

BUDGET AND PERFORMANCE SUMMARY

...in today's global world, there is no longer anything foreign about foreign policy. More than ever before, the decisions that we make from the safety of our shores don't just ripple outward; they also create a current right here in America. How we conduct our foreign policy matters more than ever before to our everyday lives.

John Kerry
Secretary of State
Address at The University of Virginia, February 20, 2013

Overview

The Department of State is implementing the President's foreign policy agenda to solidify the sources of American strength and influence and to shape a just and sustainable international order. Paramount in U.S. foreign policy is our ability to advance peace and stability throughout the world. Advances in our foreign policy engagement allows for our businesses and educational institutions to have greater opportunities to achieve success which strengthens and grows our economy. The FY 2014 Request embraces the challenges our nation faces and continues to provide a platform for peace and stability throughout the world.

To meet the goals set out by the President, the Secretary of State's FY 2014 request continues to strengthen diplomacy and development so that they stand alongside defense as core pillars of American power. Abroad, we are strengthening alliances, forging new partnerships, and using every tool of American power to advance our national security objectives –including enhanced diplomatic and development capabilities with the ability both to prevent conflict and to work alongside our military.

True partnership is based on shared effort and responsibility. Mindful of the fiscal realities confronting the U.S. Government and our nation, our budget request reflects adherence to fiscal discipline by making tough choices among competing policy priorities.

The State Operations FY 2014 Congressional Budget Justification (CBJ) supports the achievement of the Department's Strategic Goals and U.S. foreign policy priorities. This budget request (CBJ Vol. 1), together with the Foreign Operations Congressional Budget Justification (CBJ Vol. 2), serves as the Department's FY 2014 Annual Performance Plan (APP) and FY 2012 Annual Performance Report (APR). Within the Foreign Operations FY 2014 CBJ, a description of the work conducted by the U.S. Agency for International Development (USAID) and the Department of State is presented to achieve foreign assistance goals. The APP/APR is organized by the joint State-USAID Strategic Goals and details the work conducted by the Department and USAID to achieve their joint mission to: *shape and sustain a peaceful, prosperous, just, and democratic world and foster conditions for stability and progress for the benefit of the American people and people everywhere.*

Like all international affairs agencies, programs funded under the Department of State Operations are adjusting strategies and plans, focusing programs, leveraging resources, and placing greater emphasis on demonstrating results. The Department is leveraging interagency funding structures such as Capital Security Cost Sharing (CSCS) and International Cooperative Administrative Support Services (ICASS) to

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consolidate costs while delivering a robust interagency platform. The Department is also reaching out to allies, donors, and private organizations to leverage investments for maximum impact.

The FY 2014 Request contains two components: funding in the enduring budget for ongoing worldwide responsibilities and core programs, and funding in a separate Overseas Contingency Operations (OCO) budget for extraordinary and temporary requirements associated with achieving key national security goals in the frontline states of Afghanistan, Pakistan, and Iraq.

The FY 2014 Request of \$14.4 billion for enduring State Operations appropriations supports the Department's overseas and domestic programs, Presidential initiatives, and the enduring costs for the U.S. civilian presence in Afghanistan, Pakistan, and Iraq. This represents a \$2.0 billion net increase over the FY 2012 Actual, including an increase of \$750 million to support a \$2.2 billion Capital Security Construction program consistent with the Accountability Review Board (ARB) recommendation #10; an increase of \$390 million to pay international organization and peacekeeping assessments; an increase of \$742 million for State Programs, including Diplomatic and Consular Programs (D&CP); and an increase of \$30.9 million for Other Administration of Foreign Affairs Programs. Funding for Related Programs and International Commissions includes a decrease of -\$24.6 million from the net FY 2012 Actual. In addition to appropriated funding, the FY 2014 Request includes \$3.0 billion in fee-funded activities, primarily supporting the Border Security Program. Consistent with the President's Budget, this request is compared to FY 2012, as the FY 2013 appropriation was enacted in late March 2013.

FY 2014 Budget Request

Increased Security Proposal

The Department continues through the FY 2014 Request to implement Increased Security Proposal (ISP) initiatives initially strengthening personnel and facility security at High Threat locations, funded in the FY 2013 Full-Year Continuing Resolution. The ISP also supports ARB recommendation #12 – additional DS personnel for high- and critical-threat posts and for additional Mobile Security Deployment teams. The FY 2014 Request, as further described in respective account chapters, includes additional ISP funding for Worldwide Security Protection, \$98.2 million over the FY 2012 Actual.

Frontline States

The FY 2014 Request includes \$610.6 million for Department's D&CP Ongoing Operations and Worldwide Security Protection for the Frontline States (FLS) in Afghanistan, Pakistan, and Iraq, an increase of \$277.4 million from the FY 2012 Actual. Enduring funding for Afghanistan supports core operations for Embassy Kabul, Herat, and Mazar-e-Sharif. The Afghanistan enduring request includes funding for staffing and operations, security, and educational and cultural exchange programs. Funding for Pakistan provides for ongoing embassy and consulate operations, and cultural exchanges. The Department continues to reduce the overall footprint in Iraq and this request reflects significant reductions from FY 2012. Afghanistan is the largest component of the enduring Frontline States request as U.S. foreign policy shifts towards a transition by normalizing operations in Kabul, and other locations.

Worldwide Security Protection

The FY 2014 Request for the Worldwide Security Protection (WSP) account totals \$1,791 million which covers security requirements at Posts around the world. This total includes previously noted funding for ISP and FLS, an increase of \$436.2 million over the FY 2012 Actual. The requested increase will support the ISP, Marine Security Guard Program, Enhanced Security Measures, training, and realignment of activity funded by D&CP.

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Overseas Infrastructure

The request includes \$2.4 billion for investments in, and sustainment of, the Department's overseas infrastructure which includes funding for Iraq, an increase of \$862 million over the FY 2012 Actual. Facilities managed by the Bureau of Overseas Building Operations (OBO) for safety and security of U.S. Government personnel. Recognizing the importance of maintaining the \$48 billion in shared overseas infrastructure, the request includes \$130 million for the Department contribution to the Maintenance Cost-Sharing Program, a decrease of \$5 million from the FY 2012 Actual. A total of \$1,950 million is requested for Capital Security Cost-Sharing Construction, an increase of \$750 million over the FY 2012 Actual. This will continue support implementation of ARB recommendation #11 – expansion of Marine Security Guard program. When combined with other agency contributions, plus OCO-funded construction, this brings embassy construction total to \$2.2 billion.

Regional and Functional Bureaus

The FY 2014 Request provides \$3,012 million for overseas programs and diplomatic policy and support which includes funding for FLS, an increase of \$228.4 million over the FY 2012 Actual. Due to fiscal constraints, the requested increase focuses on current services, and strengthening current capabilities and mission and enables sets in oversight of international cyber issues and information resource management.

Public Diplomacy and Exchanges

Public Diplomacy (PD) supports the achievement of U.S. foreign policy goals, enhances national security by influencing foreign publics, and strengthens people-to-people relationships. The FY 2014 Request includes \$1.1 billion for PD and exchange programs which includes funding for FLS, a net decrease of \$4 million from the FY 2012 Actual, supports the Department's strategic realignments, maximizing outreach to emerging powers and demographic groups.

International Organizations

The FY 2014 Request of \$3.7 billion for assessed Contributions to International Organizations (CIO) and Contributions for International Peacekeeping Assessments (CIPA) supports \$1.6 billion in U.S. dues for membership in over 40 international organizations, and U.S. assessments of \$2.1 billion for 17 active peacekeeping missions. This level supports priorities set by the National Security Council, which has made robust peacekeeping operations in Somalia, Darfur, and Sudan a top national security priority. The FY 2014 Request reflects normalization of funding for the United Nations Assistance Mission in Iraq (UNAMI) and UN Assistance Mission in Afghanistan (UAMA), as well as more robust peacekeeping mission efforts throughout Africa.

Conflict Stabilization Operations

The FY 2014 Request provides \$45 million for Conflict Stabilization Operations, an increase of \$23 million over the FY 2012 Actual. Funding for this appropriation will enable the Department to continue to build a civilian capability to prevent and respond to crisis and conflicts in emerging conflict areas. In recent years, the bureau has become to be more agile and expeditionary, emphasizing a flexible response capacity with smaller staff and less overhead.

Enabling Ongoing Operations

The request completes the Consular Realignment Initiative for regional bureaus by shifting support of U.S. direct hire consular staff from appropriations to fee-based funding, factoring in the establishment of the OCO accounts and limiting the increases for current services. Increases to support current services were constrained by holding domestic inflation to 1.6 percent and American pay increases to one percent. Overseas wage adjustments are held to 4.29 percent, assuming the three-year civilian pay freeze ends in December 2013, and overseas inflation is held to 3.4 percent. Efficiency savings applied in FY 2012 are recurred in the FY 2014 Request.

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Overseas Contingency Operations

State Operations funding for Overseas Contingency Operations (OCO), totaling \$1.5 billion, is addressed in a separate chapter. OCO funding is of critical importance in planning for the ongoing national security challenges in Afghanistan, Pakistan, and Iraq. The FY 2014 State Operations OCO request retains the same concepts as included in the FY 2013 budget, but reflects the continued augmenting trajectories of our transition efforts in Afghanistan and Iraq as well as a new facility construction in Erbil

Campaign to Cut Waste

In support of this White House Initiative, the Department is implementing cost saving efficiency measures for information technology, electronic signatures, and freight consolidation. When fully implemented, these may save the Department up to \$27 million through FY 2015. Also, in support of the President's Executive Order 13589, "Promoting Efficient Spending", the Department is actively pursuing other efficiency initiatives in order to reallocate funds to higher priorities. Specifically, the Department has identified over \$100 million in FY2012-FY2013 administrative savings including more efficient procurement, and reduced travel spending.

Delivering an Efficient, Effective, and Accountable Government

The Department is actively working to implement the Government Performance and Results Act Modernization Act. To this end, the Department has worked with USAID to develop joint Agency Priority Goals (APGs), per OMB Memorandum M-11-31. The APGs are measurable, near-term goals that align with the long-term strategic goals and priorities of the Department and USAID. These eight APGs are outcome-based and reflect the Secretary's and Administrator's highest priorities through FY 2013.

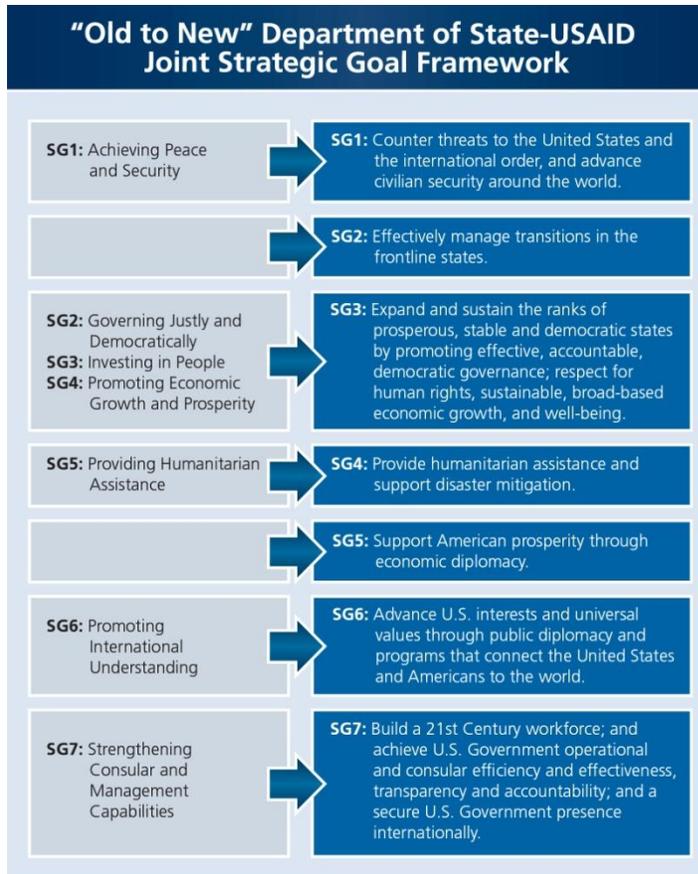
Linking Resources to Foreign Affairs Outcomes

The Department of State and USAID are the lead U.S agencies for carrying out the President's foreign policy agenda, which includes developing and executing U.S. foreign policy and interacting with foreign governments and international organizations. American diplomacy and development in the 21st century are based on three fundamental beliefs: freedom is best protected by ensuring that others are free; security relies on a global effort to secure the rights of all; and prosperity depends on the prosperity of others. The Department of State and USAID is comprised of diplomats and development experts who work alongside the U.S. military to prevent conflict, protect national security, promote economic growth, and values in virtually every country in the world. The State Department and USAID budgets amount to only one percent of total federal budget outlays, an investment on the part of the American people that pay excellent returns and constitute an integrated strategy for renewing America's global leadership.

