

# DEPARTMENT OF STATE FEE COLLECTIONS

## *Overview*

Like other U.S. Government agencies, the Department of State 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, fees for the use of the National Foreign Affairs Training Center authorized in section 53 of the State Department Basic Authorizations Act of 1956 (22 U.S.C. 2725). While certain of these fees are required to be deposited into miscellaneous receipts, a number of fee authorities specifically permit the Department to charge and retain the fees collected. The following section cites the authority for major fee collections and notes the use of each fee.

## *Fee Collections by Bureau*

### **Bureau of Consular Affairs:**

#### **Machine Readable Visa Fees**

Section 140 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (P.L. 102-236), as amended, 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. These fees finance much of the Department's Border Security Program.

#### **Expedited Passport Fees**

The Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1995 (P.L. 103-317) authorizes the Department to charge and retain a fee for expedited passport services, to be deposited as an offsetting collection. These fee receipts currently are dedicated to 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 (P.L. 108-447) authorizes the Department to charge and retain surcharges for biometric security related to the issuance of passports and immigrant visas. These fees finance a significant portion of the Department's Border Security Program.

#### **H-1B and L Fraud Prevention and Detection Fee**

Section 426 of the Consolidated Appropriations Act, 2005 (P. L. 108-447) authorizes one-third of fees collected by the Department of Homeland Security for H-1B and L applications to be deposited into a Department of State account for the prevention and detection of fraud related to H-1B and L visas. Section 402 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terrorism and Tsunami Relief (Public Law 109-13) expands the program to cover H-2B visas. These fees are part of the Department's Border Security Program.

#### **Western Hemisphere Travel Surcharge**

The recently enacted Passport Services Enhancement Act of 2005 (P.L. 109-167) authorizes the Department to charge a fee to meet increased demand for passports as a result of the Department's implementation of the Western Hemisphere Travel Initiative. This program, enacted through Section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), requires the Secretary of Homeland Security, in consultation with the Secretary of State, to develop and implement a plan by January 2008 that requires U.S. citizens and certain non-U.S. citizens to present a passport or other secure documentation proving identity and citizenship when entering the United States.

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## **Diversity Visa Fees**

Section 636 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104-208) provides that the State Department 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.

## **FBI Fingerprint Fees**

The Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1995 (P.L. 103-317) provides that thereafter all receipts received from an increase in the charge for immigration visas attributable to the cost of processing an applicant's fingerprints shall be deposited as an offsetting collection. This allows State to pass on to the visa applicant the cost of FBI fingerprint checks, for which the FBI charges State a fee.

## **Affidavit of Support Fees**

Section 232 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, 2000 and 2001 (P.L. 106-113), as amended, authorizes the Department to charge and retain fees relating to affidavits of support required under section 213A of the Immigration and Nationality Act. These fee collections are available until expended and are deposited as an offsetting collection to recover the cost of providing consular services.

## **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 Political Military Affairs:**

### **Defense Trade Control Fees**

Registration fees are charged by the Office of Defense Trade Controls in accordance with Section 45 of the State Department Basic Authorities Act (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.

## **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 are available until expended from the following:

- English Teaching Program
- Library Program
- Publication Program
- Book Program
- Student Advising Program
- Exchange Visitor Services.

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## **Foreign Service Institute:**

### **Fees for Use of National Foreign Affairs Training Center**

Section 53 of the State Department Basic Authorities Act (22 U.S.C. 2725) authorizes the Secretary to charge a fee for use of the National Foreign Affairs Training Center of the Department of State. Amounts collected (including reimbursements and surcharges) are deposited as an offsetting collection to Department of State appropriations to recover the costs of such use and remain available for obligation until expended.

## **Bureau of Administration:**

### **Fees for Use of Diplomatic Reception Rooms**

Section 54 of the State Department Basic Authorities Act (22 U.S.C. 2726) authorizes the Secretary to charge a fee for use of the diplomatic reception rooms of the Department of State. Amounts collected (including reimbursements and surcharges) are deposited as an offsetting collection to Department of State appropriations to recover the costs of such use and remain available for obligation until expended.

