

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 Authorities 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 that are retained by the Department 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. 103-236), 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 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 related to consular services in support of enhanced border security. 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 for H-1B and L applications to be available to the Department of State for fraud prevention and detection activities. 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 finance fraud prevention components of the Department's Border Security Program.

Western Hemisphere Travel Initiative Surcharge

The Passport Services Enhancement Act of 2005 (P.L. 109-167) authorizes the Department to charge a fee to cover the Department's costs of meeting increased demand for passports as a result of the implementation of the Western Hemisphere Travel Initiative. This program implements Section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) which mandates that the Secretary of Homeland Security, in consultation with the

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Secretary of State, develop and implement a plan to require U.S. citizens and certain non-U.S. citizens to present a passport or other secure documentation proving identity and citizenship when entering the United States.

Diversity Visa Fees

Section 636 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104-208) provides that the Department of State may collect and retain a fee that ensures the recovery of the cost to the Department of allocating and processing applications for visas to be issued under the Diversity Lottery Program. These fee collections are available until expended to provide consular services and are deposited as an offsetting collection.

Visa 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 visas attributable to the cost of processing an applicant's fingerprints shall be deposited as an offsetting collection. This allows the Department to pass on to the visa applicant the cost of FBI fingerprint checks, for which the FBI charges State a fee. As of January 2008, this fee is no longer itemized as a separate fee since full, ten-fingerprint checks are now part of the non-immigrant and immigrant visa process.

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 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 of 1956 (22 U.S.C. 2717) and are available without fiscal year limitation for specified expenses related to Defense Trade Control licensing, compliance, and enforcement activities.

Bureau of Economic, Energy, 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.

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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

Foreign Service Institute

Fees for Use of National Foreign Affairs Training Center

Section 53 of the State Department Basic Authorities Act of 1956 (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 of 1956 (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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Revenue Source	FY 2008 Actual	FY 2009 Estimate	FY 2010 Request
Machine Readable Visa Processing Fees			
Carryforward Allocations	80,848	20,950	-
Prior Year Collections Unallocated	67,764	103,621	23,635
Current Year Collections Projected (Net)	926,703	873,881	884,475
Total Collections Available	1,075,315	998,452	908,110
Carryforward Allocations Planned	51,166	-	-
Current Year Allocation Plan	920,528	974,817	858,000
Total Allocations	971,694	974,817	858,000
Carryforward Allocations Returned	29,682	20,950	-
Unallocated Collections	73,939	2,685	50,110
Ending Unallocated Collections	103,621	23,635	50,110
Western Hemisphere Travel Surcharge			
Carryforward Allocations	1,164	41,052	-
Prior Year Collections Unallocated	19,827	34,609	13,161
Current Year Collections Projected (Net)	308,502	237,500	383,750
Total Collections Available	329,493	313,161	406,911
Carryforward Allocations Planned	-	-	-
Current Year Allocation Plan	294,884	300,000	374,415
Total Allocations	294,884	300,000	374,415
Carryforward Allocations Returned	-	-	-
Unallocated Collections	34,609	13,161	22,496
Ending Unallocated Collections	34,609	13,161	22,496
Passport Security Surcharge			
Carryforward Allocations	501	34,323	-
Prior Year Collections Unallocated	18,891	22,405	23,164
Current Year Collections Projected (Net)	256,609	220,000	340,000
Total Collections Available	276,001	276,728	363,164
Carryforward Allocations Planned	-	-	-
Current Year Allocation Plan	253,596	253,564	340,000
Total Allocations	253,596	253,564	340,000
Carryforward Allocations Returned	-	-	-
Unallocated Collections	22,405	23,164	23,164
Ending Unallocated Collections	22,405	23,164	23,164