Budget and Performance Management

Strategic planning and performance management are guided in the Department by the National Security Strategy, the Quadrennial Diplomacy and Development Review (QDDR), and the Government Performance and Results Act Modernization Act of 2010 (GPRAMA). In addition, the Department and USAID share a Joint Strategic Goal Framework organized around seven strategic goals. Presently, the QDDR serves as the Joint Strategic Plan and sets institutional priorities and provides strategic guidance as a framework for the most effective allocation of resources. Effective with the FY 2013 strategic planning and budget formulation processes, the Department and USAID implemented a new Joint Strategic Goal Framework. This new joint Strategic Goal Framework is depicted below, with a crosswalk from the strategic goals of the previous strategic plan.

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As depicted in the image entitled “Old to New Department of State-USAID Joint Strategic Goal Framework” the Department and USAID have seven strategic goals against which funding are allocated. Presently, State is in the process of developing strategic objectives as requested by OMB. Per GPRAMA, the Department will develop the next agency strategic plan to cover the period from FY 2014 through FY 2017 and deliver it to Congress in conjunction with the Congressional Budget Justification (CBJ) in February 2014. The Department and USAID are utilizing this opportunity afforded by developing the updated strategic plan and to develop strategic objectives.

The Department and USAID carry out their joint mission in a worldwide workplace, focusing their energies and resources wherever they are most needed to best serve the American people and around the world. Headquartered in the Washington DC, the Department has an extensive global presence, with more than 270 Embassies, consulates, and other posts in more than 180 countries. To view the organizational structure of the Department of State, see <http://www.state.gov/r/pa/ei/rls/dos/99494.htm>

Since FY 2009 the Department has made significant efforts to focus on more outcome-oriented and quantitative performance indicators. While many complex diplomatic issues lend themselves to qualitative analysis, the Department works to develop quantitative indicators whenever possible because they offer the opportunity to analyze important trends and examine empirical evidence when reviewing policy, planning strategy, and setting resource levels. This budget justification includes a sample of key performance indicators with measures and milestones in various CBJ chapters to show agency-level progress and challenges towards the joint strategic goals. These key indicators are presented by CBJ chapters and not sequentially by strategic goals. At the end of this volume, a Performance Overview and Analysis chapter (Performance chapter) presents and discusses State Operations resources supporting the strategic goals sequentially. The performance chapter summarizes and analyzes relevant performance

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information from 71 indicators featured throughout Volume 1 of the FY 2014 CBJ. More information on the Department’s selection of these indicators is presented in the Performance chapter. Highlights from the Performance Overview and Analysis chapter at the end of this volume include:

- The Department’s FY 2014 budget request for State Operations for each strategic goal;
- A list of active and discontinued performance indicators by Strategic Goals; and
- A comparison of actual performance with target levels and a sample of seven illustrative indicators for six strategic goals that represent the majority of the State Operations budget.

In both CBJ Vols. 1 and 2, historical performance trend is displayed for five preceding fiscal years. FY 2007 marked the first year of program planning and implementation under the foreign assistance reform announced in 2006. FY 2012 will be the last year the Department will be reporting against the old strategic goal structure. In mid-February 2013, State-USAID released a *Joint Summary of Performance and Financial Information report* available to the public on the respective agency’s website.

To view State’s see: <http://www.state.gov/s/d/rm/rls/perfrpt/2012performancesummary/pdf/index.htm>

To view USAID’s see: <http://www.usaid.gov/results-and-data/progress-data/summary>

State-USAID Agency Priority Goals

The Department of State and USAID developed a new strategic approach to accomplishing their shared mission, focusing on robust diplomacy and development as central components to address global challenges. State and USAID submitted eight outcome-focused Agency Priority Goals (APGs) that reflect the Secretary’s and USAID Administrator’s highest priorities. These near-term goals advance the Joint Strategic Goals, reflect USAID and State strategic and budget priorities, and will continue to be of particular focus for the two agencies through FY 2013. In FY 2014, the Department and USAID will develop new APGs that are outcome-based goals that reflect the Secretary’s and Administrator’s highest priorities through FY 2015.

The short title of each APG is identified below by the Strategic Goal it supports. The full APG language, goal leads, collaborating partners, and additional information on the goals can be found in the Performance chapter of this document.

Strategic Goal	Agency Priority Goals
Strategic Goal 2: Effectively manage transitions in the frontline states.	Afghanistan
Strategic Goal 3: Expand and sustain the ranks of prosperous, stable and democratic states by promoting effective, accountable, democratic governance; respect for human rights; sustainable, broad-based economic growth; and well-being.	Democracy, Climate Change, Food Security, Global Health
Strategic Goal 5: Support American prosperity through economic diplomacy.	Economic Statecraft
Strategic Goal 7: Build a 21 st Century workforce; and achieve U.S. government operational and consular efficiency and effectiveness, transparency and accountability; and a secure U.S. government presence internationally.	Management, Procurement Management/Local Development Partners

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Cross-Agency Goals

Per the GPRA Modernization Act requirement to address Cross-Agency Priority Goals in the agency strategic plan, the annual performance plan, and the annual performance report please refer to www.Performance.gov for the agency contributions to those goals and progress, where applicable. The Department of State currently contributes to the following Cross-Agency Priority Goals:

- Closing Skills Gap
- Exports
- Cybersecurity
- Sustainability
- Real Property
- Data Center Consolidation
- Strategic Sourcing

Program Evaluation at the Department of State

Since the implementation of its new evaluation policy in February 2012, the Department has aggressively moved forward on efforts to build a foundation for the use of evaluation findings to inform: a) the establishment or revision of the Agency's strategic objectives; b) budgetary and programmatic decisions; and c) strategies that support the use of evaluations and performance data (e.g., indicators) to improve Agency decision-making. More information on Evaluation and Evidence Based Initiatives is discussed in the Performance chapter at the end of Vol. 1.

SUMMARY OF APPROPRIATIONS

(\$ in thousands)

	FY 2012	FY 2013	FY 2014	Increase /Decrease
	Actual	CR ⁽¹⁾	Request	From FY2012
Administration of Foreign Affairs	8,890,006	8,899,539	10,525,308	1,635,302
State Programs	6,617,261	6,636,998	7,359,263	742,002
Diplomatic and Consular Programs ⁽²⁾	6,557,881	6,577,255	7,282,363	724,482
Ongoing Operations	5,202,881	5,222,011	5,491,189	288,308
Worldwide Security Protection	1,355,000	1,355,244	1,791,174	436,174
Capital Investment Fund	59,380	59,743	76,900	17,520
Embassy Security, Construction, and Maintenance ⁽³⁾	1,537,000	1,546,406	2,399,351	862,351
Ongoing Operations	762,000	766,663	785,351	23,351
Worldwide Security Upgrades	775,000	779,743	1,614,000	839,000
Other Administration of Foreign Affairs	735,745	716,135	766,694	30,949
Conflict Stabilization Operations ⁽⁴⁾	21,816	0	45,207	23,391
Office of Inspector General ⁽⁵⁾	61,904	62,283	69,406	7,502
Educational and Cultural Exchange Programs	583,200	586,769	562,659	(20,541)
Representation Allowances ⁽⁶⁾	8,030	7,345	7,679	(351)
Protection of Foreign Missions and Officials ⁽⁷⁾	27,750	27,165	28,200	450
Emergencies in the Diplomatic and Consular Service	9,073	9,357	9,652	579
Buying Power Maintenance Account ⁽⁸⁾	0	0	0	0
Repatriation Loans Program Account	1,674	1,456	1,700	26
Payment to the American Institute in Taiwan ⁽⁹⁾	21,778	21,237	36,221	14,443
Foreign Service Retirement and Disability Fund (non-add) ⁽¹⁰⁾	158,900	158,900	158,900	0
International Chancery Center ⁽¹¹⁾	520	523	5,970	5,450
International Organizations	3,277,882	3,297,942	3,668,115	390,233
Contributions to International Organizations	1,449,700	1,458,572	1,573,454	123,754
Contributions for International Peacekeeping Activities	1,828,182	1,839,370	2,094,661	266,479
International Commissions (Function 300)	124,162	124,922	120,962	(3,200)
International Boundary and Water Commission - S&E	44,722	44,996	45,618	896
International Boundary and Water Commission - Construction	31,453	31,645	31,400	(53)
American Sections	11,687	11,759	12,499	812
International Joint Commission	7,012	7,055	7,664	652
International Boundary Commission	2,279	2,293	2,449	170
Border Environment Cooperation Commission	2,396	2,411	2,386	(10)
International Fisheries Commissions	36,300	36,522	31,445	(4,855)
Related Programs	153,179	154,116	131,753	(21,426)
The Asia Foundation	17,000	17,104	17,000	0
Center for Middle Eastern-Western Dialogue ⁽¹²⁾	840	845	90	(750)
Eisenhower Exchange Fellowship Program ⁽¹³⁾	500	503	400	(100)
Israeli Arab Scholarship Program ⁽¹⁴⁾	375	377	13	(362)
East-West Center	16,700	16,802	10,800	(5,900)
National Endowment for Democracy	117,764	118,485	103,450	(14,314)
TOTAL, Department of State Appropriations	12,445,229	12,476,519	14,446,138	2,000,909

SUMMARY OF APPROPRIATIONS

Summary of Appropriations Footnotes:

- (1) The FY 2013 CR is based on the annualized continuing resolution calculation for FY 2013 (P.L. 112-175).
- (2) FY 2012 Actual reflects the following transfers: \$30.9 million transferred from the Buying Power Maintenance Account; \$670,000 transferred to the Payment to the American Institute in Taiwan; \$730,000 transferred to Representation Allowances; \$750,000 transferred to the Protection of Foreign Missions and Operations; and \$21.8 million transferred to Conflict Stabilization Operations (CSO).
- (3) FY 2012 Actual includes the transfer of \$82.7 million from Diplomatic and Consular Programs for diplomatic facilities in Baghdad.
- (4) FY 2012 Actual includes \$21.8 million transferred from Diplomatic and Consular Programs. Although not included in the table above, FY 2012 Actual level is being sustained under the FY 2013 Continuing Resolution through a transfer from D&CP.
- (5) In FY 2012, FY 2013, and FY 2014, funding for the Special Inspector General for Afghanistan Reconstruction (SIGAR) and Special Inspector General for Iraq Reconstruction (SIGIR) are included in the Overseas Contingency Operations (OCO) chapter.
- (6) FY 2012 Actual and FY 2013 CR include \$730,000 transferred from Diplomatic and Consular Programs.
- (7) FY 2012 Actual includes \$750,000 transferred from the Worldwide Security Protection account.
- (8) FY 2012 Actual includes \$30.9 million transferred to Diplomatic and Consular Programs. FY 2013 CR includes a transfer of \$27.5 million to Diplomatic and Consular Programs.
- (9) FY 2012 Actual includes \$670,000 transferred from the Diplomatic and Consular Programs.
- (10) FY 2012 Actual, FY 2013 CR and FY 2014 Request includes mandatory funding for both the Department of State and USAID.
- (11) Reflects scoring of fee collections from the International Chancery Center Trust Fund, as included in the FY 2014 President's Budget Appendix. Proposed appropriations language for this project is based on the Diplomatic and Consular Programs fees and payments provisions of Division I, Title I of Public Law 112-74.
- (12) Amount provided in the conference report to the FY 2012 Appropriations Act; actual interest earned for FY 2012 is \$29,592.
- (13) Amount provided in the conference report to the FY 2012 Appropriations Act; actual interest earned for FY 2012 is \$326,640.
- (14) Amount provided in the conference report to the FY 2012 Appropriations Act; actual interest earned for FY 2012 is \$5,597.