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(\$ in thousands)

Revenue Source	FY 2005 Actual	FY 2006 Estimate	FY 2007 Request
<b>Machine Readable Visas Processing Fees</b>			
Carryforward Allocations	97,331	65,629	-
Prior Year Collections Unallocated	114,315	142,485	98,277
Current Year Collections Projected (Net)	629,213	629,213	629,213
Total Collections Available	840,859	837,327	727,490
Carryforward Allocations Planned	30,284	5,048	-
Current Year Allocation Plan	668,090	734,002	682,969
Total Allocations	698,374	739,050	682,969
Carryforward Allocations Returned	67,047	60,581	-
Unallocated Collections	75,438	37,696	44,521
Ending Unallocated Collections	142,485	98,277	44,521
<b>Western Hemisphere Travel Surcharge</b>			
Carryforward Allocations	-	-	-
Prior Year Collections Unallocated	-	-	-
Current Year Collections Projected (Net)	-	48,000	120,000
Total Collections Available	-	48,000	120,000
Carryforward Allocations Planned	-	-	-
Current Year Allocation Plan	-	48,000	120,000
Total Allocations	-	48,000	120,000
Carryforward Allocations Returned	-	-	-
Unallocated Collections	-	-	-
Ending Unallocated Collections	-	-	-
<b>Passport Security Surcharge</b>			
Carryforward Allocations	-	-	-
Prior Year Collections Unallocated	-	12,628	12,628
Current Year Collections Projected (Net)	67,116	144,000	262,500
Total Collections Available	67,116	156,628	275,128
Carryforward Allocations Planned	-	-	-
Current Year Allocation Plan	54,488	144,000	262,500
Total Allocations	54,488	144,000	262,500
Carryforward Allocations Returned	-	-	-
Unallocated Collections	12,628	12,628	12,628
Ending Unallocated Collections	12,628	12,628	12,628
<b>Immigrant Visa Security Surcharge</b>			
Carryforward Allocations	-	-	-
Prior Year Collections Unallocated	-	6,889	6,889
Current Year Collections Projected (Net)	15,889	16,400	16,400
Total Collections Available	15,889	23,289	23,289
Carryforward Allocations Planned	-	-	-
Current Year Allocation Plan	9,000	16,400	16,400
Total Allocations	9,000	16,400	16,400
Carryforward Allocations Returned	-	-	-
Unallocated Collections	6,889	6,889	6,889
Ending Unallocated Collections	6,889	6,889	6,889

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Revenue Source	FY 2005 Actual	FY 2006 Estimate	FY 2007 Request
<b>Diversity Fee (Border Security)</b>			
Carryforward Allocations	-	-	-
Prior Year Collections Unallocated	-	2,000	2,000
Current Year Collections Projected (Net)	10,000	15,100	15,100
Total Collections Available	10,000	17,100	17,100
Carryforward Allocations Planned	-	-	-
Current Year Allocation Plan	8,000	15,100	15,100
Total Allocations	8,000	15,100	15,100
Carryforward Allocations Returned	-	-	-
Unallocated Collections	2,000	2,000	2,000
Ending Unallocated Collections	2,000	2,000	2,000
<b>H-1B and L Visa Fraud Detection Fee</b>			
Carryforward Allocations	-	-	-
Prior Year Collections Unallocated	-	28,534	28,534
Current Year Collections Projected (Net)	28,534	31,800	31,800
Total Collections Available	28,534	60,334	60,334
Carryforward Allocations Planned	-	-	-
Current Year Allocation Plan	-	31,800	31,800
Total Allocations	-	31,800	31,800
Carryforward Allocations Returned	-	-	-
Unallocated Collections	28,534	28,534	28,534
Ending Unallocated Collections	28,534	28,534	28,534
<b>Visa Fingerprint Fees</b>			
Carryforward Allocations	-	-	-
Prior Year Collections Unallocated	7,459	10,618	12,278
Current Year Collections Projected (Net)	4,359	2,860	2,860
Total Collections Available	11,818	13,478	15,138
Carryforward Allocations Planned	-	-	-
Current Year Allocation Plan	1,200	1,200	1,500
Total Allocations	1,200	1,200	1,500
Carryforward Allocations Returned	-	-	-
Unallocated Collections	10,618	12,278	13,638
Ending Unallocated Collections	10,618	12,278	13,638
<b>Affidavit of Support Fees</b>			
Carryforward Allocations	-	-	-
Prior Year Collections Unallocated	10,560	20,513	19,313
Current Year Collections Projected (Net)	26,753	19,000	19,000
Total Collections Available	37,313	39,513	38,313
Carryforward Allocations Planned	-	-	-
Current Year Allocation Plan	16,800	20,200	24,240
Total Allocations	16,800	20,200	24,240
Carryforward Allocations Returned	-	-	-
Unallocated Collections	20,513	19,313	14,073
Ending Unallocated Collections	20,513	19,313	14,073