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Revenue Source	FY 2008 Actual	FY 2009 Estimate	FY 2010 Request
Expedited Passport Fees			
Carryforward Allocations	36,882	11,477	-
Prior Year Collections Unallocated	134,676	37,826	20,000
Current Year Collections Projected (Net)	164,643	116,000	120,000
Total Collections Available	336,201	165,303	140,000
Carryforward Allocations Planned	36,882	11,477	-
Current Year Allocation Plan	288,848	133,826	120,000
Total Allocations	325,730	145,303	120,000
Carryforward Allocations Returned	27,355	-	-
Unallocated Collections	10,471	20,000	20,000
Ending Unallocated Collections	37,826	20,000	20,000
Immigrant Visa Surcharge			
Carryforward Allocations	300	-	-
Prior Year Collections Unallocated	5,962	815	2,640
Current Year Collections Projected (Net)	23,553	30,825	30,825
Total Collections Available	29,815	31,640	33,465
Carryforward Allocations Planned	-	-	-
Current Year Allocation Plan	29,000	29,000	30,000
Total Allocations	29,000	29,000	30,000
Carryforward Allocations Returned	-	-	-
Unallocated Collections	815	2,640	3,465
Ending Unallocated Collections	815	2,640	3,465
Affidavit of Support Fees			
Carryforward Allocations	5,898	314	-
Prior Year Collections Unallocated	17,969	13,593	16,907
Current Year Collections Projected (Net)	25,626	25,000	25,000
Total Collections Available	49,493	38,907	41,907
Carryforward Allocations Planned	-	-	-
Current Year Allocation Plan	35,900	22,000	23,000
Total Allocations	35,900	22,000	23,000
Carryforward Allocations Returned	-	-	-
Unallocated Collections	13,593	16,907	18,907
Ending Unallocated Collections	13,593	16,907	18,907

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Visa Fingerprint Fees			
Carryforward Allocations	-	79	-
Prior Year Collections Unallocated	19,671	321	400
Current Year Collections Projected (Net)	1,985	-	-
Total Collections Available	21,656	400	400
Carryforward Allocations Planned	-	-	-
Current Year Allocation Plan	21,335	-	-
Total Allocations	21,335	-	-
Carryforward Allocations Returned	-	-	-
Unallocated Collections	321	400	400
Ending Unallocated Collections	321	400	400
Diversity Lottery Fees			
Carryforward Allocations	4,709	2,276	-
Prior Year Collections Unallocated	6,106	9,447	10,023
Current Year Collections Projected (Net)	20,912	20,600	20,600
Total Collections Available	31,727	32,323	30,623
Carryforward Allocations Planned	-	-	-
Current Year Allocation Plan	22,280	22,300	22,300
Total Allocations	22,280	22,300	22,300
Carryforward Allocations Returned	-	-	-
Unallocated Collections	9,447	10,023	8,323
Ending Unallocated Collections	9,447	10,023	8,323
H-1B and L Fraud Prevention Fee			
Carryforward Allocations	24,666	49,379	-
Prior Year Collections Unallocated	94,522	157,798	256,556
Current Year Collections Projected (Net)	45,188	40,000	40,000
Total Collections Available	164,376	247,177	296,556
Carryforward Allocations Planned	-	-	-
Current Year Allocation Plan	31,244	40,000	40,000
Total Allocations	31,244	40,000	40,000
Carryforward Allocations Returned	24,666	49,379	-
Unallocated Collections	133,132	207,177	256,556
Ending Unallocated Collections	157,798	256,556	256,556

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Defense Trade Control Fees			
Carryforward Allocations	1,401	3,590	1,590
Prior Year Collections Unallocated	0	2,556	2,624
Current Year Collections Projected (Net)	11,028	22,000	22,000
Total Collections Available	12,429	28,146	26,214
Carryforward Allocations Planned	1,401	2,556	1,590
Current Year Allocation Plan	11,028	24,000	23,000
Total Allocations	12,429	25,556	24,590
Carryforward Allocations Returned	-	1,034	-
Unallocated Collections	2,556	1,590	1,624
Ending Unallocated Collections	2,556	2,624	1,624
Commercial Service Fees			
Carryforward Allocations	-	-	-
Prior Year Collections Unallocated	5	10	10
Current Year Collections Projected (Net)	25	75	16
Total Collections Available	30	85	26
Carryforward Allocations Planned	-	-	-
Current Year Allocation Plan	20	75	16
Total Allocations	20	75	16
Carryforward Allocations Returned	-	-	-
Unallocated Collections	10	10	10
Ending Unallocated Collections	10	10	10
Sec. 810 USI & EE Act Fees			
Carryforward Allocations	8,000	6,000	5,000
Prior Year Collections Unallocated	2,310	6,410	6,410
Current Year Collections Projected (Net)	6,000	6,000	6,000
Total Collections Available	16,310	18,410	17,410
Carryforward Allocations Planned	8,000	6,000	5,000
Current Year Allocation Plan	1,900	6,000	6,000
Total Allocations	9,900	12,000	11,000
Carryforward Allocations Returned	-	-	-
Unallocated Collections	6,410	6,410	6,410
Ending Unallocated Collections	6,410	6,410	6,410