SUMMARY OF DIRECT POSITIONS

Appropriations	FY 2012 Actual	FY 2013 CR	FY 2014 Request	Increase/Decrease From FY2012
Administration of Foreign Affairs	20,135	20,055	20,080	(55)
State Programs	18,134	18,118	18,162	28
Diplomatic and Consular Programs	18,134	18,118	18,162	28
Ongoing Operations	16,423	16,407	16,262	(161)
Worldwide Security Protection	1,711	1,711	1,900	189
Embassy Security, Construction and Maintenance	1,014	1,014	1,020	6
Other Administration of Foreign Affairs	987	923	898	(89)
Civilian Stabilization Operations	247	183	158	(89)
Office of the Inspector General	318	318	318	0
Educational And Cultural Exchange Programs	422	422	422	0
International Commissions	345	345	345	0
International Boundary and Water Commission - S&E	295	295	313	18
International Boundary and Water Commission - Construction	18	18	0	(18)
American Sections	32	32	32	0
International Joint Commission	24	24	24	0
International Boundary Commission	8	8	8	0
State Appropriations Act	20,480	20,400	20,425	(55)

Staffing table includes U.S.-direct hire positions funded by State Department appropriations; the table does not include Foreign Service National (FSN) and Border Security Program (BSP) fee-funded positions. The FY 2014 positions do not include OCO or fee funding.

Increase In Foreign Service and Civil Service Positions

	FY 2013 CR			FY 2014 Request		
	Foreign Service	Civil Service	Subtotal	Foreign Service	Civil Service	Subtotal
Diplomatic and Consular Programs						
Ongoing Operations	0	0	0	22	7	29
Worldwide Security Protection	0	0	0	0	0	0
Embassy, Security, Construction, & Maintenance	0	0	0	6	0	6
Conflict Stabilization Operations	0	0	0	0	0	0
Educational and Cultural Exchange Programs	0	0	0	0	0	0
International Narcotics Control and Law Enforcement (INCLE)	0	0	0			
State Total	0	0	0	28	7	35

The staffing table includes U.S. direct hire positions by Department of State appropriations. The table does not include Foreign Service National (FSN) and Border Security Program (BSP) fee-funded positions.

DEPARTMENT OF STATE APPROPRIATIONS – TEN-YEAR HISTORY

(Including Supplemental Funding - \$ in thousands)

Appropriations	FY 2005 Actual ²	FY 2006 Actual ²	FY 2007 Actual ²	FY 2008 Actual ²	FY 2009 Actual ²	FY 2010 Actual ²	FY 2011 Actual ²	FY 2012 ¹ Actual ²	FY 2013 ¹ CR	FY 2014 ¹ Request
Administration of Foreign Affairs										
State Programs										
Diplomatic & Consular Programs - Ongoing Operations	4,256,316	4,961,443	4,423,164	5,639,449	5,811,350	7,872,361	7,220,009	5,202,881	5,222,011	5,491,189
D&CP - Worldwide Security Protection	649,904	730,816	778,449	1,178,938	1,341,758	1,586,214	1,497,056	1,355,000	1,355,244	1,791,174
Worldwide IT Infrastructure	--	--	--	--	--	--	--	--	--	-
<i>Subtotal, Diplomatic & Consular Programs</i>	<i>4,906,220</i>	<i>5,692,259</i>	<i>5,201,613</i>	<i>6,818,387</i>	<i>7,153,108</i>	<i>9,458,575</i>	<i>8,717,065</i>	<i>6,557,881</i>	<i>6,577,255</i>	<i>7,282,363</i>
Capital Investment Fund	51,452	58,143	58,143	59,575	323,000	139,000	59,380	59,380	59,743	76,900
Centralized IT Modernization Program	76,811	68,482	--	--	--	--	--	--	--	--
Subtotal, State Programs	5,034,483	5,818,884	5,259,756	6,877,962	7,476,108	9,597,575	8,776,445	6,617,261	6,636,998	7,359,263
Embassy Security, Construction & Maintenance										
Ongoing Operations	603,510	591,153	592,277	755,050	801,344	970,250	837,543	762,000	766,663	785,351
Supplemental	592,000	--	--	--	--	--	--	--	--	-
Worldwide Security Upgrades/Security Construction	774,831	799,852	799,852	638,810	1,868,025	847,300	793,410	775,000	779,743	1,614,000
Compound Security/Support Costs	125,303	98,722	98,723	108,414	--	--	--	--	--	-
Subtotal, Embassy Security, Construction & Maintenance	2,095,644	1,489,727	1,490,852	1,502,274	2,669,369	1,817,550	1,630,953	1,537,000	1,546,406	2,399,351
Conflict Stabilization Operations										
Office of Inspector General	30,028	30,945	31,414	52,233	121,122	105,600	104,790	61,904	62,283	69,406
Educational & Cultural Exchange Programs	355,932	431,275	465,671	501,347	538,000	635,000	599,550	583,200	586,769	562,659
Representation Allowances	8,525	8,175	8,175	8,109	8,175	8,536	7,840	8,030	7,345	7,679
Protection of Foreign Missions & Officials	9,762	9,270	9,270	22,814	22,814	28,000	27,944	27,750	27,165	28,200
Emergencies in the Diplomatic & Consular Service	877	43,872	13,440	8,927	29,000	29,423	19,353	9,073	9,357	9,652
Buying Power Maintenance Account	--	--	--	--	5,000	30,500	--	--	--	--
Repatriation Loans Program Account	1,313	1,302	1,302	1,275	1,353	1,902	1,574	1,674	1,456	1,700
Payment to the American Institute in Taiwan	19,222	19,499	15,826	16,219	16,840	23,158	21,778	21,778	21,237	36,221
International Chancery Center	--	--	--	--	--	--	505	520	523	5,970
<i>Foreign Service Retirement & Disability Fund (Mandatory, non-add)</i>	<i>132,600</i>	<i>131,700</i>	<i>126,400</i>	<i>158,900</i>	<i>157,100</i>	<i>158,900</i>	<i>158,900</i>	<i>158,900</i>	<i>158,900</i>	<i>158,900</i>
Subtotal, Administration of Foreign Affairs	7,555,786	7,852,949	7,295,706	8,991,160	10,932,781	12,357,244	11,225,929	8,890,006	8,899,539	10,525,308

DEPARTMENT OF STATE APPROPRIATIONS – TEN-YEAR HISTORY

(Including Supplemental Funding - \$ in thousands)

International Organizations										
Contributions to International Organizations	1,166,212	1,151,317	1,201,317	1,409,429	1,604,400	1,682,500	1,578,651	1,449,700	1,458,572	1,573,454
Contributions for International Peacekeeping Activities	1,113,455	1,152,075	1,418,275	2,064,225	2,388,500	2,221,500	1,883,931	1,828,182	1,839,370	2,094,661
Subtotal, International Organizations	2,279,667	2,303,392	2,619,592	3,473,654	3,992,900	3,904,000	3,462,582	3,277,882	3,297,942	3,668,115
International Commissions (Function 300)										
International Boundary & Water Commission - Salaries & Expenses	26,880	27,642	28,368	30,184	32,455	33,000	43,213	44,722	44,996	45,618
International Boundary & Water Commission - Construction	5,239	5,232	5,232	125,209	263,051	43,250	26,447	31,453	31,645	31,400
American Sections	9,466	9,911	9,962	10,851	11,649	12,608	12,583	11,687	11,759	12,499
International Joint Commission	6,214	6,417	6,450	7,131	7,559	8,000	7,984	7,012	7,055	7,664
International Boundary Commission	1,231	1,411	1,418	1,518	1,970	2,359	2,354	2,279	2,293	2,449
Border Environment Cooperation Commission	2,021	2,083	2,094	2,202	2,120	2,249	2,245	2,396	2,411	2,386
International Fisheries Commissions	21,688	23,693	23,693	26,312	29,925	53,976	50,399	36,300	36,522	31,445
Subtotal, International Commissions (Function 300)	63,273	66,478	67,255	192,556	337,080	142,834	132,642	124,162	124,922	120,962
Related Programs										
The Asia Foundation	12,826	13,821	13,821	15,374	16,000	19,000	17,864	17,000	17,104	17,000
Center for Middle Eastern-Western Dialogue - Trust Fund	6,660	4,936	--	--	--	--	--	--	--	-
Center for Middle Eastern-Western Dialogue - Program	622	740	740	868	875	875	1,304	840	845	90
Eisenhower Exchange Fellowship Program	493	494	494	496	500	500	304	500	503	400
Israeli Arab Scholarship Program	370	370	370	372	177	375	418	375	377	13
East-West Center	19,240	18,994	18,994	19,342	21,000	23,000	20,958	16,700	16,802	10,800
National Endowment for Democracy	59,199	74,042	74,042	--	115,000	118,000	117,764	117,764	118,485	103,450
Subtotal, Related Programs	99,410	113,397	108,461	36,452	153,552	161,750	158,612	153,179	154,116	131,753
TOTAL, DEPARTMENT OF STATE APPROPRIATIONS	9,998,136	10,336,216	10,091,014	12,693,822	15,416,313	16,565,828	14,979,765	12,445,229	12,476,519	14,446,138
¹ Funding for non-base requirements for contingency operations requested in Overseas Contingency Operations (OCO) Account.										
² Actuals include transfers.										
Subtotal, Department of State Function 150	9,934,863	10,269,738	10,023,759	12,501,266	15,079,233	16,422,994	14,847,123	12,321,067	12,351,597	14,325,176

PUBLIC DIPLOMACY RESOURCE SUMMARY

(\$ in thousands)

	FY 2012 Actual				FY 2013 CR				FY 2014 Request			
	Positions	American Salaries	Bureau Managed	Total	Positions	American Salaries	Bureau Managed	Total	Positions	American Salaries	Bureau Managed	Total
Diplomatic and Consular Programs												
<i>Regional Bureaus</i>	780	94,684	231,568	326,252	780	95,200	241,579	336,779	780	95,572	243,005	338,577
<i>Bureau of International Information Programs</i>	285	28,110	87,923	116,033	285	28,110	90,602	118,712	285	28,430	97,284	125,714
<i>Functional Bureaus</i>	65	7,384	17,513	24,897	65	7,418	17,804	25,222	65	7,464	17,657	25,121
<i>Payment - FSNSLTF</i>	-	-	2,204	2,204	-	-	2,204	2,204	-	-	2,204	2,204
<i>Central Program Increases</i>	-	-	-	-	-	(550)	(10,614)	(11,164)	3	247	9,439	9,686
Total, Public Diplomacy	1,130	130,178	339,208	469,386	1,130	130,178	341,575	471,753	1,133	131,713	369,589	501,302
Sect. 810 USIEE Act Fees	-	-	6,000	6,000	-	-	6,000	6,000	-	-	6,000	6,000
Representation Allowances	-	-	1,827	1,827	-	-	1,670	1,670	-	-	1,744	1,744
Educational and Cultural Exchanges	422	-	583,200	583,200	422	-	586,769	586,769	422	-	562,659	562,659
National Endowment for Democracy	-	-	117,764	117,764	-	-	118,485	118,485	-	-	103,450	103,450
East West Center	-	-	16,700	16,700	-	-	16,802	16,802	-	-	10,800	10,800
Eisenhower Exchange Fellowship Program	-	-	500	500	-	-	503	503	-	-	400	400
Israeli Arab Scholarship Program	-	-	375	375	-	-	377	377	-	-	13	13
Total, Public Diplomacy	1,552	130,178	1,065,574	1,195,752	1,552	130,178	1,072,181	1,202,359	1,555	131,713	1,054,655	1,186,368

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DEPARTMENT OF STATE FEE COLLECTIONS

Overview

Like other U.S. Government agencies, the Department of State (Department) has the authority to charge user fees pursuant to 31 U.S.C. 9701. The Department also has specific statutory authority to charge certain consular fees (8 U.S.C. 1351; 22 U.S.C. 214, 4201, 4215, 4219, 4223, 4225), as well as certain other fees – for example, registration fees are charged for expenses related to Defense Trade Control licensing, compliance, and enforcement activities. While certain of these fees are required to be deposited into miscellaneous receipts in accordance with 31 U.S.C. 3302(b), a number of fee authorities specifically permit the Department to retain the fees collected. The following section cites the authority for major fee collections that are retained by the Department (or, in the case of the H and L fraud prevention and detection fee, deposited into the Treasury but then made partially available to the Department) and notes the use of each fee.

