (I-L.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

DIVISION A-FOREIGN AFFAIRS REFORM AND RESTRUCTURING

USIA AND BROADCASTING

Section 313 of the Senate bill provides for the creation of a new Under Secretary of State for Public Diplomacy. It should be noted that it is slightly different from the original Senate passed bill (S. 903) in delineating the duties of this Under Secretary. Specifically, Section 313 provides that the Under Secretary will have primary responsibility for assisting the Secretary and Deputy Secretary in carrying out the public diplomacy function. Additionally, although the bill provides, as did the Original Senate bill, that the new Under Secretary will have responsibility for assisting the Secretary and Deputy Secretary with regard to international broadcasting, the authorities of the Department of State with regard to broadcasting are limited. While the Secretary has a seat and vote on the Broadcasting Board of Governors, and she provides foreign policy guidance to the Board neither she nor the Under Secretary will have specific supervisory powers over the international broadcasting function; those powers are vested in the broadcasting Board of Governors as explained below.

Chapter 3 of Title III provides for the organization of all U.S.-sponsored international broadcasting. It is very similar to the original Senate bill (S. 903), with several modifications. The central element of this chapter is that the current Broadcasting Board of Governors-which supervises international broadcasting, but is currently part of the U.S. Information Agency-will remain in place, but it will not be merged into the Department of State. Instead, the Board will become an independent federal establishment.

The Broadcasting Board of Governors was established by the United States International Broadcasting Act of 1991 (Title III of

the Foreign Relations Authorization Act for Fiscal Years 1994-1995, P.L. 103-236). In that Act; Congress consolidated all U.S. sponsored international broadcasting the Voice of America (VOA), Radio and TV Marti, Worldnet TV, Radio Free Europe/Radio Liberty (RFE/RL), and Radio Free Asia (RFA—under the direction and supervision of one governing board. The Board is part of the United States Information Agency, although in essence it is a self-contained unit within the Agency.

The bill does not alter the consolidation achieved in 1994, but it does prevent the Board and the international broadcasting entities from being merged into the State Department, where the credibility and journalistic integrity of the broadcasters would be threatened. The rationale for creating this arms-length distance from the State Department is two-fold: (1) to provide “deniability” for the Department when foreign governments voice their complaints about specific broadcasts; and (2) to provide a “firewall” between the Department and the broadcasters to ensure the integrity of the journalism.

Establishing this structure is not to deny that the broadcast entities are funded by the United States government—quite obviously, they are. This structure in no way should be construed to lessen the responsibility of the Board to ensure that U.S. broadcasts are “consistent with the broad foreign policy objectives of the United States,” as required by Section 303(a)(1) of the 1994 Broadcasting Act. For example, this legislation states that the VOA should continue to include editorials which present the views of U.S. policy. But the concepts of “deniability” and “firewall” are not merely diplomatic fictions. In truth, “the State Department will be able to deny responsibility for a specific broadcast—because it will leave denied itself the ability to directly affect the content of any specific broadcast. It can do so because the “firewall” will have operational meaning. Whenever a foreign government complains to a U.S. diplomat that broadcast is inconsistent with U.S. foreign policy objectives, that diplomat can plausibly deny that the broadcast is “not my department,” and refer their counterpart to the Board. The Board in turn, will exercise its oversight duties to investigate the matter, take steps to influence overall broadcast policy to ensure that broadcasts are consistent with broad foreign policy objectives of the United States, but the journalists themselves will be shielded from political interference by State Department officials.

Of course, this bureaucratic separation does not mean that the broadcasters should remain aloof from U.S. foreign policy interests. Broadcasting is an important instrument of U.S. foreign policy, and should remain so. The broadcasting agencies would continue to serve the foreign policy needs of the U.S. government, and would be linked to the foreign affairs apparatus by what might be described as a “dotted-line” relationship to the State Department: (1) the Secretary of State would be a permanent voting member of the Board (as the USIA Director is now), would provide foreign policy guidance to the Board, and would be consulted about the addition or deletion of language services; (2) the VOA mission of telling America’s story would remain intact, as would the VOA Charter; (3) the statutory requirements requiring that the broadcasts be

Consistent with the broad foreign policy objectives of the United States would remain intact; (4) the broadcasters would continue to have the capability to provide surge capacity to support broad U.S. foreign policy objectives during crises abroad.