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Revenue Source	FY 2005 Actual	FY 2006 Estimate	FY 2007 Request
<b>Diversity Lottery Fees</b>			
Carryforward Allocations	-	-	-
Prior Year Collections Unallocated	4,955	3,524	2,724
Current Year Collections Projected (Net)	3,869	5,500	5,500
Total Collections Available	8,824	9,024	8,224
Carryforward Allocations Planned	-	-	-
Current Year Allocation Plan	5,300	6,300	7,500
Total Allocations	5,300	6,300	7,500
Carryforward Allocations Returned	-	-	-
Unallocated Collections	3,524	2,724	724
Ending Unallocated Collections	3,524	2,724	724
<b>Expedited Passport Fees</b>			
Carryforward Allocations	4,440	10,045	-
Prior Year Collections Unallocated	2,071	18,612	25,052
Current Year Collections Projected (Net)	142,651	160,000	202,000
Total Collections Available	149,162	188,657	227,052
Carryforward Allocations Planned	4,440	10,045	-
Current Year Allocation Plan	126,110	153,560	207,643
Total Allocations	130,550	163,605	207,643
Carryforward Allocations Returned	-	-	-
Unallocated Collections	18,612	25,052	19,409
Ending Unallocated Collections	18,612	25,052	19,409
<b>Defense Trade Control Fees</b>			
Carryforward Allocations	1,191	-	-
Prior Year Collections Unallocated	-	1,018	-
Current Year Collections Projected (Net)	5,309	5,310	5,310
Total Collections Available	6,500	6,328	5,310
Carryforward Allocations Planned	1,191	-	-
Current Year Allocation Plan	4,291	6,328	5,310
Total Allocations	5,482	6,328	5,310
Carryforward Allocations Returned	-	-	-
Unallocated Collections	1,018	-	-
Ending Unallocated Collections	1,018	-	-
<b>Commercial Service Fees</b>			
Carryforward Allocations	-	-	-
Prior Year Collections Unallocated	7	1	-
Current Year Collections Projected (Net)	16	16	20
Total Collections Available	23	17	20
Carryforward Allocations Planned	-	-	-
Current Year Allocation Plan	22	17	20
Total Allocations	22	17	20
Carryforward Allocations Returned	-	-	-
Unallocated Collections	1	-	-
Ending Unallocated Collections	1	-	-

## DEPARTMENT OF STATE FEE COLLECTIONS

Revenue Source	FY 2005 Actual	FY 2006 Estimate	FY 2007 Request
<b>Sec. 810 USI &amp; EE Act Fees</b>			
Carryforward Allocations	4,872	-	-
Prior Year Collections Unallocated	47	2,545	2,545
Current Year Collections Projected (Net)	4,170	6,000	6,000
Total Collections Available	11,587	8,545	8,545
Carryforward Allocations Planned	4,872	-	-
Current Year Allocation Plan	4,170	6,000	6,000
Total Allocations	9,042	6,000	6,000
Carryforward Allocations Returned	-	-	-
Unallocated Collections	2,545	2,545	2,545
Ending Unallocated Collections	2,545	2,545	2,545

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### Note on Changes:

This section explains changes in the text of appropriations language other than changes in dollar amounts or fiscal year designations. Proposed deletions are denoted by enclosures in brackets [] and strikethrough text. Proposed insertions are denoted by *bold italics*.