Fee Collections by Bureau

Bureau of Consular Affairs

Machine Readable Visa Fees

Section 140 of Title I of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (8 U.S.C. 1351 note) as supplemented by 8 U.S.C. 1713, authorizes the Department to charge a fee for processing machine readable non-immigrant visas and to deposit such fees as offsetting collections to any Department appropriation to recover the costs of providing consular services. In FY 2014, these fees will finance the Department's Border Security Program and consular activities.

Expedited Passport Fees

The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1995 (22 U.S.C. 214 note) authorizes the Department to charge and retain a fee for expedited passport services, to be deposited as an offsetting collection. These fee receipts are used to fund information technology programs.

Passport Security Surcharge and Immigrant Visa Security Surcharge

The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005 (8 U.S.C. 1714), authorizes the Department to charge and retain immigrant visa and passport surcharges related to consular services in support of enhanced border security. These fees finance a significant portion of the Department's Border Security Program. *See also* Department of State Authorities Act of 2006 (P.L. 109-472) (authorizing Secretary of State to amend administratively the amounts of the surcharges).

H and L Fraud Prevention and Detection Fee

Section 426 of the L-1 Visa and H-1B Visa Reform Act (Div. J, P. L. 108-447), and Section 403 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terrorism and Tsunami Relief (8 U.S.C. 1356(v)), authorize one-third of fees collected for H-1B, H-2B, and L applications, and deposited into a special "Fraud Prevention and Detection" account to be available to the Department of State for certain fraud prevention and detection activities. These fees finance fraud prevention components of the Department's Border Security Program.

DEPARTMENT OF STATE FEE COLLECTIONS

Western Hemisphere Travel Initiative Surcharge

The Passport Services Enhancement Act of 2005 22 U.S.C. 214(b)(1), authorizes the Department to charge a fee to cover the Department's costs of meeting increased demand for passports as a result of the implementation of the Western Hemisphere Travel Initiative. This program implements Section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) (P.L. 108-458), which mandates that the Secretary of Homeland Security, in consultation with the Secretary of State, develop and implement a plan to require U.S. citizens and certain non-U.S. citizens to present a passport or other secure documentation denoting identity and citizenship when entering the United States. The President's FY 2013 budget request included an extension of this authority through September 30, 2013, and the Department proposes a further extension of this authority through September 30, 2014.

Diversity Visa Lottery Fees

Section 636 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1153 note), provides that the Department of State may collect and retain a fee that ensures the recovery of the cost to the Department of allocating and processing applications for visas to be issued under the Diversity Lottery Program. These fee collections are available until expended to provide consular services and are deposited as an offsetting collection.

Affidavit of Support Fees

Section 232 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, 2000 and 2001 (8 U.S.C. 1183a note), authorizes the Department to charge and retain fees relating to affidavits of support required under Section 213A of the Immigration and Nationality Act, 8 U.S.C. 1183a. These fee collections are available until expended and are deposited as an offsetting collection to recover the cost of providing consular services.

Bureau of Political-Military Affairs

Defense Trade Control Fees

Registration fees are charged by the Directorate of Defense Trade Controls in accordance with Section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717) and are available without fiscal year limitation for specified expenses related to Defense Trade Control licensing, compliance, and enforcement activities, as well as information technology and automation to support these activities.

Bureau of Economic and Business Affairs

Commercial Services Fees

Section 52 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2724) authorizes the Department to collect certain fees to recover the cost of providing commercial services at posts abroad in countries where the Department of Commerce does not perform commercial services. These fees are available until September 30 of the fiscal year following the fiscal year in which the funds were deposited.

Bureau of Educational and Cultural Affairs and Bureau of International Information Programs

Information and Educational Exchange Fees

As authorized by section 810 of the United States Information and Educational Exchange Act (22 U.S.C. 1475e) and pursuant to annual appropriations, fees or other payments received from English teaching, library, motion pictures, and publication programs and from educational advising and counseling and exchange visitor programs are available until expended, including from the following programs:

- English Teaching Program
- Library Program

DEPARTMENT OF STATE FEE COLLECTIONS

- Publication Program
- Book Program
- Student Advising Program
- Exchange Visitor Services
- Nouveaux Horizons
- Arabic Books

(S in thousands)	FY 2012 Actual	FY 2013 CR	FY 2014 Request	Increase/ Decrease from FY 2012
Machine Readable Visa Fees				
Carryforward Allocations	59,186	297,681	-	(59,186)
Prior Year Collections Unallocated	384,110	81,007	16,399	(367,711)
Current Year Collections Projected (Net)	1,439,858	1,439,858	1,871,984	432,126
Total Collections Available	1,883,154	1,818,546	1,888,383	5,229
Carryforward Allocations Planned	-	-	-	-
Current Year Allocation Plan	1,802,147	1,802,147	1,852,316	50,169
Total Allocations	1,802,147	1,802,147	1,852,316	50,169
Unallocated Balance	81,007	16,399	36,067	(44,940)
Western Hemisphere Travel Initiative Surcharges				
Carryforward Allocations	13,419	7,822	-	(13,419)
Prior Year Collections Unallocated	40,677	111,493	176,712	136,035
Current Year Collections Projected (Net)	272,897	272,897	329,465	56,568
Total Collections Available	326,993	392,212	506,177	179,184
Carryforward Allocations Planned	-	-	-	-
Current Year Allocation Plan	215,500	215,500	186,150	(29,350)
Total Allocations	215,500	215,500	186,150	(29,350)
Unallocated Balance	111,493	176,712	320,027	208,534
Passport Security Surcharges				
Carryforward Allocations	763	20,971	-	(763)
Prior Year Collections Unallocated	296,864	374,527	472,398	175,534
Current Year Collections Projected (Net)	453,900	453,900	526,176	72,276
Total Collections Available	751,527	849,398	998,574	247,047
Carryforward Allocations Planned	-	-	-	-
Current Year Allocation Plan	377,000	377,000	628,500	251,500
Total Allocations	377,000	377,000	628,500	251,500
Unallocated Balance	374,527	472,398	370,074	(4,453)
Immigrant Visa Security Surcharges				
Carryforward Allocations	434	3,082	-	(434)
Prior Year Collections Unallocated	23,407	16,568	12,377	(11,030)
Current Year Collections Projected (Net)	28,727	28,727	43,500	14,773
Total Collections Available	52,568	48,377	55,877	3,309
Carryforward Allocations Planned	-	-	-	-
Current Year Allocation Plan	36,000	36,000	39,564	3,564
Total Allocations	36,000	36,000	39,564	3,564

DEPARTMENT OF STATE FEE COLLECTIONS

(S in thousands)	FY 2012 Actual	FY 2013 CR	FY 2014 Request	Increase/ Decrease from FY 2012
Unallocated Balance	16,568	12,377	16,313	(255)
Affidavit of Support Fees				
Carryforward Allocations	65	13,684	-	(65)
Prior Year Collections Unallocated	36,824	27,334	31,463	(5,361)
Current Year Collections Projected (Net)	20,445	20,445	27,051	6,606
Total Collections Available	57,334	61,463	58,514	1,180
Carryforward Allocations Planned	-	-	-	-
Current Year Allocation Plan	30,000	30,000	33,184	3,184
Total Allocations	30,000	30,000	33,184	3,184
Unallocated Balance	27,334	31,463	25,330	(2,004)
Diversity Lottery Fees				
Carryforward Allocations	368	1,495	-	(368)
Prior Year Collections Unallocated	23,512	17,085	11,786	(11,726)
Current Year Collections Projected (Net)	17,906	17,906	18,150	244
Total Collections Available	41,785	36,486	29,936	(11,849)
Carryforward Allocations Planned	-	-	-	-
Current Year Allocation Plan	24,700	24,700	23,000	(1,700)
Total Allocations	24,700	24,700	23,000	(1,700)
Unallocated Balance	17,085	11,786	6,936	(10,149)
H and L Visa Fraud Prevention and Detection Fees				
Carryforward Allocations	4,940	44,074	-	(4,940)
Prior Year Collections Unallocated	43,996	44,720	84,578	40,581
Current Year Collections Projected (Net)	46,258	46,258	40,000	(6,258)
Total Collections Available	95,194	135,052	124,578	29,384
Carryforward Allocations Planned	-	-	-	-
Current Year Allocation Plan	50,474	50,474	47,161	(3,313)
Total Allocations	50,474	50,474	47,161	(3,313)
Unallocated Balance	44,720	84,578	77,417	32,697
Total Border Security Program Fees				
Carryforward Allocations	72,110	371,023	-	(72,110)
Prior Year Collections Unallocated	812,566	642,501	771,349	(41,217)
Current Year Collections Projected (Net)	2,256,646	2,256,646	2,824,400	567,754
Total Collections Available	3,141,322	3,270,170	3,595,749	454,427
Carryforward Allocations Planned	-	-	-	-
Current Year Allocation Plan	2,498,821	2,498,821	2,771,691	272,870
Total Allocations	2,498,821	2,498,821	2,771,691	272,870
Unallocated Balance	642,501	771,349	824,058	181,557
Expedited Passport Fees				
Carryforward Allocations	13,766	-	-	(13,766)
Prior Year Collections Unallocated	60,157	47,049	47,049	(13,108)
Current Year Collections Projected (Net)	157,676	156,000	156,000	(1,676)
Total Collections Available	231,599	203,049	203,049	(28,550)
Carryforward Allocations Planned	26,409	-	-	(26,409)
Current Year Allocation Plan	158,141	156,000	163,181	5,040

DEPARTMENT OF STATE FEE COLLECTIONS

(S in thousands)	FY 2012 Actual	FY 2013 CR	FY 2014 Request	Increase/ Decrease from FY 2012
Total Allocations	184,550	156,000	163,181	(21,369)
Unallocated Balance	47,049	47,049	39,868	(7,181)
Defense Trade Control Fees				
Carryforward Allocations	20,319	-	-	(20,319)
Prior Year Collections Unallocated	23,700	23,753	11,153	(12,547)
Current Year Collections Projected (Net)	43,310	40,000	40,000	(3,310)
Total Collections Available	87,329	63,753	51,153	(36,176)
Carryforward Allocations Planned	45,000	22,600	-	(45,000)
Current Year Allocation Plan	18,576	30,000	30,000	11,424
Total Allocations	63,576	52,600	30,000	(33,576)
Unallocated Balance	23,753	11,153	21,153	(2,600)
Commercial Service Fees				
Carryforward Allocations	76	-	-	-
Prior Year Collections Unallocated	-	8	-	(8)
Current Year Collections Projected (Net)	120	120	150	30
Total Collections Available	196	128	150	22
Carryforward Allocations Planned	76	-	-	-
Current Year Allocation Plan	112	128	150	22
Total Allocations	188	128	150	22
Unallocated Balance	8	-	-	-
United States Information and Educational Exchange Act (Section 810) Fees				
Carryforward Allocations	-	-	-	-
Prior Year Collections Unallocated	21,307	22,013	22,013	706
Current Year Collections Projected (Net)	11,000	11,000	11,000	-
Total Collections Available	32,307	33,013	33,013	706
Carryforward Allocations Planned	-	-	-	-
Current Year Allocation Plan	10,294	11,000	11,000	706
Total Allocations	10,294	11,000	11,000	706
Unallocated Balance	22,013	22,013	22,013	-

Key:

Border Security Program (BSP) fees are comprised of: Machine Readable Visa Fees; Western Hemisphere Travel Initiative; Passport Security Surcharges; Immigrant Visa Security Surcharges; H and L Visa Fraud Prevention and Detection Fees; and a portion of Diversity Lottery Fees.

BSP fees fund the majority of the cross-cutting Consular Relations activity. Total funding for Consular Relations is \$2.8 billion, including \$2,771.7 million from BSP Fees, \$5 million from non-BSP Diversity Lottery Fees, and \$33.2 million from Affidavit of Support Fees.

Carry forward Allocations are defined as unobligated prior year funds.

