

103^D CONGRESS
1ST SESSION

S. 51

To consolidate overseas broadcasting services of the United States Government, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 21 (legislative day, JANUARY 5), 1993

Mr. FEINGOLD introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To consolidate overseas broadcasting services of the United States Government, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Overseas Broadcasting
5 Consolidation and Deficit Reduction Act of 1993”.

1 **TITLE I—REDUCTION IN GOV-**
2 **ERNMENT-FUNDED RADIO**
3 **AND TELEVISION BROAD-**
4 **CASTING OVERSEAS**

5 **SEC. 101. PROHIBITION ON USE OF FUNDS FOR ISRAEL**
6 **RADIO TRANSMITTER FACILITY.**

7 None of the funds appropriated or otherwise made
8 available under any provision of law may be used for the
9 design, construction, or operation of a radio transmitter
10 facility in Israel.

11 **SEC. 102. TERMINATION OF USIA TELEVISION MARTI PRO-**
12 **GRAM.**

13 (a) REPEAL.—Part D of title II of the Foreign Rela-
14 tions Authorization Act, Fiscal Years 1990 and 1991
15 (Public Law 101–246), relating to television broadcasting
16 to Cuba, is repealed.

17 (b) CONFORMING AMENDMENTS.—Section 5 of the
18 Radio Broadcasting to Cuba Act (22 U.S.C. 1465c) is
19 amended—

20 (1) in subsection (a), by striking “Advisory
21 Board for Cuba Broadcasting” and inserting “Advi-
22 sory Board for Radio Broadcasting to Cuba”;

23 (2) in subsection (b), by striking “the Tele-
24 vision Broadcasting to Cuba Act”; and

1 (3) by amending subsection (d) to read as
2 follows:

3 “(d) The head of the Cuba Service shall serve, ex
4 officio, as a member of the Board.”.

5 (c) REFERENCES.—A reference in any provision of
6 law to the “Advisory Board for Cuba Broadcasting” shall
7 be considered to be a reference to the “Advisory Board
8 for Radio Broadcasting to Cuba”.

9 **SEC. 103. TERMINATION OF AUTHORITY OF USIA SAT-**
10 **ELLITE AND TELEVISION.**

11 (a) REPEAL.—Section 505 of the United States In-
12 formation and Educational Exchange Act of 1948 (22
13 U.S.C. 1464a) is repealed.

14 (b) CONFORMING AMENDMENT.—Section 506 of
15 such Act is redesignated as section 505 of such Act.

16 **TITLE II—TRANSFER OF FUNC-**
17 **TIONS AND SAVINGS PROVI-**
18 **SIONS**

19 **SEC. 201. DEFINITIONS.**

20 For purposes of this title, unless otherwise provided
21 or indicated by the context—

22 (1) the term “Federal agency” has the meaning
23 given to the term “agency” by section 551(1) of title
24 5, United States Code;

1 (2) the term “function” means any duty, obli-
2 gation, power, authority, responsibility, right, privi-
3 lege, activity, or program;

4 (3) the term “transferee agency” means the
5 United States Information Agency (acting through
6 the Bureau for Broadcasting); and

7 (4) the term “transferor agency” means the
8 Board for International Broadcasting.

9 **SEC. 202. TRANSFER OF FUNCTIONS.**

10 There are transferred to the transferee agency all
11 functions which the head of the transferor agency exer-
12 cised before the effective date of this title (including all
13 related functions of any officer or employee of the trans-
14 feror agency).

15 **SEC. 203. DETERMINATIONS OF CERTAIN FUNCTIONS BY**
16 **THE OFFICE OF MANAGEMENT AND BUDGET.**

17 If necessary, the Office of Management and Budget
18 shall make any determination of the functions that are
19 transferred under section 202.

20 **SEC. 204. PERSONNEL PROVISIONS.**

21 (a) APPOINTMENTS.—The head of the transferee
22 agency may appoint and fix the compensation of such offi-
23 cers and employees as may be necessary to carry out the
24 respective functions transferred under this title. Except as
25 otherwise provided by law, such officers and employees

1 shall be appointed in accordance with the civil service laws
2 and their compensation fixed in accordance with title 5,
3 United States Code.