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### DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed \$700,000 of this appropriation), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948; 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; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, ~~[\$3,680,019,000]~~ *\$3,856,703,000: Provided, [That not to exceed 71 permanent positions and \$9,804,000 shall be for the Bureau of Legislative Affairs: Provided further,]* That of the amount made available under this heading, not to exceed \$4,000,000 may be transferred to, and merged with, funds in the “Emergencies in the Diplomatic and Consular Service” appropriations account, to be available only for emergency evacuations and terrorism rewards: ~~[Provided further, That of the amount made available under this heading, not less than \$334,000,000 shall be available only for public diplomacy international information programs: Provided further, That of the amount made available under this heading, not less than \$2,000,000 shall be for a contribution to the Scholar Rescue Fund endowment: Provided further, That of the amount made available under this heading, \$3,000,000 shall be available only for the operations of the Office on Right Sizing the United States Government Overseas Presence:]~~ *Provided further,* That funds available under this heading may be available for a United States Government interagency task force to examine, coordinate and oversee United States participation in the United Nations headquarters renovation project: ~~[Provided further, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People’s Republic of China unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action:]~~ *Provided further,* That funds appropriated under this heading are available, 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.

In addition, not to exceed ~~[\$1,469,000]~~ *\$1,513,000* shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act; in addition, as authorized by section 5 of such Act, \$490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed \$6,000,000, 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, in addition, not to exceed \$15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security upgrades, ~~[\$689,523,000]~~ *\$795,170,000*, to remain available until expended.

***In addition, beginning in FY 2007 and thereafter, the Secretary of State is authorized to amend administratively the amounts of the surcharges related to consular services in support of enhanced***

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*border security that are in addition to the passport and immigrant visa fees provided for prior to enactment of the Consolidated Appropriations Act, 2005 (P.L. 108-447). (Department of State and Related Agency Appropriations Act, 2006.)*

Proposed Changes:

- (1) The first deletion eliminates an FTE ceiling and earmark that unduly restrict the Secretary's ability to manage the Department and allocate resources to meet mission needs and goals.
- (2) The second deletion eliminates three earmarks (relating to public diplomacy, the Scholar Rescue Fund, and right-sizing) that unduly restrict the Secretary's ability to allocate resources to meet mission needs and goals.
- (3) The third deletion eliminates a proviso that hampers the ability of the Department to review license applications in a timely manner and precludes any processing, even consideration leading to decisions to reject license applications, by making all review subject to notification procedures. It limits options to returning such applications without action.
- (4) The insertion allows for the fees provided for in the FY 2005 CJS Act to be administratively adjusted in fiscal year 2007 and thereafter. This change provides the Department with the flexibility to adjust the passport and visa surcharges in response to changes in costs and/or requirements.

Note: A legislative proposal will be submitted to amend Sections 406 and 403 of the Foreign Service Act (22 U.S.C. 3966 and 3963, respectively) to institute a pay-for-performance system for the Foreign Service. A transition period would begin April 2007 and conclude in April 2008 with full implementation.

### [CENTRALIZED INFORMATION TECHNOLOGY MODERNIZATION PROGRAM]

~~[For expenses relating to the modernization of the information technology systems and networks of the Department of State, \$69,368,000, to remain available until expended.] (Department of State and Related Agency Appropriations Act, 2006.)~~

Proposed Changes:

No request is being made for this appropriation in FY 2007.

### CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary 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, [~~\$1,166,212,000: *Provided*, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: *Provided further*, that the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations budget for the biennium 2006-2007 to exceed the revised United Nations budget level for the biennium 2004-2005 of \$3,695,480,000] \$1,268,523,000: *Provided [further]*, That any payment of~~

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arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated in this paragraph 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, ***except that such restriction shall not apply to loans to the United Nations for renovation of its headquarters.*** (*Department of State and Related Agency Appropriations Act, 2006.*)

### Proposed Changes:

- (1) The first deletion eliminates a proviso requiring the Department to submit the UN biennial budget that is burdensome and not useful as the budget adopted by the UN inevitably varies from the budget request document (which is over 1,300 pages and available online). The UN does not prepare a revised version of the budget request document to reflect the changes made during final deliberations of the General Assembly.
- (2) The second deletion eliminates the proviso requiring 15-day advance congressional notification of UN actions to increase funding for UN programs that injects an unworkable level of oversight into U.S. diplomatic efforts at the UN. The proviso is exceedingly difficult to implement because program decisions are taken throughout the year while budget decisions generally are taken at year's end. Moreover, the 15-day notice requirement can almost never be met as budget decisions are typically made at the last minute as a result of close negotiating. The better approach would be for the Department to brief the committees on developments at the UN.
- (3) The insertion is necessary so that U.S. contributions can be applied to UN headquarter renovation loan interest costs, consistent with the loan authority provided for by Congress in the Consolidated Appropriations Act, 2005 (P.L. 108-447). Successful negotiations on the UN renovation project will be virtually impossible to achieve if the credibility of U.S. intentions is undermined by a lack of authority to fund its share of the project (including project financing).

### 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, [~~\$1,035,550,000~~] \$1,135,327,000, of which 15 percent shall remain available until September 30, [~~2007~~] **2008: *Provided***, That [~~none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless,~~] ***it is the sense of the Congress that*** at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations and other appropriate committees of the Congress [~~are~~] ***should be*** notified of the estimated cost and length of the mission, the national interest that will be served, and the planned exit strategy; (2) the Committees on Appropriations and other appropriate committees of the Congress [~~are~~] ***should be*** notified that the United Nations has taken appropriate measures to prevent United Nations employees, contractor personnel, and peacekeeping forces serving in any United Nations peacekeeping mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation, and to hold accountable individuals who engage in such acts while participating in the peacekeeping mission; and (3) a reprogramming of funds pursuant to section 605 of this Act [~~is~~] ***should be*** submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide

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equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers [ ~~: *Provided further*, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission~~]. (*Department of State and Related Agency Appropriations Act, 2006.*)

### Proposed Changes:

- (1) The first deletion and insertion amends a proviso that, if mandatory, would impermissibly interfere with the Executive's conduct of foreign relations, as set forth in the President's signing statement to the FY 2006 SSJC Appropriations Act.
- (2) The second deletion eliminates a proviso that addresses the UN mission in Bosnia, a peacekeeping mission that no longer exists and is outdated.

## MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, [~~\$791,000,000~~] \$832,900,000, to remain available until expended: *Provided*, That not more than \$23,000,000 may be available for administrative expenses: *Provided further*, That not less than \$40,000,000 of the funds made available under this heading shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel [ ~~: *Provided further*, That funds appropriated under this heading may be made available for a headquarters contribution to the International Committee of the Red Cross only if the Secretary of State determines (and so reports to the appropriate committees of Congress) that the Magen David Adom Society of Israel is not being denied participation in the activities of the International Red Cross and Red Crescent Movement: *Provided further*, That funds appropriated under this heading should be made available to develop effective responses to protracted refugee situations, including the development of programs to assist long-term refugee populations within and outside traditional camp settings that support refugees living or working in local communities such as integration of refugees into local schools and services, resource conservation projects and other projects designed to diminish conflict between refugee hosting communities and refugees, and encouraging dialogue among refugee hosting communities, the United Nations High Commissioner for Refugees, and international and nongovernmental refugee assistance organizations to promote the rights to which refugees are entitled under the Convention Relating to the Status of Refugees of July 28, 1951 and the Protocol Relating to the Status of Refugees, done at New York January 31, 1967~~]. (*Department of State and Related Agency Appropriations Act, 2006.*)

### Proposed Changes:

The deletion primarily eliminates earmarks that unduly restrict the flexibility of the Secretary to allocate resources.