Prior Year (PY) Collections Unallocated are defined as prior year funds not allocated for spending.

Current Year (CY) Collections Projected (Net) are estimated fee revenues excluding reimbursements.

Total Collections Available is the sum of carry forward, PY collections, and CY collections.

DEPARTMENT OF STATE FEE COLLECTIONS

Carry forward Allocations Planned is defined as unobligated PY funds to be obligated and expended.

Current Year Allocation Plan equates to estimated revenue to be obligated and expended.

Total Allocations is the sum of carry forward and the CY plan.

Unallocated Balance represents the collections not allocated or planned for spending.

LEGISLATIVE LANGUAGE

DEPARTMENT OF STATE AND OTHER INTERNATIONAL PROGRAMS ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, [\$7,068,618,850]\$7,282,363,000, of which [\$1,428,468,000]\$1,791,174,000 is for Worldwide Security Protection (to remain available until expended): *Provided*, That funds made available under this heading shall be allocated as follows:

(1) Human resources.—For necessary expenses for training, human resources management, and salaries, including employment without regard to civil service and classification laws of persons on a temporary basis (not to exceed \$700,000), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, [\$2,469,095,000]\$2,585,999,000, to remain available until September 30, [2014]2015, of which not less than [\$130,874,000]\$131,713,000 shall be available only for public diplomacy American salaries, and up to [\$218,110,000]\$255,866,000 is for Worldwide Security Protection and shall remain available until expended.

(2) Overseas programs.—For necessary expenses for the regional bureaus of the Department of State and overseas activities as authorized by law, [\$2,270,168,000]\$2,243,836,000, to remain available until September 30, [2014]2015, of which not less than [\$376,551,000]\$369,589,000 shall be available only for public diplomacy international information programs.

(3) Diplomatic policy and support.—For necessary expenses for the functional bureaus of the Department of State including representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress, general administration, and arms control, nonproliferation and disarmament activities as authorized, [\$864,610,850]\$813,005,000, to remain available until September 30, [2014]2015.

(4) Security programs.—For necessary expenses for security activities, [\$1,464,745,000]\$1,639,523,000, to remain available until September 30, [2014]2015, of which [\$1,210,358,000]\$1,535,308,000 is for Worldwide Security Protection and shall remain available until expended.

(5) Fees and payments collected.—In addition to amounts otherwise made available under this heading—
(A) as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed \$5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and
(B) not to exceed \$15,000, which shall be derived from reimbursements, surcharges and fees for use of Blair House facilities.

(6) Transfer, reprogramming, and other matters.—

(A) Notwithstanding any provision of this Act, funds may be reprogrammed within and between subsections under this heading subject to section 7012 of this Act;

(B) Of the amount made available under this heading, not to exceed \$10,000,000 may be transferred to, and merged with, funds made available by this Act under the heading "Emergencies in the Diplomatic and Consular Service", to be available only for emergency evacuations and rewards, as authorized; and

(C) Funds appropriated under this heading are available for acquisition by exchange or purchase of passenger motor vehicles as authorized by law and, pursuant to 31 U.S.C. 1108(g), for the field examination of programs and activities in the United States funded from any account contained in this title.

(D) Of the amount made available under this heading, not to exceed \$1,000,000 may be transferred to, and merged with, funds made available by this Act under the heading Representation Allowances, to be available for official representation activities, as authorized.

LEGISLATIVE LANGUAGE

DIPLOMATIC AND CONSULAR PROGRAMS

(Overseas contingency operations)

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Diplomatic and Consular Programs", [~~\$4,311,745,000~~]~~\$1,199,491,000~~, to remain available until September 30, [~~2014~~]~~2015~~; of which [~~\$721,527,000~~]~~\$390,961,000~~, to remain available until expended, is for Worldwide Security Protection; of which up to \$525,000,000, to remain available until expended, may be used for construction and other necessary expenses for carrying out the Foreign Service Buildings Act of 1926, and which shall be in addition to funds otherwise appropriated for such purposes]: *Provided*, That the Secretary of State may transfer up to [~~\$150,000,000~~]~~\$100,000,000~~ of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon the concurrence of the head of such department or agency, to support operations in and assistance for Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961: *Provided further*, That any such transfer shall be treated as a reprogramming of funds under section [~~7015~~]~~7012~~ (a) and (b) of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That such amount shall be available only if the President designates such amount for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A).

CONFLICT STABILIZATION OPERATIONS

For necessary expenses to support, maintain, mobilize, and deploy a civilian response corps and for related reconstruction and stabilization assistance *and contributions* to prevent or respond to conflict or civil strife in foreign countries or regions, or to enable transition from such strife, [~~\$56,500,000~~]~~\$45,207,000~~, to remain available until expended: *Provided*, That funds made available under this heading may be made available to provide administrative expenses for the coordination of reconstruction and stabilization activities: *Provided further*, That the Secretary of State may transfer and merge funds made available under any other heading in Titles I, II, III and IV of this Act with funds made available under this heading to maintain and deploy a Civilian Response Corps and to provide reconstruction and stabilization assistance: *Provided further*, That the Secretary may appoint, [~~compensate and remove Civilian Response Corps personnel without regard to Civil Service or classification laws~~]~~on a time-limited basis solely to carry out reconstruction and stabilization activities, employees without regard to the provisions of title 5 governing appointment in the competitive service and may fix the basic compensation of such employees without regard to chapter 51 and subchapter III of chapter 53 of title 5.~~

COMPLEX CRISES FUND

Provided further, That up to [~~\$10,000,000~~]~~\$7,000,000~~ of the funds appropriated under this heading may be transferred to, and merged with, funds appropriated under the heading "Conflict Stabilization Operations".

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, [~~\$83,300,000~~]~~\$76,900,000~~, to remain available until expended, as authorized: *Provided*, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

LEGISLATIVE LANGUAGE

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, [~~\$65,622,000~~]~~\$69,406,000~~, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections.

OFFICE OF INSPECTOR GENERAL

(Overseas contingency operations)

For an additional amount for "Office of Inspector General", [~~\$49,901,000~~]~~\$49,650,000~~, to remain available until September 30, [~~2014~~]~~2015~~, [of which ~~\$49,901,000~~ shall be] for the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That such amount shall be available only if the President designates such amount for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A).

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, [~~\$586,957,000~~]~~\$562,659,000~~, to remain available until expended: *Provided*, That [not to exceed \$5,000,000, to remain available until expended, may be credited to this appropriation from] *any* fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized *may be credited to this account to remain available until expended*.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292–303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S. Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, [~~\$948,925,000~~]~~\$785,351,000~~, to remain available until expended as authorized, of which not to exceed [~~\$25,000~~]~~\$25,000~~ may be used for domestic and overseas representation as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, [~~\$688,799,000~~]~~\$1,614,000,000~~, to remain available until expended.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

(Overseas contingency operations)

For an additional amount for "Embassy Security, Construction and Maintenance", \$250,000,000, to remain available until expended: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That such amount shall be available only if the President designates such amount for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A).

LEGISLATIVE LANGUAGE

REPRESENTATION ALLOWANCES

For representation allowances as authorized, [~~\$7,484,000~~] *\$7,679,000*.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, \$28,200,000, to remain available until September 30, [~~2014~~] *2015*.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, [~~\$9,500,000~~] *\$9,652,000*, to remain available until expended as authorized, of which not to exceed \$1,000,000 may be transferred to, and merged with, funds appropriated by this Act under the heading "Repatriation Loans Program Account", subject to the same terms and conditions.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), [~~\$37,200,000~~] *\$36,221,000*.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized, \$158,900,000.

REPATRIATION LOANS PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, [~~\$1,800,000~~] *\$1,700,000*, as authorized, of which [~~\$711,000~~] *\$737,000* may be made available for administrative expenses necessary to carry out the direct loan program and may be paid to "Diplomatic and Consular Programs": *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

LEGISLATIVE LANGUAGE

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For necessary expenses, not otherwise provided for, to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, [~~\$1,570,005,000~~]*\$1,573,454,000: Provided*, That any payment of arrearages under this heading shall be directed toward activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated under this heading shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, [~~\$2,098,500,000~~]*\$2,094,661,000*, to remain available until September 30, [~~2014~~]*2015: Provided*, That at least 15 days in advance of voting for a new or expanded mission in the United Nations Security Council (or in an emergency as [~~far in advance~~]*soon* as is practicable), the Committees on Appropriations should be notified: (1) of the estimated cost and duration of the mission, the national interest that will be served, and the exit strategy; (2) that the United Nations has taken necessary measures to prevent United Nations employees, contractor personnel, and peacekeeping troops serving in the mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation or other violations of human rights, and to bring to justice individuals who engage in such acts while participating in the peacekeeping mission, including prosecution in their home countries of such individuals in connection with such acts; and (3) pursuant to section 7012 of this Act, and the procedures therein followed, of the source of funds that will be used to pay the cost of the new or expanded mission; *Provided further*, That notwithstanding any other provision of law, funds appropriated or otherwise made available under this heading shall be available for United States assessed contributions up to the amount specified in the Annex accompanying United Nations General Assembly document A/67/224/Add.1.

PEACEKEEPING OPERATIONS

Provided further, That funds transferred to, or funds appropriated under this heading in this Act, may be used to pay assessed expenses of international peacekeeping activities in Somalia.

INTERNATIONAL COMMISSIONS

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed \$6,000 for representation; as follows:

LEGISLATIVE LANGUAGE

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, [~~\$46,700,000~~]*\$45,618,000*.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, [~~\$30,400,000~~]*\$31,400,000*, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and the Border Environment Cooperation Commission as authorized by Public Law 103-182, [~~\$12,200,000~~]*\$12,499,000*: *Provided*, That of the amount provided under this heading for the International Joint Commission, \$9,000 may be made available for representation expenses.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, [~~\$32,800,000~~]*\$31,445,000*: *Provided*, That the United States share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

THE ASIA FOUNDATION

For a grant to The Asia Foundation, as authorized by The Asia Foundation Act (22 U.S.C. 4402), [~~\$15,400,000~~]*\$17,000,000*, to remain available until expended, as authorized.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act, [~~\$104,000,000~~]*\$103,450,000*, to remain available until expended: *Provided*, That the President of the National Endowment for Democracy shall submit to the Committees on Appropriations not later than 45 days after the date of enactment of this Act a report on the proposed uses of funds under this heading on a regional and country basis.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, [~~\$10,800,000~~]*\$10,800,000*: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

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INTERNATIONAL CENTER, WASHINGTON, D.C.

Not to exceed \$1,806,600 shall be derived from fees collected from other executive agencies for lease or use of facilities at the International Center in accordance with section 4 of the International Center Act, and, in addition, as authorized by section 5 of such Act, \$5,970,150, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section and for development, maintenance and security of additional properties for use as [an International Center] *foreign missions* by foreign governments or international organizations.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, [2013]2014, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program, as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, [2013]2014, to remain available until expended.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund (*Hollings Center*), as authorized by section 633 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (22 U.S.C. 2078), the total amount of the interest and earnings accruing to such Fund on or before September 30, [2013]2014, to remain available until expended.

GENERAL PROVISIONS

State Operations General Provision Text Unchanged From FY 2013 Request

Sec. 7001 DIFFERENTIALS

Sec. 7002 CONSULTING SERVICES

Sec. 7003 EMBASSY CONSTRUCTION

Sec. 7004 PERSONNEL ACTIONS

Sec. 7009 AVAILABILITY OF FUNDS

Sec. 7012 NOTIFICATION REQUIREMENTS

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Sec. 7016 AUTHORIZATION REQUIREMENTS

Sec. 7035 PROHIBITION ON PUBLICITY OR PROPAGANDA

Sec. 7042 PROHIBITION ON THE USE OF TORTURE

Sec. 7049: SCIENCE AND TECHNOLOGY

Sec. 7050 FRAUD PREVENTION AND DETECTION FEES

New or Revised State Operations General Provision Text Requested for FY 2014

LOCAL GUARD CONTRACTS

SEC. 7005. In evaluating proposals for local guard contracts, the Secretary of State shall award contracts in accordance with section 136 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864), except that the Secretary may grant authorization to award such contracts on the basis of best value as determined by a cost-technical tradeoff analysis (as described in Federal Acquisition Regulation part 15.101) [in Iraq, Afghanistan, and Pakistan], notwithstanding subsection (c)(3) of such section: *Provided*, That the authority in this section shall apply to any options for renewal that may be exercised under such contracts [that are awarded during the current fiscal year].