Although the Board will be a federal agency, the work performed by the international broadcasting entities under it can hardly be described as a typical government function. Cynics may deride their work as "propaganda," but in fact the broadcasters are journalists, reporting the news of the United States and the world to foreign audiences. The news gathering and reporting functions of the broadcasters must continue to be independent and objective. The broadcasters themselves understand the importance of this imperative. It is no accident that VOA employees treasure the VOA Charter, which states that the VOA will serve as a consistently reliable and authoritative source of news" and that VOA news will be "accurate, objective, and comprehensive." The employees do so because they take this command seriously. Similarly, the employees of the surrogate services-Radio and TV Marti, RFE/RL and RFA-are committed to the highest standards of professional journalism. Accuracy and credibility are their watchwords.

This credibility would be at risk if the various broadcast services were placed inside the Department of State, where they would be perceived by foreign audiences as mere adjuncts of the Department, and where they would be subject to the daily pressures of diplomacy. But in establishing this structure, it is not intended that the broadcasters will become unmoored from the broad objectives of American policy.

The provision in this bill also provides that the current Board members may complete their existing terms without being reappointed. Furthermore, they may be appointed to new terms, when those terms expire.

It should be noted here that the bill does not include the original Senate proposal to create a separate Inspector General for broadcasting within the Broadcasting Board of Governors. Instead, that function will continue to be performed by the Inspector General of the Department of State. The bill states, however, that the Inspector General shall respect the journalistic integrity of all broadcasters covered by this title, and may not evaluate the philosophical or political perspectives reflected in the content of broadcasts. The Inspector General must take great care in reviewing broadcast operations, for, as noted earlier, international broadcasting is not a typical government function. The broadcasters are journalists, and the Inspector General must not be involved in second guessing the daily decisions of journalists and their editors. To do so could have a chilling effect on the activities of the journalists. The Inspector General is currently conducting a review of the Cuba services of the Voice of America, known as Radio and TV Marti. She contends that this review is limited to analyzing whether the Martis have a process in place for assuring that broadcasts are consistent with broad U.S. foreign policy objectives. This provision is intended to ensure that any content review not cross this line drawn by the Inspector General.

In establishing the Broadcasting Board of Governors as an independent agency in the executive branch, several changes to ex-

isting law were made and new authorities were provided to the Board. A few of these changes are highlighted below:

Section 323(d) amends the "standards and principles" section of the 1994 Broadcasting Act in two respects. First, it makes clear that U.S. international broadcasting should include editorials broadcast by the Voice of America which present the views of the U.S. government (only the VOA performs this function). This provision and this title are not intended to change in any manner the current process for ensuring that editorials are consistent with U.S. policy. Second, this section states that international broadcasting should have the capability to provide surge capacity to support U.S. foreign policy objectives during crises abroad.

Sections 323(e) and 323(f) make several amendments to the authorities of the Board, which are set forth in Section 305 of the 1994 Broadcasting Act. First, it amends the statute to provide that the Board has the power to "supervise" all broadcasting activities; current law gives the Board the power to "direct and supervise." This change is intended to clarify any confusion that may have been caused by the use of the word "direct". The word "direct" implies day-to-day management responsibilities, a function that is incongruous with a part-time oversight board. The daily operations of the broadcasters are conducted by the Director of the International Broadcasting Bureau, and the presidents of the respective grantees (RFE/RL and RFA), operating under the supervision of the Board.

Second, the bill requires the Board to consult with the Secretary of State in making its determinations on the addition or deletion of language services. This change is not intended to give the Secretary veto power over such decisions; at the end of the day, she has but one vote on the Board. The amendment does recognize, however, that the addition or deletion of language services has foreign policy implications, and that the Board should give careful consideration to the Secretary's views on such matters.

Third, the bill provides the Board with several additional legal authorities that are necessary for it to function as a separate federal agency. These are intended to ensure that the Board and the Director of the International Broadcasting Bureau have, for the purposes of carrying out their respective duties, all the authorities which are now available to the Director of the U.S. Information Agency on the day before the effective date of this division. It is intended that the Board and the Bureau be enabled thereby to operate utilizing the full range of the Director's administrative, technical, contracting, personnel, and all other authorities, including acquisition and disposal of international broadcasting facilities abroad, liberally interpreted, to carry out their functions.

