

Calendar No. 439

111TH CONGRESS
2^D SESSION

S. 3104

[Report No. 111-214]

To permanently authorize Radio Free Asia, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 11, 2010

Mr. LUGAR (for himself, Mr. KAUFMAN, Mr. FRANKEN, Mr. INOUE, Mr. RISCH, and Mr. WEBB) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

JUNE 22, 2010

Reported by Mr. KERRY, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To permanently authorize Radio Free Asia, 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. FINDINGS.**

4 Congress finds the following:

5 (1) Radio Free Asia (referred to in this Act as
6 “RFA”)—

1 (A) was authorized under section 309 of
2 the United States International Broadcasting
3 Act of 1994 (22 U.S.C. 6208);

4 (B) was incorporated as a private, non-
5 profit corporation in March 1996 in the hope
6 that its operations would soon be obviated by
7 the global advancement of democracy; and

8 (C) is headquartered in Washington, DC,
9 with additional offices in Bangkok, Hong Kong,
10 Phnom Penh, Seoul, Ankara, and Taipei.

11 (2) RFA broadcasts serve as substitutes for in-
12 digenous free media in regions lacking free media
13 outlets.

14 (3) The mission of RFA is “to provide accurate
15 and timely news and information to Asian countries
16 whose governments prohibit access to a free press”
17 in order to enable informed decisionmaking by the
18 people within Asia.

19 (4) RFA provides daily broadcasts of news,
20 commentary, analysis, and cultural programming to
21 Asian countries in several languages, including—

22 (A) 12 hours per day in Mandarin;

23 (B) 8 hours per day in 3 Tibetan dialects,
24 Uke, Kham, and Amdo;

1 (C) 4 hours per day in Korean and Bur-
2 mese;

3 (D) 2 hours per day in Cantonese, Viet-
4 namese, Laotian, Khmer (Cambodian), and
5 Uyghur; and

6 (E) 1½ hours per week in Wu (local
7 Shanghai dialect).

8 (5) The governments of the countries targeted
9 for these broadcasts have consistently denied and
10 blocked attempts at Medium Wave and FM trans-
11 missions into their countries, forcing RFA to rely on
12 Shortwave broadcasts and the Internet.

13 (6) RFA has provided continuous online news
14 to its Asian audiences since 2004, although some
15 countries—

16 (A) routinely and aggressively block RFA's
17 website;

18 (B) monitor access to RFA's website; and

19 (C) discourage online users by making it il-
20 legal to access RFA's website.

21 (7) Despite these attempts, RFA has success-
22 fully managed to reach its online audiences through
23 proxies, cutting-edge software, and active republica-
24 tion and repostings by its audience.

1 (8) RFA also provides forums for local opinions
2 and experiences through message boards, podcasts,
3 web logs (blogs), cell phone-distributed newscasts,
4 and new media, including Facebook, Flickr, Twitter,
5 and YouTube.

6 (9) Freedom House has documented that free-
7 dom of the press is in decline in nearly every region
8 of the world, particularly in Asia, where none of the
9 countries served by RFA have increased their free-
10 dom of the press during the past 5 years.

11 (10) As documented in Freedom House's Index
12 of Global Press Freedom, which annually ranks the
13 nations of the world on this issue, between 2004 and
14 2009, out of 193 and 195 countries rated for those
15 years—

16 (A) China's ranking dropped from 173rd
17 to 181st;

18 (B) Cambodia's ranking dropped from
19 127th to 132nd;

20 (C) Vietnam's ranking dropped from 178th
21 to 179th;

22 (D) Laos' ranking dropped from 179th to
23 184th;

24 (E) Burma's ranking dropped from 190th
25 to 193rd; and

1 (F) North Korea's ranking remained dead
2 last.

3 (11) In fiscal year 2010, RFA is operating on
4 a \$37,000,000 budget to reach the approximately
5 1,500,000,000 people who live within the countries
6 served by RFA, less than \$400,000 of which is avail-
7 able to fund Internet censorship circumvention.

8 (12) Independent media sources are nonexistent
9 or severely restrained in their operations in these
10 areas where the press often serves as a means to
11 promote the government's agenda.

12 (13) Congress currently provides grant funding
13 for RFA's operations on a fiscal year basis.

