

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.

LEGISLATIVE LANGUAGE

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

LEGISLATIVE LANGUAGE

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.*

LEGISLATIVE LANGUAGE

([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.

LEGISLATIVE LANGUAGE

(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.

LEGISLATIVE LANGUAGE

(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*

LEGISLATIVE LANGUAGE

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

LEGISLATIVE LANGUAGE

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.