Fourth, the bill provides the Board with the authority to procure, pursuant to the "Economy Act," goods and services from other federal departments and agencies. In keeping the Board and the Bureau outside the State Department, it is not intended that these entities will grow significantly. The Bureau will likely need additional personnel to carry out certain administrative tasks now performed by the administrative offices of USIA. But some of these routine functions may just as easily-and perhaps more efficiently-be performed by existing federal agencies. .

Finally, the bill provides authority for the Board delegate certain authorities to the Director of the International Broadcasting Bureau, and any other officer or employee of the United States. It bears emphasis here that the Board need not do so, for the Board has a small professional staff which assists it to carry out its statutory functions; the provision simply provides the Board with the option to delegate certain authorities.

Section 323(j) of the bill makes two changes to current law with regard to the role of the Secretary of State. First, the bill amends current law to make clear that the Secretary's authority to provide foreign policy guidance to the Board may be exercised at tier discretion.

Second, it authorizes the Secretary of State to use Worldnet broadcasts, on a non-reimbursable basis, for the purposes of continuing interactive dialogues with foreign media and other similar overseas public diplomacy programs sponsored by the State Department. "Interactive dialogue" is a term of art, which describes, in essence, press conferences between a U.S. policy maker (sitting in a studio in Washington), and foreign journalists (sitting in a U.S. Information Service post or other facility overseas). This is a public diplomacy function that should be under the policy control of the State Department after the integration of USIA into the Department. Most other Worldnet programs are, by contrast, the type of traditional broadcasting carried out by the VOA; for example, the VOA has recently commenced simulcasts of its radio programs on television. The Broadcasting Board of Governors and USIA have already reached a cooperative agreement regarding Worldnet (which was submitted recently to the Foreign Relations Committee in the form of a reprogramming) that is similar to the design set forth in the bill. It is intended that this arrangement continue when USIA is merged into the State Department, with the Board making available appropriate broadcasting time slots to the State Department to continue this important program. This provision is not intended to limit the access the Secretary currently has to Worldnet for other purposes, such as the current practice of using this service to broadcast from time to time to employees located at U.S. missions abroad.

Section 326 contains specific authority for the transfer of appropriate USIA assets and personnel to the Broadcasting Board of Governors. This includes those assets and personnel employed in connection with, or to carry out, the functions transferred by this chapter to the Board. It also includes provisions which will permit the transfer of assets and personnel which support the functions transferred by this chapter. These latter determinations will be made by the Secretary of State, with the concurrence of the Broadcasting Board of Governors. It is intended that the Broadcasting Board of Governors should receive administrative support funds and personnel commensurate with the administrative support it now receives from the U.S. Information Agency.



GRANT MANAGEMENT, OVERSIGHT AND COOPERATION STATUTORY REQUIREMENTS AND THE FOUR COMMON RULES

The Federal Grant and Cooperative Agreement Act (FGCAA) was enacted to provide criteria to federal agencies in selecting between a procurement vehicle or contract and a federal assistance vehicle, including grants and cooperative agreements.¹ Although the act provides no separate authority to enter into grants, it does provide guidance for agencies that have the authority to provide federal assistance through grants and other assistance vehicles. According to this statute, a grant should be used when the principal purpose of the relationship is to transfer a thing of value to the recipient “to carry out a public purpose of support or stimulation authorized by law of the United States instead of acquiring property or services for the direct benefit or use of the United States Government.” Substantial involvement is not expected between the agency administering the grant and the recipient in performance of the activity contemplated in the grant agreement. 31 U.S.C. § 6304. Unlike a contract, a federal agency must have specific statutory authority to obligate federal funds via a grant vehicle and must issue all grants within the limitations of that statutory authority.

The Broadcasting Board of Governors has the authority “[t]o make and supervise grants for broadcasting and related activities in accordance with” the limitations in its authorizing statute. Consistent with this authority, BBG currently administers significant grants to three nonprofit organizations—Radio Free Europe/Radio Liberty (RFE/RL), Radio Free Asia (RFA), and Middle East Broadcasting Networks (MBN). Each of these grant relationships are governed by not only the parameters set forth in the authorizing statute, but other requirements set forth in federal laws and regulations, which provide limitations and guidance regarding permissible grant activities of these grantee organization and the duties and requirements of the BBG in administrating and supervising its grants.