TRANSFER AUTHORITY

SEC. 7008. (a) DEPARTMENT OF STATE AND BROADCASTING BOARD OF GOVERNORS.—

(1) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State under title I of this Act may be transferred between *and merged with* such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers.

(2) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors under title I of this Act may be transferred between *and merged with* such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers.

(3) Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 7012(a) and (b) of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SPECIAL PROVISIONS

SEC. 7024. [(f) CONSOLIDATION OF REPORTS.— The Secretary of State, in coordination with the USAID Administrator, shall submit to the Committees on Appropriations, and other relevant congressional committees, not later than 90 days after enactment of this Act recommendations for the consolidation or combination of reports (including plans and strategies) that are called for by any provision of law to be submitted to the Congress and that are substantially duplicative of others called for by any other provision of law: *Provided*, That reports are considered "substantially duplicative" if they are required to address at least more than half of the same substantive factors, criteria and issues that are required to be addressed by any other report, and any such consolidated report must address all the substantive factors, criteria and issues required to be addressed in each of the individual reports: *Provided further*, That reports affected by this subsection are those within the purview of, or prepared primarily by, the Department of State and USAID and that relate to matters addressed under this Act or any other Act authorizing or appropriating funds for use by, or actions of, the Department of State or USAID.]

[(g)] PROMOTION OF DEMOCRACY.—

(4) *Not to exceed \$4,000,000 in funds made available for democracy promotion assistance programs of the Bureau of Democracy, Human Rights and Labor, Department of State, may be transferred to and merged with funds made available under the heading Diplomatic and Consular Affairs for the administrative costs of democracy promotion assistance programs.*

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([h]g) EXTENSION OF AUTHORITIES.—

(1) Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by substituting "September 30, [2013]2014" for "September 30, 2010".

(2) The authority provided by section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3)) shall remain in effect through September 30, [2013]2014.

(3) The authority contained in section 1115(d) of Public Law 111–32 shall remain in effect through September 30, [2013]2014.

(4) Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) shall be applied by substituting "September 30, [2013]2014" for "October 1, 2010" in paragraph (2)(A) and "September 30, 2009" in paragraph (2)(B).

(5) Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) shall be applied by substituting "September 30, [2013]2014" for "October 1, 2010" in paragraph (2).

(6) Section 625(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied by substituting "September 30, [2013]2014" for "October 1, 2010" in subparagraph (B).

(7) The authority provided by section 1113 of Public Law 111–32 shall remain in effect through September 30, [2013]2014.

(p) *SPECIALIZED AGENCY WAIVERS.* — *The President may waive section 414 of Public Law 101–246 and section 410 of Public Law 103–236 on a case-by-case basis, if the President determines and certifies in writing to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Committees on Appropriations that to do so is important to the national interest of the United States.*

(q) *EXTENSION.*— *Section 1244 of P.L. 110–181, as amended, is further amended by adding at the end of subsection (c)(3)(B) the following new subparagraph: "(C) ADDITIONAL FISCAL YEARS. Any unused balance of the total number of principal aliens who may be provided special immigrant status under this subsection in fiscal years 2008 through 2012 may be carried forward and provided through the end of Fiscal Year 2018, notwithstanding the provisions of subparagraph (A) and (B), and consistent with relevant terms of subsection (b), except that the one year period during which an alien must have been employed in accordance with subsection (b)(1) shall be the period from March 20, 2003 through September 30, 2013, and except that the principal alien seeking special immigrant status under this subparagraph shall apply to the Chief of Mission in accordance with subsection (b)(4) no later than September 30, 2017".*

(r) *EXTENSION.*— *Section 602(b) of Public Law 111–8 is amended by adding at the end of subsection 602(b)(3)(C): "(D) ADDITIONAL FISCAL YEARS. For each of the Fiscal Years 2014 through 2018, the total number of principal aliens who may be provided special immigrant status under this section may not exceed 3,000 per year, except that any unused balance of the total number of principal aliens who may be provided special immigrant status in fiscal years 2014 through 2018, in addition to any unused balance of the total number of principal aliens who may be provided special immigrant status under paragraph (A) of this subsection in fiscal years 2009 through 2013, may be carried forward and provided through the end of Fiscal Year 2019, notwithstanding the provisions of paragraph (C), except that the one year period during which an alien must have been employed in accordance with subsection (b)(2)(A)(ii) shall be the period from October 7, 2001 through December 31, 2014, and except that the principal alien seeking special immigrant status under this subparagraph shall apply to the Chief of Mission in accordance with subsection (b)(2)(D) no later than September 30, 2015.*

AIRCRAFT TRANSFER AND COORDINATION

SEC. 7033. (a) *TRANSFER AUTHORITY.*—Notwithstanding any other provision of law or regulation, aircraft procured with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings "Diplomatic and Consular Programs", "International Narcotics Control and Law Enforcement", "Andean Counterdrug Initiative" and "Andean Counterdrug Programs" may be used for any other program and in any region, including for the transportation of active and standby Civilian Response Corps personnel and equipment during a deployment.

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(b) AIRCRAFT COORDINATION.—

(1) The uses of aircraft purchased or leased by the Department of State and the United States Agency for International Development (USAID) with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs should be coordinated under the authority of the appropriate Chief of Mission: *Provided*, That such aircraft may be used to transport, on a reimbursable or non-reimbursable basis, Federal and non-Federal personnel supporting Department of State and USAID programs and activities: *Provided further*, That official travel for other agencies for other purposes may be supported on a reimbursable basis, or without reimbursement when traveling on a space available basis: *Provided further*, *That in fiscal year 2014, funds received by the Department of State in connection with the use of vehicles or aircraft owned, leased, or chartered by the Department of State may be credited to the applicable account of the Department of State and shall be available for expenses related to the purchase, lease, maintenance, chartering, or operation of such vehicles or aircraft.*

(2) The requirement and authorities of this subsection should only apply to aircraft, the primary purpose of which is the transportation of personnel.

CONFLICT STABILIZATION OPERATIONS

SEC. 7054.

(a) Funds appropriated or made available under this or any other Act for reconstruction and stabilization assistance, including funds that are reprogrammed or transferred to be made available for such purposes, may be made available for such purposes, notwithstanding any other provision of law: *Provided*, That the administrative authorities of the Foreign Assistance Act of 1961 may be utilized for assistance furnished with such funds: *Provided further*, That the President may furnish additional assistance by executing the authorities provided in sections 552(c) and 610 of the Foreign Assistance Act, notwithstanding the percentage and dollar limitations in such sections: *Provided further*, That funds allocated or reprogrammed for purposes of this section shall remain available until expended.

(b) The authority provided by section 618 of the Foreign Assistance Act of 1961 shall remain in effect through [2013]2014.

BORDER CROSSING CARD FEE FOR MINORS

SEC. [7056]7055. Section 410(a)(1)(A) of the Department of State and Related Agencies Appropriations Act, 1999 (Public Law 105–277) is amended by striking "a fee of \$13" and inserting instead "a fee equal to one half the fee that would otherwise apply for processing a machine readable combined border crossing identification card and non-immigrant visa".

BUYING POWER MAINTENANCE, INTERNATIONAL ORGANIZATIONS

SEC. [7057]7056. (a) There may be established in the Treasury of the United States a "Buying Power Maintenance, International Organizations" account.

(b) At the end of each fiscal year, the Secretary of State may transfer to and merge with "Buying Power Maintenance, International Organizations" such amounts from "Contributions to International Organizations" as the Secretary determines are in excess of the needs of activities funded from "Contributions to International Organizations" because of fluctuations in foreign currency exchange rates.

(c) In order to offset adverse fluctuations in foreign currency exchange rates, the Secretary of State may transfer to and merge with "Contributions to International Organizations" such amounts from "Buying Power Maintenance, International Organizations" as the Secretary determines are necessary to provide for the activities funded from "Contributions to International Organizations".

(d)(1) Subject to the limitations contained in this section, not later than the end of the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available for "Contributions to International Organizations", the Secretary of State may transfer any unobligated balance of such funds to the "Buying Power Maintenance, International Organizations" account.

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(2) The balance of the Buying Power Maintenance, International Organizations account may not exceed \$100,000,000 as a result of any transfer under this subsection.

(3) Any transfer pursuant to this subsection shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and shall be available for obligation or expenditure only in accordance with the procedures under such section.

(e)(1) Funds transferred to the "Buying Power Maintenance, International Organizations" account pursuant to this section shall remain available until expended.

(2) The transfer authorities in this section shall be available for funds appropriated for fiscal year [2013]2014 and for each fiscal year thereafter, and are in addition to any transfer authority otherwise available to the Department of State under other provisions of law.

[PEACEKEEPING ASSESSMENT]

[SEC. 7058. Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note) is amended by adding the following at the end : "(vii) for assessments made during calendar years 2011, 2012, and 2013, 27.2 percent".]

IT INNOVATION FUND

SEC. [7059]7057. Of the funds appropriated or otherwise made available for "Diplomatic and Consular Programs" or "Capital Investment Fund" *under Title I of this Act*, up to \$2,000,000 may be made available, including through grants and cooperative agreements, to support training, workshops, conferences, or other programs to enhance the capacity of foreign governments, nongovernmental organizations, and civil society in foreign countries to use technology in support of economic development, education, and health objectives.

DEPARTMENT OF STATE ORGANIZATION

SEC. [7060]7058. (a) Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C 2651a) is amended—

(a) in subsection (c)(1), by striking "24" and inserting "25"; and (b) by revising subsection (e) to read as follows: "The Secretary of State may designate a senior official to be responsible for the overall supervision (including policy oversight of resources) of international counterterrorism activities and to serve as the principal adviser to the Secretary of State on international counterterrorism matters and the principal counterterrorism official within the senior management of the Department of State."

(b) Section 62(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2734(a)) is amended

—
(1) by revising the heading to read as follows: "Coordination of Reconstruction and Stabilization Activities";

(2) by revising paragraph (1) to read as follows: "The Secretary of State may designate a senior official to be responsible for the coordination of reconstruction and stabilization activities";

(3) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(4) in paragraph (2), as redesignated, by striking "Office of the Coordinator for Reconstruction and Stabilization" and inserting in lieu thereof "senior official designated pursuant to paragraph (1)".

TRANSFER OF EXPIRED BALANCES TO THE PROTECTION OF FOREIGN MISSIONS AND OFFICIALS ACCOUNT

SEC. 7059. *The Secretary of State may transfer to and merge with "Protection of Foreign Missions and Officials" unobligated balances of expired, discretionary funds appropriated under the "Diplomatic and Consular Programs" heading for fiscal year 2014 and for each fiscal year thereafter, except for funds designated for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, at no later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for*

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which appropriated: Provided, That no more than \$50,000,000 may be transferred in any single fiscal year.

AUTHORITY TO ISSUE ADMINISTRATIVE SUBPOENAS

SEC. 7060. Section 3486 of Title 18, United States Code, is amended—

(a) In subsection (a)(1)(A)— (1) in clause (ii), by striking "or"; and (2) by adding new clauses (iv) and (v) immediately prior to "may issue in writing and cause to be served a subpoena", as follows: "(iv) an offense under section 878, or a threat against a person, foreign mission or organization authorized to receive protection by special agents of the Department of State and the Foreign Service under paragraph (3) of section 2709 of title 22, if the Assistant Secretary for Diplomatic Security or the Director of the Diplomatic Security Service determines that the threat constituting the offense or threat against the person or place protected is imminent, the Secretary of State; or "(v) an offense under chapter 75, Passports and Visas, the Secretary of State,";

(b) in subsection (a)(9), by striking "(1)(A)(i)(II) or (1)(A)(iii)" and inserting "(1)(A)(i)(II), (1)(A)(iii), (1)(A)(iv), or (1)(A)(v)";

(c) in subsection (a)(10), by inserting before the period, ", and as soon as practicable following issuance of a subpoena under paragraph (1)(A)(iv) the Secretary of State shall notify the Attorney General of its issuance."; and

(d) in subsection (e)(1) by replacing the existing language with the following: "(1) Health information about an individual that is disclosed under this section may not be used in, or disclosed to any person for use in, any administrative, civil, or criminal action or investigation directed against the individual who is the subject of the information unless the action or investigation arises out of and is directly related to receipt of health care or payment for health care or action involving a fraudulent claim related to health; directly relates to the purpose for which the subpoena was authorized under paragraph (a)(1); or if authorized by an appropriate order of a court of competent jurisdiction, granted after application showing good cause therefor."