14 **SEC. 2. SENSE OF THE SENATE.**

15 It is the sense of the Senate that—

16 (1) public access to timely, uncensored, and ac-
17 curate information is imperative for achieving gov-
18 ernment accountability and the protection of human
19 rights;

20 (2) Radio Free Asia provides a vital voice to
21 people in Asia;

22 (3) in the 14 years since RFA was established,
23 freedom of the press in Asia has been reduced, as
24 evidenced by the inability of RFA to broadcast on

1 AM or FM frequencies in the countries served by
2 RFA;

3 (4) some of the governments in Asia spend mil-
4 lions of dollars each year to jam RFA's shortwave,
5 block its Internet sites, and illegally access RFA's
6 computer networks and user files;

7 (5) Congress should provide additional funding
8 to RFA and the other entities overseen by the
9 Broadcasting Board of Governors for—

10 (A) Internet censorship circumvention; and

11 (B) enhancement of their cyber security ef-
12 forts; and

13 (6) permanently authorizing funding for Radio
14 Free Asia would—

15 (A) reflect the concern that media censor-
16 ship and press restrictions in the countries
17 served by RFA have increased since RFA was
18 established; and

19 (B) send a powerful signal of our Nation's
20 support for free press in Asia and throughout
21 the world.

22 **SEC. 3. PERMANENT AUTHORIZATION FOR RADIO FREE**
23 **ASIA.**

24 Section 309 of the United States International
25 Broadcasting Act of 1994 (22 U.S.C. 6208) is amended—

1 (1) in subsection (c)(2), by striking “, and shall
2 further specify that funds to carry out the activities
3 of Radio Free Asia may not be available after Sep-
4 tember 30, 2010”;

5 (2) by striking subsection (f);

6 (3) by redesignating subsections (g) and (h) as
7 subsection (f) and (g), respectively; and

8 (4) in subsection (f), as redesignated—

9 (A) by striking “The Board” and inserting
10 the following:

11 “~~(1) NOTIFICATION.—~~The Board”;

12 (B) by striking “before entering” and in-
13 serting the following: “before—

14 “~~(A) entering~~”;

15 (C) by striking “Radio Free Asia.” and in-
16 serting the following: “Radio Free Asia; or

17 “~~(B) entering into any agreements in re-~~
18 gard to the utilization of Radio Free Asia
19 transmitters, equipment, or other resources that
20 will significantly reduce the broadcasting activi-
21 ties of Radio Free Asia.”;

22 (D) by striking “The Chairman” and in-
23 serting the following:

24 “~~(2) CONSULTATION.—~~The Chairman”; and

1 ~~(E)~~ by inserting “or Radio Free Asia
2 broadcasting activities” before the period at the
3 end.

4 **SECTION 1. FINDINGS.**

5 *Congress finds the following:*

6 (1) *Radio Free Asia (referred to in this Act as*
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8 *(A) was authorized under section 309 of the*
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10 *1994 (22 U.S.C. 6208);*

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12 *profit corporation in March 1996 in the hope*
13 *that its operations would soon be obviated by the*
14 *global advancement of democracy; and*

15 *(C) is headquartered in Washington, DC,*
16 *with additional offices in Bangkok, Hong Kong,*
17 *Phnom Penh, Seoul, Ankara, and Taipei.*

18 (2) *RFA broadcasts serve as substitutes for in-*
19 *igenous free media in regions lacking free media out-*
20 *lets.*

21 (3) *The mission of RFA is “to provide accurate*
22 *and timely news and information to Asian countries*
23 *whose governments prohibit access to a free press” in*
24 *order to enable informed decisionmaking by the people*
25 *within Asia.*

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3 *Asian countries in several languages, including—*

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10 *namese, Laotian, Khmer (Cambodian), and*
11 *Uyghur; and*

12 (E) *1½ hours per week in Wu (local Shang-*
13 *hai dialect).*

14 (5) *The governments of the countries targeted for*
15 *these broadcasts have consistently denied and blocked*
16 *attempts at Medium Wave and FM transmissions*
17 *into their countries, forcing RFA to rely on Short-*
18 *wave broadcasts and the Internet.*

19 (6) *RFA has provided continuous online news to*
20 *its Asian audiences since 2004, although some coun-*
21 *tries—*

22 (A) *routinely and aggressively block RFA's*
23 *website;*

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13 of the press is in decline in nearly every region of the
14 world, particularly in Asia, where none of the coun-
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17 (10) In fiscal year 2010, RFA is operating on a
18 \$37,000,000 budget, less than \$400,000 of which is
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