BBG Grantee Specific Statutory Requirements

BBG’s authorizing statute contains specific requirements for making grants to RFE/RL and RFA. There are no comparable statutory requirements for MBN. The grants made to MBN were originally supported by congressional directives in appropriations acts² and corresponding conference report³ language providing funds to BBG “to make and supervise grants for radio and television broadcasting to the Middle East” and specifically for MBN.

Radio Free Europe/Radio Liberty

Limitations on grants to RFE/RL are contained in 22 U.S.C. § 6207. Restrictions include organizational restrictions on RFE/RL before a grant may be executed. Organization limitations include:

¹ Another federal assistance vehicle recognized by the FCGAA is a cooperative agreement. Unlike a grant, a cooperative agreement is issued when the federal agency is expected to have substantial involvement in the performance of the activity contemplated in the agreement.

² See, e.g., Pub. L. No 108-11.

³ See, e.g., H.Conf.Rep. 108-401.

- RFE/RL Board of Directors must “consist of the members of the Broadcasting Board of Governors” and the Board must make all policy determinations of operations and appoint and fix compensation for managerial officers and employees to extent necessary to administer purposes of grant.
- RFE/RL headquarters and senior administrative and managerial staff must be located in a place that ensures economy, operational-effectiveness and accountability to the Board.

The statute also requires certain provisions within the grant agreement. There is no statutory requirement that the grant agreement is limited to the following provisions:

- Grant to be used only for activities determined by the Board to be within the authorized purposes.
- Duplication of language services and technical operations between RFE/RL and IBB be reduced as determined by the Board.
- Grant funds may only be used for proposed expenditures justified by RFE/RL in detail. Funds may only be used for other purposes if the Board gives prior approval in writing.
- Failure to comply with statutory requirements may result in termination or suspension of the grant.

The statute also provides specific prohibitions on the use of grant funds by RFE/RL. These restrictions include:

- Salary and compensation restrictions of RFE/RL employees.
- Lobbying activity designed to influence the passage or defeat of legislation in Congress.
- Certain severance payments to voluntary separation for employees.
- First class travel for employee or relatives of employees.
- Compensate free-lance contractors without Board approval.

The statute also provides specific instructions regarding reports on management practices of RFE/RL and special audit requirements.

Radio Free Asia

BBG’s authority to make grants to RFA are specifically authorized for carrying out radio broadcasting to China, Burma, Cambodia, Laos, North Korea, Tibet, and Vietnam pursuant to 22 U.S.C. § 6208. Grant agreements shall be subject to the following limitations and provisions:

- Location of RFA headquarters and senior management staff must be located to ensure economy, operational effectiveness and accountability to Board of Governors.
- All RFA contracts must specify that its obligations are not assumed by the United States.
- All RFA lease agreements must be assignable to the United States government.
- Failure to comply with grant agreement provision may result in the termination of the grant.

In addition to these requirements, the statute indicates an expression of congressional intent that the administrative and managerial costs of Radio Free Asia should be kept to a minimum and should not exceed the costs that would have been incurred if RFA had been operated as a federal agency.

Appropriations Law Restrictions and Expenditure Requirements

BBG may only provide a grant to the extent authorized by law and available appropriations. The availability of an appropriation for a particular grant will be further limited by three elements of availability of an appropriation—purpose, amount and time. In accordance with the purpose element, grant funds may only be obligated and expended for authorized grant purposes as determined by both authorizing legislation and appropriations acts. For grants funded out of a lump-sum appropriation that is available for a variety of purposes or for several grant programs, an agency may reallocate amounts within an appropriation as long as it uses the funds within an authorized purpose under the applicable appropriations act. Funds provided for specific grants in the form of earmarked line-item appropriations cannot be diverted to other purposes. For fiscal year 2010, specific amounts for grants to BBG’s three grantees were incorporated by reference into the annual appropriation act. BBG is restricted by law from reallocating amounts designated by Congress for grants to RFE/RL, RFA, and MBN without providing notification to the Appropriations and Authorizing Committees.

Appropriated funds must be obligated by BBG within the period of availability of BBG’s appropriation for international broadcasting activities or one fiscal year. Generally, once the grant is awarded, the funds are considered obligated and expended in terms of federal agency budgetary accounting purposes. While the time availability of grant appropriations governs the BBG’s obligation and expenditure, it does not limit the time in which the BBG’s grantee must use the funds once it has received them. The period of time in which a grantee may draw down funds may be limited to the time limitations imposed by the grant agreement.