CONSULAR NOTIFICATION COMPLIANCE

SEC. 7062. (a) Petition for Review.—

(1) Jurisdiction.—Notwithstanding any other provision of law, a Federal court shall have jurisdiction to review the merits of a petition claiming violation of Article 36(1)(b) or (c) of the Vienna Convention on Consular Relations, done at Vienna April 24, 1963, or a comparable provision of a bilateral international agreement addressing consular notification and access, filed by an individual convicted and sentenced to death by any Federal or State court before the date of enactment of this Act.

(2) Standard.—To obtain relief, an individual described in paragraph (1) must make a showing of actual prejudice to the criminal conviction or sentence as a result of the violation. The court may conduct an evidentiary hearing if necessary to supplement the record and, upon a finding of actual prejudice, shall order a new trial or sentencing proceeding.

(3) Limitations.—

(A) Initial Showing.—To qualify for review under this subsection, a petition must make an initial showing that—

(i) a violation of Article 36(1)(b) or (c) of the Vienna Convention on Consular Relations, done at Vienna April 24, 1963, or a comparable provision of a bi-lateral international agreement addressing consular notification and access, occurred with respect to the individual described in paragraph (1); and (ii) if such violation had not occurred, the consulate would have provided assistance to the individual.

(B) Effect of Prior Adjudication.—A petition for review under this subsection shall not be granted if the claimed violation described in paragraph (1) has previously been adjudicated on the merits by a Federal or State court of competent jurisdiction in a proceeding in which no Federal or State procedural bars were raised with respect to such violation and in which the court provided review equivalent to the review provided in this subsection, unless the adjudication of the claim resulted in a decision that was based on

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an unreasonable determination of the facts in light of the evidence presented in the prior Federal or State court proceeding.

(C) Filing Deadline.—A petition for review under this subsection shall be filed within 1 year of the later of—

(i) the date of enactment of this Act; (ii) the date on which the Federal or State court judgment against the individual described in paragraph (1) became final by the conclusion of direct review or the expiration of the time for seeking such review; or (iii) the date on which the impediment to filing a petition created by Federal or State action in violation of the Constitution or laws of the United States is removed, if the individual described in paragraph (1) was prevented from filing by such Federal or State action.

(D) Tolling.—The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward the 1-year period of limitation.

(E) Time Limit for Review.—A Federal court shall give priority to a petition for review filed under this subsection over all noncapital matters. With respect to a petition for review filed under this subsection and claiming only a violation described in paragraph (1), a Federal court shall render a final determination and enter a final judgment not later than one year after the date on which the petition is filed.

(4) Habeas Petition.—A petition for review under this subsection shall be part of the first Federal habeas corpus application or motion for Federal collateral relief under chapter 153 of title 28, United States Code, filed by an individual, except that if an individual filed a Federal habeas corpus application or motion for Federal collateral relief before the date of enactment of this Act or if such application is required to be filed before the date that is 1 year after the date of enactment of this Act, such petition for review under this subsection shall be filed not later than 1 year after the enactment date or within the period prescribed by paragraph (3)(C)(iii), whichever is later. No petition filed in conformity with the requirements of the preceding sentence shall be considered a second or successive habeas corpus application or subjected to any bars to relief based on preenactment proceedings other than as specified in paragraph (2).

(5) Referral to Magistrate.—A Federal court acting under this subsection may refer the petition for review to a Federal magistrate for proposed findings and recommendations pursuant to 28 U.S.C. 636(b)(1)(B).

(6) Appeal.—

(A) In General.—A final order on a petition for review under paragraph (1) shall be subject to review on appeal by the court of appeals for the circuit in which the proceeding is held.

(B) Appeal by Petitioner.—An individual described in paragraph (1) may appeal a final order on a petition for review under paragraph (1) only if a district or circuit judge issues a certificate of appealability. A district or circuit court judge shall issue or deny a certificate of appealability not later than 30 days after an application for a certificate of appealability is filed. A district judge or circuit judge may issue a certificate of appealability under this subparagraph if the individual has made a substantial showing of actual prejudice to the criminal conviction or sentence of the individual as a result of a violation described in paragraph (1).

(b) Violation.—

(1) In General.—An individual not covered by subsection (a) who is arrested, detained, or held for trial on a charge that would expose the individual to a capital sentence if convicted may raise a claim of a violation of Article 36(1)(b) or (c) of the Vienna Convention on Consular Relations, done at Vienna April 24, 1963, or of a comparable provision of a bilateral international agreement addressing consular notification and access, at a reasonable time after the individual becomes aware of the violation, before the court with jurisdiction over the charge. Upon a finding of such a violation—

(A) the consulate of the foreign state of which the individual is a national shall be notified immediately by the detaining authority, and consular access to the individual shall be afforded in accordance with the provisions of the Vienna Convention on Consular Relations, done at Vienna April 24, 1963, or the

LEGISLATIVE LANGUAGE

comparable provisions of a bilateral international agreement addressing consular notification and access; and

(B) the court—

(i) shall postpone any proceedings to the extent the court determines necessary to allow for adequate opportunity for consular access and assistance; and

(ii) may enter necessary orders to facilitate consular access and assistance.

(2) Evidentiary Hearings.—The court may conduct evidentiary hearings if necessary to resolve factual issues.

(3) Rule of Construction.—Nothing in this subsection shall be construed to create any additional remedy.

(c) Definitions.—In this section—

(1) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(d) Applicability.—The provisions of this section shall apply during the current fiscal year and hereafter.

OVERSEAS CONTINGENCY OPERATIONS

SEC. 8001. Unless otherwise provided for in this Act, the additional amounts appropriated by this [title]Act and designated for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, to appropriations accounts in this Act shall be available under the authorities and conditions applicable to such appropriations accounts.

SEC. 8003. Funds appropriated by this Act [title]and designated for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, under the [headings "Diplomatic and Consular Programs", "Office of Inspector General", "USAID Operating Expenses", and "USAID Office of Inspector General",]heading "Administration of Foreign Affairs" may be transferred to, and merged with, funds appropriated by this [title]Act under such [headings]heading: *Provided*, That such transfers shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the transfer authority in this section is in addition to any transfer authority otherwise available under any other provision of law.

SEC. 8005. Funds transferred to, or funds appropriated under, the heading "Peacekeeping Operations" in prior Acts making appropriations for the Department of State, Foreign Operations, and Related Programs and designated for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, may be used to pay assessed expenses of international peacekeeping activities in Somalia.

STATE PROGRAMS

Proposed Appropriation Language

ADMINISTRATION OF FOREIGN AFFAIRS DIPLOMATIC AND CONSULAR PROGRAMS (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, [~~\$7,068,618,850~~]~~\$7,282,363,000~~, of which [~~\$1,428,468,000~~]~~\$1,791,174,000~~ is for Worldwide Security Protection (to remain available until expended): *Provided*, That funds made available under this heading shall be allocated as follows:

(1) Human resources.—For necessary expenses for training, human resources management, and salaries, including employment without regard to civil service and classification laws of persons on a temporary basis (not to exceed \$700,000), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, [~~\$2,469,095,000~~]~~\$2,585,999,000~~, to remain available until September 30, [2014]2015, of which not less than [~~\$130,874,000~~]~~\$131,713,000~~ shall be available only for public diplomacy American salaries, and up to [~~\$218,110,000~~]~~\$255,866,000~~ is for Worldwide Security Protection and shall remain available until expended.

(2) Overseas programs.—For necessary expenses for the regional bureaus of the Department of State and overseas activities as authorized by law, [~~\$2,270,168,000~~]~~\$2,243,836,000~~, to remain available until September 30, [2014]2015, of which not less than [~~\$376,551,000~~]~~\$369,589,000~~ shall be available only for public diplomacy international information programs.

(3) Diplomatic policy and support.—For necessary expenses for the functional bureaus of the Department of State including representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress, general administration, and arms control, nonproliferation and disarmament activities as authorized, [~~\$864,610,850~~]~~\$813,005,000~~, to remain available until September 30, [2014]2015.

(4) Security programs.—For necessary expenses for security activities, [~~\$1,464,745,000~~]~~\$1,639,523,000~~, to remain available until September 30, [2014]2015, of which [~~\$1,210,358,000~~]~~\$1,535,308,000~~ is for Worldwide Security Protection and shall remain available until expended.

(5) Fees and payments collected.—In addition to amounts otherwise made available under this heading—
(A) as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed \$5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and
(B) not to exceed \$15,000, which shall be derived from reimbursements, surcharges and fees for use of Blair House facilities.

(6) Transfer, reprogramming, and other matters.—

(A) Notwithstanding any provision of this Act, funds may be reprogrammed within and between subsections under this heading subject to section 7012 of this Act;

(B) Of the amount made available under this heading, not to exceed \$10,000,000 may be transferred to, and merged with, funds made available by this Act under the heading "Emergencies in the Diplomatic and Consular Service", to be available only for emergency evacuations and rewards, as authorized; and

(C) Funds appropriated under this heading are available for acquisition by exchange or purchase of passenger motor vehicles as authorized by law and, pursuant to 31 U.S.C. 1108(g), for the field examination of programs and activities in the United States funded from any account contained in this title.

(D) Of the amount made available under this heading, not to exceed \$1,000,000 may be transferred to, and merged with, funds made available by this Act under the heading Representation Allowances, to be available for official representation activities, as authorized.

LOCAL GUARD CONTRACTS

SEC. 7005. In evaluating proposals for local guard contracts, the Secretary of State shall award contracts in accordance with section 136 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864), except that the Secretary may grant authorization to award such contracts on the basis of best value as determined by a cost-technical tradeoff analysis (as described in Federal Acquisition Regulation part 15.101) [in Iraq, Afghanistan, and Pakistan], notwithstanding subsection (c)(3) of such section: *Provided*, That the authority in this section shall apply to any options for renewal that may be exercised under such contracts [that are awarded during the current fiscal year].

SPECIAL PROVISIONS

SEC. 7024([g]f) PROMOTION OF DEMOCRACY.—

(4) Not to exceed \$4,000,000 in funds made available for democracy promotion assistance programs of the Bureau of Democracy, Human Rights and Labor, Department of State, may be transferred to and merged with funds made available under the heading Diplomatic and Consular Affairs for the administrative costs of democracy promotion assistance programs.

([h]g) EXTENSION OF AUTHORITIES.—

(1) Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by substituting "September 30, [2013]2014" for "September 30, 2010".

(2) The authority provided by section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3)) shall remain in effect through September 30, [2013]2014.

(3) The authority contained in section 1115(d) of Public Law 111–32 shall remain in effect through September 30, [2013]2014.

(4) Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) shall be applied by substituting "September 30, [2013]2014" for "October 1, 2010" in paragraph (2)(A) and "September 30, 2009" in paragraph (2)(B).

(5) Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) shall be applied by substituting "September 30, [2013]2014" for "October 1, 2010" in paragraph (2).

(6) Section 625(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied by substituting "September 30, [2013]2014" for "October 1, 2010" in subparagraph (B).

(7) The authority provided by section 1113 of Public Law 111–32 shall remain in effect through September 30, [2013]2014.

(g) EXTENSION.— Section 1244 of P.L. 110–181, as amended, is further amended by adding at the end of subsection (c)(3)(B) the following new subparagraph: "(C). ADDITIONAL FISCAL YEARS. Any unused balance of the total number of principal aliens who may be provided special immigrant status under this subsection in fiscal years 2008 through 2012 may be carried forward and provided through the end of Fiscal Year 2018, notwithstanding the provisions of subparagraph (A) and (B), and consistent with relevant terms of subsection (b), except that the one year period during which an alien must have been employed in accordance with subsection (b)(1) shall be the period from March 20, 2003 through September 30, 2013, and except that the principal alien seeking special immigrant status under this subparagraph shall apply to the Chief of Mission in accordance with subsection (b)(4) no later than September 30, 2017".