4 (b) EXPERTS AND CONSULTANTS.—The head of the
5 transferee agency may obtain the services of experts and
6 consultants in accordance with section 3109 of title 5,
7 United States Code, and compensate such experts and
8 consultants for each day (including traveltime) at rates
9 not in excess of the rate of pay for level IV of the Execu-
10 tive Schedule under section 5315 of such title. The head
11 of the transferee agency may pay experts and consultants
12 who are serving away from their homes or regular place
13 of business travel expenses and per diem in lieu of subsist-
14 ence at rates authorized by sections 5702 and 5703 of
15 such title for persons in Government service employed
16 intermittently.

17 **SEC. 205. DELEGATION AND ASSIGNMENT.**

18 Except where otherwise expressly prohibited by law
19 or otherwise provided by this title, the head of the trans-
20 feree agency may delegate any of the functions transferred
21 to the head of the transferee agency by this title and any
22 function transferred or granted to such head of the trans-
23 feree agency after the effective date of this title to such
24 officers and employees of the transferee agency as the
25 head of the transferee agency may designate, and may au-

1 thoriZe successive redelegations of such functions as may
2 be necessary or appropriate. No delegation of functions
3 by the head of the transferee agency under this section
4 or under any other provision of this title shall relieve such
5 head of the transferee agency of responsibility for the ad-
6 ministration of such functions.

7 **SEC. 206. REORGANIZATION.**

8 The head of the transferee agency is authorized to
9 allocate or reallocate any function transferred under sec-
10 tion 202 among the officers of the transferee agency, and
11 to establish, consolidate, alter, or discontinue such organi-
12 zational entities in the transferee agency as may be nec-
13 essary or appropriate.

14 **SEC. 207. RULES.**

15 The head of the transferee agency is authorized to
16 prescribe, in accordance with the provisions of chapters
17 5 and 6 of title 5, United States Code, such rules and
18 regulations as the head of the transferee agency deter-
19 mines necessary or appropriate to administer and manage
20 the functions of the transferee agency.

21 **SEC. 208. TRANSFER AND ALLOCATIONS OF APPROPRIA-**
22 **TIONS AND PERSONNEL.**

23 Except as otherwise provided in this title, the person-
24 nel employed in connection with, and the assets, liabilities,
25 contracts, property, records, and unexpended balances of

1 appropriations, authorizations, allocations, and other
2 funds employed, used, held, arising from, available to, or
3 to be made available in connection with the functions
4 transferred by this title, subject to section 1531 of title
5 31, United States Code, shall be transferred to the trans-
6 feree agency. Unexpended funds transferred pursuant to
7 this section shall be used only for the purposes for which
8 the funds were originally authorized and appropriated.

9 **SEC. 209. INCIDENTAL TRANSFERS.**

10 The Director of the Office of Management and Budg-
11 et, at such time or times as the Director shall provide,
12 is authorized to make such determinations as may be nec-
13 essary with regard to the functions transferred by this
14 title, and to make such additional incidental dispositions
15 of personnel, assets, liabilities, grants, contracts, property,
16 records, and unexpended balances of appropriations, au-
17 thorizations, allocations, and other funds held, used, aris-
18 ing from, available to, or to be made available in connec-
19 tion with such functions, as may be necessary to carry out
20 the provisions of this title. The Director of the Office of
21 Management and Budget shall provide for the termination
22 of the affairs of all entities terminated by this title and
23 for such further measures and dispositions as may be nec-
24 essary to effectuate the purposes of this title.

1 **SEC. 210. EFFECT ON PERSONNEL.**

2 (a) IN GENERAL.—Except as otherwise provided by
3 this title, the transfer pursuant to this title of full-time
4 personnel (except special Government employees) and
5 part-time personnel holding permanent positions shall not
6 cause any such employee to be separated or reduced in
7 grade or compensation for one year after the date of trans-
8 fer of such employee under this title.

9 (b) EXECUTIVE SCHEDULE POSITIONS.—Except as
10 otherwise provided in this title, any person who, on the
11 day preceding the effective date of this title, held a posi-
12 tion compensated in accordance with the Executive Sched-
13 ule prescribed in chapter 53 of title 5, United States Code,
14 and who, without a break in service, is appointed in the
15 transferee agency to a position having duties comparable
16 to the duties performed immediately preceding such ap-
17 pointment shall continue to be compensated in such new
18 position at not less than the rate provided for such pre-
19 vious position, for the duration of the service of such per-
20 son in such new position.