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### UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), [~~\$30,000,000~~] **and notwithstanding section 2(c)(2) of such Act**, \$55,000,000 to remain available until expended. (*Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006.*)

Proposed changes:

The insertion would provide the President with greater flexibility to respond to the many unforeseen and urgent refugee and migration needs that occur worldwide each year.

### CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

~~[For a grant to the Center for Middle Eastern-Western Dialogue Trust Fund (22 U.S.C. 2078), \$5,000,000 for operation of the Center for Middle Eastern-Western Dialogue in Istanbul, Turkey. In addition, for]~~ **For** necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, the total amount of the interest and earnings accruing to such Fund on or before September 30, [~~2006~~] **2007**, to remain available until expended. (*Department of State and Related Agency Appropriations Act, 2006*)

Proposed Changes:

The deletion reflects the request to appropriate only the interest and earnings of the Trust Fund.

### GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this title may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this title may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. [~~None of the funds made available in this title may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.~~] **Funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation (PBC) only if that assistance is directed at promoting reform, improving the professionalism of the PBC and its staff, and promoting messages of tolerance rather than incitement in PBC programming.**

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SEC. 404. (a) The Senior Policy Operating Group on Trafficking in Persons, established under section [~~406 of division B of Public Law 108-7~~] **105 (f) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(f))** to coordinate agency activities regarding policies (including grants and grant policies) involving the international trafficking in persons, shall coordinate all such policies related to the activities of traffickers and victims of severe forms of trafficking.

(b) None of the funds provided in this or any other Act shall be expended to perform functions that duplicate coordinating responsibilities of the Operating Group.

(c) The Operating Group shall continue to report only to the authorities that appointed them pursuant to section [~~406 of division B of Public Law 108-7~~] **105 (f)**.

[~~SEC. 405. For the purposes of registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon request of the citizen, record the place of birth as Israel.~~]

[~~SEC. 406. Notwithstanding any other provision of law, of the funds appropriated by this Act under the heading “Diplomatic and Consular Programs”: \$5,000,000 shall be made available for an endowment for the Center for Asian Democracy; \$100,000 shall be made available for a grant to the Center for the Study of the Presidency for a public diplomacy initiative; \$300,000 shall be made available for a grant to Operation Smile for a public diplomacy program; and \$350,000 shall be made available for a grant to MiraMed for programs to combat human trafficking.~~]

[~~SEC. 407. Funds appropriated under this title for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).~~]

[~~SEC. 408. (a) Funds provided in this title for the following accounts shall be made available for programs in the amounts contained in the respective tables included in the report accompanying this Act:~~

~~“Educational and Cultural Exchange Programs”;~~

~~“National Endowment for Democracy”;~~

~~“International Broadcasting Operations”;~~

~~“Broadcasting Capital Improvements”.~~

~~(b) Any proposed increases or decreases to the amounts contained in such tables in the accompanying report shall be subject to the regular notification procedures in section 605 of this Act.~~

~~(c) The Secretary of State shall notify the Committees on Appropriations 15 days in advance of recommending the issuance of any license subject to Executive Order No. 13067.~~]

[~~SEC. 409. Notwithstanding any other provision of law, of the funds appropriated or otherwise made available in this title, not more than \$1,035,500,000 shall be available for payment to the United Nations for assessed and other expenses of international peacekeeping activities.~~]

[~~SEC. 410. Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking “October 1, 2005” and inserting “October 1, 2006”.~~]

[~~SEC. 411. None of the funds appropriated under this title may be made available to pay any contribution of the United States to the United Nations if the United Nations implements or imposes any taxation on any United States persons.~~]

[~~SEC. 412. It is the sense of the Congress that the amount of any loan for the renovation of the United Nations headquarters building located in New York, New York, should not exceed \$600,000,000:~~

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~~Provided, That if any loan exceeds \$600,000,000, the Secretary of State shall notify the Congress of the current cost of the renovation and cost containment measures.]~~

~~[SEC. 413. None of the funds made available by this title may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds that: (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.]~~

~~[SEC. 414. (a) None of the funds appropriated or otherwise made available under this title shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999. (b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2006.]~~

SEC. ~~[415]~~ **405.** (a) None of the funds appropriated or otherwise made available under this title shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999. (b) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year ~~[2006]~~ **2007**.