(r) EXTENSION.— Section 602(b) of Public Law 111–8 is amended by adding at the end of subsection 602(b)(3)(C): "(D) ADDITIONAL FISCAL YEARS. For each of the Fiscal Years 2014 through 2018, the total number of principal aliens who may be provided special immigrant status under this section may not exceed 3,000 per year, except that any unused balance of the total number of principal aliens who may be provided special immigrant status in fiscal years 2014 through 2018, in addition to any unused balance of the total number of principal aliens who may be provided special immigrant status under paragraph (A) of this subsection in fiscal years 2009 through 2013, may be carried forward and provided through the end of Fiscal Year 2019, notwithstanding the provisions of paragraph (C), except that the one year period during which an alien must have been employed in accordance with subsection (b)(2)(A)(ii) shall be the period from October 7, 2001 through December 31, 2014, and except that the principal alien seeking

special immigrant status under this subparagraph shall apply to the Chief of Mission in accordance with subsection (b)(2)(D) no later than September 30, 2015.

AIRCRAFT TRANSFER AND COORDINATION

SEC. 7033. (a) TRANSFER AUTHORITY.—Notwithstanding any other provision of law or regulation, aircraft procured with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings "Diplomatic and Consular Programs", "International Narcotics Control and Law Enforcement", "Andean Counterdrug Initiative" and "Andean Counterdrug Programs" may be used for any other program and in any region, including for the transportation of active and standby Civilian Response Corps personnel and equipment during a deployment.

(b) AIRCRAFT COORDINATION.—

(1) The uses of aircraft purchased or leased by the Department of State and the United States Agency for International Development (USAID) with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs should be coordinated under the authority of the appropriate Chief of Mission: *Provided*, That such aircraft may be used to transport, on a reimbursable or non-reimbursable basis, Federal and non-Federal personnel supporting Department of State and USAID programs and activities: *Provided further*, That official travel for other agencies for other purposes may be supported on a reimbursable basis, or without reimbursement when traveling on a space available basis: *Provided further*, *That in fiscal year 2014, funds received by the Department of State in connection with the use of vehicles or aircraft owned, leased, or chartered by the Department of State may be credited to the applicable account of the Department of State and shall be available for expenses related to the purchase, lease, maintenance, chartering, or operation of such vehicles or aircraft.*

(2) The requirement and authorities of this subsection should only apply to aircraft, the primary purpose of which is the transportation of personnel.

BORDER CROSSING CARD FEE FOR MINORS

SEC. [7056]7055. Section 410(a)(1)(A) of the Department of State and Related Agencies Appropriations Act, 1999 (Public Law 105–277) is amended by striking "a fee of \$13" and inserting instead "a fee equal to one half the fee that would otherwise apply for processing a machine readable combined border crossing identification card and non-immigrant visa".

DEPARTMENT OF STATE ORGANIZATION

SEC. [7060]7058. (a) Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C 2651a) is amended—

(a) in subsection (c)(1), by striking "24" and inserting "25"; and (b) by revising subsection (e) to read as follows: "The Secretary of State may designate a senior official to be responsible for the overall supervision (including policy oversight of resources) of international counterterrorism activities and to serve as the principal adviser to the Secretary of State on international counterterrorism matters and the principal counterterrorism official within the senior management of the Department of State."

(b) Section 62(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2734(a)) is amended

(1) by revising the heading to read as follows: "Coordination of Reconstruction and Stabilization Activities";

(2) by revising paragraph (1) to read as follows: "The Secretary of State may designate a senior official to be responsible for the coordination of reconstruction and stabilization activities";

(3) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(4) in paragraph (2), as redesignated, by striking "Office of the Coordinator for Reconstruction and Stabilization" and inserting in lieu thereof "senior official designated pursuant to paragraph (1)".

AUTHORITY TO ISSUE ADMINISTRATIVE SUBPOENAS

SEC. 7060. Section 3486 of Title 18, United States Code, is amended—

(a) In subsection (a)(1)(A)— (1) in clause (ii), by striking "or"; and (2) by adding new clauses (iv) and (v) immediately prior to "may issue in writing and cause to be served a subpoena", as follows: "(iv) an offense under section 878, or a threat against a person, foreign mission or organization authorized to receive protection by special agents of the Department of State and the Foreign Service under paragraph (3) of section 2709 of title 22, if the Assistant Secretary for Diplomatic Security or the Director of the Diplomatic Security Service determines that the threat constituting the offense or threat against the person or place protected is imminent, the Secretary of State; or "(v) an offense under chapter 75, Passports and Visas, the Secretary of State,";

(b) in subsection (a)(9), by striking "(1)(A)(i)(II) or (1)(A)(iii)" and inserting "(1)(A)(i)(II), (1)(A)(iii), (1)(A)(iv), or (1)(A)(v)";

(c) in subsection (a)(10), by inserting before the period, ", and as soon as practicable following issuance of a subpoena under paragraph (1)(A)(iv) the Secretary of State shall notify the Attorney General of its issuance."; and

(d) in subsection (e)(1) by replacing the existing language with the following: "(1) Health information about an individual that is disclosed under this section may not be used in, or disclosed to any person for use in, any administrative, civil, or criminal action or investigation directed against the individual who is the subject of the information unless the action or investigation arises out of and is directly related to receipt of health care or payment for health care or action involving a fraudulent claim related to health; directly relates to the purpose for which the subpoena was authorized under paragraph (a)(1); or if authorized by an appropriate order of a court of competent jurisdiction, granted after application showing good cause therefor."

CONSULAR NOTIFICATION COMPLIANCE

SEC. 7062. (a) Petition for Review.—

(1) Jurisdiction.—Notwithstanding any other provision of law, a Federal court shall have jurisdiction to review the merits of a petition claiming violation of Article 36(1)(b) or (c) of the Vienna Convention on Consular Relations, done at Vienna April 24, 1963, or a comparable provision of a bilateral international agreement addressing consular notification and access, filed by an individual convicted and sentenced to death by any Federal or State court before the date of enactment of this Act.

(2) Standard.—To obtain relief, an individual described in paragraph (1) must make a showing of actual prejudice to the criminal conviction or sentence as a result of the violation. The court may conduct an evidentiary hearing if necessary to supplement the record and, upon a finding of actual prejudice, shall order a new trial or sentencing proceeding.

(3) Limitations.—

(A) Initial Showing.—To qualify for review under this subsection, a petition must make an initial showing that—

(i) a violation of Article 36(1)(b) or (c) of the Vienna Convention on Consular Relations, done at Vienna April 24, 1963, or a comparable provision of a bi-lateral international agreement addressing consular notification and access, occurred with respect to the individual described in paragraph (1); and (ii) if such violation had not occurred, the consulate would have provided assistance to the individual.

(B) Effect of Prior Adjudication.—A petition for review under this subsection shall not be granted if the claimed violation described in paragraph (1) has previously been adjudicated on the merits by a Federal or State court of competent jurisdiction in a proceeding in which no Federal or State procedural bars were raised with respect to such violation and in which the court provided review equivalent to the review provided in this subsection, unless the adjudication of the claim resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the prior Federal or State court proceeding.

(C) Filing Deadline.—A petition for review under this subsection shall be filed within 1 year of the later of—

(i) the date of enactment of this Act; (ii) the date on which the Federal or State court judgment against the individual described in paragraph (1) became final by the conclusion of direct review or the expiration of the time for seeking such review; or (iii) the date on which the impediment to filing a petition created by Federal or State action in violation of the Constitution or laws of the United States is removed, if the individual described in paragraph (1) was prevented from filing by such Federal or State action.

(D) Tolling.—The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward the 1-year period of limitation.

(E) Time Limit for Review.—A Federal court shall give priority to a petition for review filed under this subsection over all noncapital matters. With respect to a petition for review filed under this subsection and claiming only a violation described in paragraph (1), a Federal court shall render a final determination and enter a final judgment not later than one year after the date on which the petition is filed.

(4) Habeas Petition.—A petition for review under this subsection shall be part of the first Federal habeas corpus application or motion for Federal collateral relief under chapter 153 of title 28, United States Code, filed by an individual, except that if an individual filed a Federal habeas corpus application or motion for Federal collateral relief before the date of enactment of this Act or if such application is required to be filed before the date that is 1 year after the date of enactment of this Act, such petition for review under this subsection shall be filed not later than 1 year after the enactment date or within the period prescribed by paragraph (3)(C)(iii), whichever is later. No petition filed in conformity with the requirements of the preceding sentence shall be considered a second or successive habeas corpus application or subjected to any bars to relief based on preenactment proceedings other than as specified in paragraph (2).

(5) Referral to Magistrate.—A Federal court acting under this subsection may refer the petition for review to a Federal magistrate for proposed findings and recommendations pursuant to 28 U.S.C. 636(b)(1)(B).

(6) Appeal.—

(A) In General.—A final order on a petition for review under paragraph (1) shall be subject to review on appeal by the court of appeals for the circuit in which the proceeding is held.

(B) Appeal by Petitioner.—An individual described in paragraph (1) may appeal a final order on a petition for review under paragraph (1) only if a district or circuit judge issues a certificate of appealability. A district or circuit court judge shall issue or deny a certificate of appealability not later than 30 days after an application for a certificate of appealability is filed. A district judge or circuit judge may issue a certificate of appealability under this subparagraph if the individual has made a substantial showing of actual prejudice to the criminal conviction or sentence of the individual as a result of a violation described in paragraph (1).

(b) Violation.—

(1) In General.—An individual not covered by subsection (a) who is arrested, detained, or held for trial on a charge that would expose the individual to a capital sentence if convicted may raise a claim of a violation of Article 36(1)(b) or (c) of the Vienna Convention on Consular Relations, done at Vienna April 24, 1963, or of a comparable provision of a bilateral international agreement addressing consular notification and access, at a reasonable time after the individual becomes aware of the violation, before the court with jurisdiction over the charge. Upon a finding of such a violation—

(A) the consulate of the foreign state of which the individual is a national shall be notified immediately by the detaining authority, and consular access to the individual shall be afforded in accordance with the provisions of the Vienna Convention on Consular Relations, done at Vienna April 24, 1963, or the comparable provisions of a bilateral international agreement addressing consular notification and access; and

(B) the court—

(i) shall postpone any proceedings to the extent the court determines necessary to allow for adequate opportunity for consular access and assistance; and

(ii) *may enter necessary orders to facilitate consular access and assistance.*

(2) *Evidentiary Hearings.—The court may conduct evidentiary hearings if necessary to resolve factual issues.*

(3) *Rule of Construction.—Nothing in this subsection shall be construed to create any additional remedy.*

(c) *Definitions.—In this section—*

(1) *the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.*

(d) *Applicability.—The provisions of this section shall apply during the current fiscal year and hereafter.*

DIPLOMATIC AND CONSULAR PROGRAMS

(Overseas contingency operations)

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Diplomatic and Consular Programs", [~~\$4,311,745,000~~]~~\$1,199,491,000~~, to remain available until September 30, [2014]2015; of which [~~\$721,527,000~~]~~\$390,961,000~~, to remain available until expended, is for Worldwide Security Protection; of which up to \$525,000,000, to remain available until expended, may be used for construction and other necessary expenses for carrying out the Foreign Service Buildings Act of 1926, and which shall be in addition to funds otherwise appropriated for such purposes]: *Provided*, That the Secretary of State may transfer up to [~~\$150,000,000~~]~~\$100,000,000~~ of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon the concurrence of the head of such department or agency, to support operations in and assistance for Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961: *Provided further*, That any such transfer shall be treated as a reprogramming of funds under section [7015]7012 (a) and (b) of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That such amount shall be available only if the President designates such amount for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A).

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, [~~\$83,300,000~~]~~\$76,900,000~~, to remain available until expended, as authorized: *Provided*, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

IT INNOVATION FUND

SEC. [7059]7057. Of the funds appropriated or otherwise made available for "Diplomatic and Consular Programs" or "Capital Investment Fund" *under Title I of this Act*, up to \$2,000,000 may be made available, including through grants and cooperative agreements, to support training, workshops, conferences, or other programs to enhance the capacity of foreign governments, nongovernmental organizations, and civil society in foreign countries to use technology in support of economic development, education, and health objectives.