The Single Audit Act

The Single Audit Act places requirements on grant recipients to undergo a single or program-specific audit pursuant to generally accepted government auditing standards. 31 U.S.C. §7502(a). The SAA requires each federal agency to monitor all non-Federal entity use of grant awards. 31 U.S.C. § 7504. After award, federal agencies are required to monitor the use of funds to ensure that they are used consistently with the purpose of the grant agreement and the authorized uses of the appropriations funding the grant. Grant funds that are misapplied must be recovered by the grantor agency. The Director of OMB prescribes regulations and guidance to federal agencies and grant recipients to implement the requirements of SAA. The SAA and supporting OMB regulations established uniform requirements for audits of federal awards to all nonfederal entities that expend equal to or in excess of \$500,000. The federal agency that provided the federal award must review the audit to determine whether prompt and corrective action has been taken regarding any audit findings. 31 U.S.C. § 7502(f).

Common Rule for Grants-OMB Circulars and Agency Regulation

The “common-rule system” for grants is a structure that developed through OMB government-wide guidance and agency regulation addressing numerous administrative and management requirements for grantor agencies and grantees. Currently there are four “common rules”:

- OMB Circular A-110, relocated to 2 C.F.R. Pt 215, contains uniform administrative requirements for grants with institutions of higher learning, hospitals, and other nonprofit organizations. Provides specific guidance on Pre-Award Requirements, Post-Award Requirements, and After-Award Requirements. This includes rules on grantee financial and program management, procurements, property standard, and record retention.
- OMB Circular A-133. Prescribes guidance and rules on audit requirements pursuant to the Single Audit Act. The circular specifically defines the responsibilities of grant awardees, audit standards, and the management responsibility of the awarding agency to review audits and take action on audit findings.
- Byrd Anti-Lobbying Amendment, codified in 31 U.S.C. § 1352. Prohibits the use of grant funds for lobbying activities. BBG regulations issued specific agency regulations implementing the Byrd Amendment. 22 C.F.R. Pt. 519. In relevant part, the prohibition on use of grant funds is as follows:

“None of the funds appropriated by any Act may be expended by the recipient of a Federal . . . grant . . . to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with . . . [t]he making of any Federal grant [or] the extension, continuation, renewal, amendment or modification of any . . . grant.”

- Non-procurement suspension and debarment and Drug-Free Workplace Act common rule. Provides for suspension and debarment of a person or entity from receiving federal assistance or benefit due to certain prohibited activity and requires federal grantees to take measures to provide a drug-free workplace in accordance with 41 U.S.C. § 702.

Grantee Participation in Board Deliberations

The structure of BBG-funded international broadcasting contemplated by the United States International Broadcasting Act of 1994 (as amended) involves cooperation and collaboration on the part of the Agency and our three grantees. The non-federal entity status of RFE/RL, RFA, and MBN, Inc., however, provides some challenges to achieving full cooperation and collaboration between the BBG and its grantees, especially in connection with the federal budget formulation process. Various sections of title 31 of the U.S. Code clearly state that the budget request is, by law, the President’s budget request and shall be prepared in accordance with the form s/he prescribes. Two sections in particular are noteworthy:

- Section 1104(e) “Under regulations prescribed by the President, each agency shall provide information required by the President in carrying out this chapter.”
- Section 1108(b)(1) “The head of each agency shall prepare and submit to the President each appropriation request for the agency. The request shall be submitted in the form

prescribed by the President...”

OMB Circular A-11 provides the President’s regulations regarding the formulation of the budget request, in accordance with 1104(e). The confidentiality of Budget deliberations is clearly outlined in section 22 of that circular and M-01-17 that is incorporated by reference.

Section 22.1 provides:

“The nature and amounts of the President’s decisions and the underlying materials are confidential. Do not release the President’s decisions **outside of your agency** until the Budget is transmitted to the Congress. The materials underlying those decisions should not be released at any time, except in accordance with this section.”

M-01-17 further states that

“[I]t is important that the Executive Branch’s internal deliberations regarding the various issues and options that were considered in the process leading to the President’s decisions should remain a matter of internal record. Examples of confidential budget information are an agency component’s budget requests to the agency, the agency’s budget request to OMB, and OMB’s passback to the agency.”

Providing the grantees with a more active role in which they would be privy to budget formulation of the BBG would violate the regulations and guidance provided by OMB in accordance with title 31.