SEC. ~~[416]~~ **406.** (a) Except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106-113 and contained in appendix G of that Act; 113 Stat. 1501A-453), as amended by section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005. (b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations for members of the Marine Corps.

SEC. ~~[417]~~ **407.** Ceilings and earmarks contained in this title shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this title.

**SEC. 408. (a) IN GENERAL.—Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, as amended (22 U.S.C. 287e note) is further amended at the end by adding the following:**

**“(v) For assessments made during calendar years 2005, 2006, 2007, and 2008, 27.1 percent.”**  
(Department of State and Related Agency Appropriations Act, 2006.)

Proposed Changes:

- (1) The first deletion (Sec. 403) eliminates a provision regarding the PBC.
- (2) The second deletion (Sec. 404) corrects the authority that established the Senior Policy Operating Group. Section 406 of division B of Public Law 108-7 has since been repealed.

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- (3) The third deletion (Sec. 405) eliminates a section that is unconstitutional. If construed as mandatory rather than advisory, the section would impermissibly interfere with the Executive's conduct of foreign relations, as set forth in the President's signing statement to the FY 2006 Science, State, Justice, Commerce Appropriations Act.
- (4) The fourth deletion (Sec. 406) eliminates an earmark that unduly restricts the Secretary's ability to allocate resources to meet mission needs and goals.
- (5) The fifth deletion (Sec. 407) eliminates a section that is unnecessary if an authorization bill is signed into law. In the event there is not an authorization act, the waivers contained in this section would be required.
- (6) The sixth deletion (Sec. 408) eliminates a section that is excessive and unconstitutional. Normal thresholds and requirements of section 605 reprogramming procedure should suffice. Requiring advance notification in section 408(c) of recommendations by the Secretary of State regarding OFAC-administered sanctions under E.O. 13067 raises constitutional concerns in that it impinges upon the deliberative processes of the Executive branch as well as the President's authority to supervise the unitary Executive branch. It could also delay timely consideration of licenses.
- (7) The seventh deletion (Sec. 409) eliminates a section that unduly restricts the Secretary's ability to allocate resources to meet mission needs and goals. The decision to create new or expanded UN peacekeeping missions does not allow for time in the regular US appropriation process to request funding to pay consequent UN assessments. The ability to transfer funds to this account will provide the Administration with options for paying those assessments.
- (8) The eighth deletion (Sec. 410) eliminates a section that need not be repeated as the FY 2006 SSJC Appropriations Act amended 22 USC 6553.
- (9) The ninth deletion (Sec. 411) eliminates a section that is unnecessary and raises potential constitutional concerns. The United Nations does not have the authority to tax U.S. persons, and the United States consistently opposes any effort to give the United Nations such authority.
- (10) The tenth deletion (Sec. 412) eliminates a section concerning a loan amount. The Administration will do everything possible to contain the costs of the UN headquarters renovation project, but opposes language that seeks to restrict the amount of the loan that Congress has already authorized and the USG has already offered to the UN.
- (11) The eleventh deletion (Sec. 413) eliminates a section to which the Administration has consistently objected as placing unconstitutional conditions on the President's authority to command the armed forces and to supervise the unitary executive branch.
- (12) The twelfth deletion (Sec. 414) eliminates a section to which the Administration has consistently objected concerning Vietnam because it is an unconstitutional condition on the President's power to determine the conditions upon which the United States will maintain diplomatic relations with a country.
- (13) The insertion of new Sec. 408 provides legislative language for peacekeeping cap relief that is necessary to enable the United States to pay its assessments in full.