21 **SEC. 211. SAVINGS PROVISIONS.**

22 (a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—
23 All orders, determinations, rules, regulations, permits,
24 agreements, grants, contracts, certificates, licenses, reg-
25 istrations, privileges, and other administrative actions—

1 (1) which have been issued, made, granted, or
2 allowed to become effective by the President, any
3 Federal agency or official thereof, or by a court of
4 competent jurisdiction, in the performance of func-
5 tions which are transferred under this title, and

6 (2) which are in effect at the time this title
7 takes effect, or were final before the effective date
8 of this title and are to become effective on or after
9 the effective date of this title,

10 shall continue in effect according to their terms until
11 modified, terminated, superseded, set aside, or revoked in
12 accordance with law by the President, the head of the
13 transferee agency or other authorized official, a court of
14 competent jurisdiction, or by operation of law.

15 (b) PROCEEDINGS NOT AFFECTED.—The provisions
16 of this title shall not affect any proceedings, including no-
17 tices of proposed rulemaking, or any application for any
18 license, permit, certificate, or financial assistance pending
19 before the transferor agency at the time this title takes
20 effect, with respect to functions transferred by this title
21 but such proceedings and applications shall be continued.
22 Orders shall be issued in such proceedings, appeals shall
23 be taken therefrom, and payments shall be made pursuant
24 to such orders, as if this title had not been enacted, and
25 orders issued in any such proceedings shall continue in

1 effect until modified, terminated, superseded, or revoked
2 by a duly authorized official, by a court of competent juris-
3 diction, or by operation of law. Nothing in this subsection
4 shall be deemed to prohibit the discontinuance or modi-
5 fication of any such proceeding under the same terms and
6 conditions and to the same extent that such proceeding
7 could have been discontinued or modified if this title had
8 not been enacted.

9 (c) SUITS NOT AFFECTED.—The provisions of this
10 title shall not affect suits commenced before the effective
11 date of this title, and in all such suits, proceedings shall
12 be had, appeals taken, and judgments rendered in the
13 same manner and with the same effect as if this title had
14 not been enacted.

15 (d) NONABATEMENT OF ACTIONS.—No suit, action,
16 or other proceeding commenced by or against the trans-
17 feror agency, or by or against any individual in the official
18 capacity of such individual as an officer of the transferor
19 agency, shall abate by reason of the enactment of this title.

20 (e) ADMINISTRATIVE ACTIONS RELATING TO PRO-
21 MULGATION OF REGULATIONS.—Any administrative ac-
22 tion relating to the preparation or promulgation of a regu-
23 lation by the transferor agency relating to a function
24 transferred under this title may be continued by the trans-

1 feree agency with the same effect as if this title had not
2 been enacted.

3 **SEC. 212. SEPARABILITY.**

4 If a provision of this title or its application to any
5 person or circumstance is held invalid, neither the remain-
6 der of this title nor the application of the provision to
7 other persons or circumstances shall be affected.

8 **SEC. 213. TRANSITION.**

9 The head of the transferee agency is authorized to
10 utilize—

11 (1) the services of such officers, employees, and
12 other personnel of the transferor agency with respect
13 to functions transferred to the transferee agency by
14 this title; and

15 (2) funds appropriated to such functions for
16 such period of time as may reasonably be needed to
17 facilitate the orderly implementation of this title.

18 **SEC. 214. REFERENCES.**

19 Reference in any other Federal law, Executive order,
20 rule, regulation, or delegation of authority, or any docu-
21 ment of or relating to—

22 (1) the head of the transferor agency with re-
23 gard to functions transferred under section 202,
24 shall be deemed to refer to the head of the trans-
25 feree agency; and

1 (2) the transferor agency with regard to func-
2 tions transferred under section 202, shall be deemed
3 to refer to the transferee agency.

4 **SEC. 215. DEVELOPMENT OF CONSOLIDATION PLAN.**

5 (a) IN GENERAL.—Not later than 9 months after the
6 date of enactment of this Act, the Director of the United
7 States Information Agency, after consultation with the ap-
8 propriate congressional committees, shall submit to those
9 committees a plan for the consolidation of the functions
10 transferred under section 202 with the existing broadcast-
11 ing activities carried out by the Bureau for Broadcasting.

12 (b) CONTENTS OF PLAN.—Such plan shall include—

13 (1) a proposal for the reduction of broadcasting
14 activities by RFE/RL, Inc., during the 36-month pe-
15 riod which begins on the date of submission of the
16 plan; and

17 (2) any recommendations for legislative changes
18 as may be necessary.

19 **SEC. 216. REPEAL.**

20 The Board for International Broadcasting Act of
21 1973 (22 U.S.C. 2871 et seq.) is repealed.

22 **SEC. 217. EFFECTIVE DATE.**

23 This title shall take effect 12 months after its date
24 of enactment.

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