15. International Broadcasting

a. United States International Broadcasting Act of 1994

Title III of Public Law 103-236 (Foreign Relations Authorization Act, Fiscal Years-1994 and 1995; HR. 2333], 108 Stat. 382 at 432, approved April 30, 1994; amended by Public Law 103-415 [H.R. 50341, 108 Stat. 4299, approved October 25; 1994; Public Law 105-277-(Foreign Affairs Agencies Consolidation Act of 1998; H.R 43281, 112 Stat. 2681 at 2681-765, approved October 21, 1998; Public Law 105-292 (International Religious Freedom Act of 1998; H.R. 24311, 112 Stat. 2787, approved October 27, 1998; and by Public Law 106-113 (Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001; H.R 3427, enacted by reference in H.R. 31941, 113 Stat. 1501 at 1536, approved November 29, 1999

AN ACT To authorize appropriations for the Department of State, the United States Information Agency, and related agencies, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * *

TITLE III-UNITED STATES INTERNATIONAL BROADCASTING ACT

SEC. 301.¹ SHORT TITLE.

This title may be cited as the “United States International Broadcasting Act of 1994”.

SEC. 302² CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.

The Congress makes the following findings and declarations:

(1) It is the policy of the United States to promote the right of freedom of opinion and expression; including the freedom “to seek, receive, and impart information and ideas through any media and regardless of frontiers,” in accordance with Article 19 of the Universal Declaration of Human Rights.

(2) Open communication of information and ideas among the peoples of the world contributes to international peace and stability and the promotion of such communication is in the interests of the United States.

(3) It is in the interest of the United States to support broadcasting to other nations consistent with the requirements of this title.

(4) The continuation of existing United States international broadcasting, and the creation of a new broadcasting service to the people of the People’s Republic of China and other countries of Asia which –lack adequate sources of free information,

¹ 22 U.S.C. 6201 note.

² 22 U.S.C. 6201.

would enhance the promotion of information and ideas, while advancing the goals of United States foreign policy.

(5) The reorganization and consolidation of United States international broadcasting will achieve important economies and strengthen the capability of the United States to use broadcasting to support freedom and democracy in—a rapidly changing international environment.

SEC. 303³ STANDARDS AND PRINCIPLES.

(a) BROADCASTING STANDARDS.—United States international broadcasting shall—

- (1) be consistent with the broad foreign policy objectives of the United States;
- (2) be consistent with the international telecommunications policies and treaty obligations of the United States;
- (3) not duplicate the activities of private United States broadcasters;
- (4) not duplicate the activities of government supported broadcasting entities of other democratic nations;
- (5) be conducted in accordance with the highest professional standards of broadcast journalism;
- (6) be based on reliable information about its potential audience;⁴
- (7) be designed so as to effectively reach a significant audience; and
- (8) promote respect for human rights, including freedom of religion.

(b) BROADCASTING PRINCIPLES.—United States international broadcasting shall include

- (1) news which is consistently reliable and authoritative, accurate; objective, and comprehensive;
- (2) a balanced and comprehensive projection of United States thought and institutions, reflecting the diversity of United States culture and society;
- (3) clear and effective presentation of the policies, including editorials, broadcast by the Voice of America, which present the views of the United States Government⁵ of the United States Government and responsible discussion and opinion on those policies;
- (4)⁶ the capability to provide a surge capacity to support United States foreign policy objectives during crises abroad;
- (5)⁶ programming to meet needs which remain unserved by the totality of media voices available to the people of certain nations;
- (6)⁶ information about developments in each significant region of the world;

³ 122 U.S.C. 6202

⁴ Sec. 502 of the International Religious Freedom Act of 1998 (Public Law 105-292; 112 Stat. 2811) struck out "and" at the end of para. (6); replaced a period with "; and" at the end of para. (7); and added a new para. (8).

⁵ Sec. 1323(d)(1) of the Foreign Affairs Agencies Consolidation Act of 1998 (division B, subdivision A of Public Law 105-277; 112 Stat. 2681-778) inserted ", including editorials, broadcast by the Voice of America, which present the views of the United States Government" after "policies".

⁶ Sec. 1323(d)(2) and (3) of the Foreign Affairs Agencies Consolidation Act of 1998 (division B, subdivision A of Public Law 105-277; 112 Stat. 2681-778) redesignated paras. 14) through (9) as paras. (5) through (10) and added a new para. (4).