

# 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 in accordance with 31 U.S.C. 3302(b), a number of fee authorities specifically permit the Department retain the fees collected. The following section cites the authority for major fee collections that are retained by the Department (or, in the case of the H and L fraud prevention and detection fee, deposited into the Treasury but then made partially available to the Department) and notes the use of each fee.

## *Fee Collections by Bureau*

### *Bureau of Consular Affairs*

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

Section 140 of Title I of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (8 U.S.C. 1351 note) as supplemented by 8 U.S.C. 1713, authorizes the Department to charge a fee for processing machine readable non-immigrant visas and to deposit such fees as offsetting collections to any Department appropriation to recover the costs of providing consular services. 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 (22 U.S.C. 214 note) authorizes the Department to charge and retain a fee for expedited passport services, to be deposited as an offsetting collection. These fee receipts are used to fund information technology programs.

#### **Passport Security Surcharge and Immigrant Visa Security Surcharge**

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

#### **H and L Fraud Prevention and Detection Fee**

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

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## **Western Hemisphere Travel Initiative Surcharge**

The Passport Services Enhancement Act of 2005 (22 U.S.C. 214(b)(1)), authorizes the Department to charge a fee to cover the Department's costs of meeting increased demand for passports as a result of the implementation of the Western Hemisphere Travel Initiative. This program implements Section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) (P.L. 108-458), which mandates that the Secretary of Homeland Security, in consultation with the Secretary of State, develop and implement a plan to require U.S. citizens and certain non-U.S. citizens to present a passport or other secure documentation denoting identity and citizenship when entering the United States. The President's FY 2011 budget request included an extension of this authority through September 30, 2011, and the Department proposes a further extension of this authority through September 30, 2012.

## **Diversity Visa Lottery Fees**

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

## **Affidavit of Support Fees**

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

## **Bureau of Political-Military Affairs**

### **Defense Trade Control Fees**

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

## **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.

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

### **Information and Educational Exchange Fees**

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

- English Teaching Program

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

### 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 until expended.

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(\$ in thousands)	FY 2010 Actual	FY 2011 CR	FY 2012 Request
<b>Machine Readable Visa Fees</b>			
Carryforward Allocations	62,348	-	-
Prior Year Collections Unallocated	91,858	204,905	275,866
Current Year Collections Projected (Net)	976,834	1,076,600	1,089,900
Total Collections Available	1,131,040	1,281,505	1,365,766
Carryforward Allocations Planned	-	-	-
Current Year Allocation Plan	926,135	1,005,639	1,076,663
Total Allocations	926,135	1,005,639	1,076,663
Unallocated Balance	204,905	275,866	289,103
<b>Western Hemisphere Travel Initiative Surcharges</b>			
Carryforward Allocations	368	-	-
Prior Year Collections Unallocated	95,750	67,608	49,008
Current Year Collections Projected (Net)	265,748	296,400	365,750
Total Collections Available	361,866	364,008	414,758
Carryforward Allocations Planned	-	-	-
Current Year Allocation Plan	294,258	315,000	365,750
Total Allocations	294,258	315,000	365,750
Unallocated Balance	67,608	49,008	49,008
<b>Passport Security Surcharges</b>			
Carryforward Allocations	3,577	-	-
Prior Year Collections Unallocated	84,937	110,424	16,611
Current Year Collections Projected (Net)	302,652	480,000	584,000
Total Collections Available	391,166	590,424	600,611
Carryforward Allocations Planned	-	-	-
Current Year Allocation Plan	280,742	573,813	525,000
Total Allocations	280,742	573,813	525,000
Unallocated Balance	110,424	16,611	75,611
<b>Immigrant Visa Security Surcharges</b>			
Carryforward Allocations	132	-	-
Prior Year Collections Unallocated	2,207	17,506	33,006
Current Year Collections Projected (Net)	38,729	55,500	55,870
Total Collections Available	41,068	73,006	88,876
Carryforward Allocations Planned	-	-	-
Current Year Allocation Plan	23,562	40,000	55,870
Total Allocations	23,562	40,000	55,870
Unallocated Balance	17,506	33,006	33,006
<b>Affidavit of Support Fees</b>			
Carryforward Allocations	90	-	-
Prior Year Collections Unallocated	9,021	26,541	38,521
Current Year Collections Projected (Net)	40,430	34,980	35,213
Total Collections Available	49,541	61,521	73,734
Carryforward Allocations Planned	-	-	-
Current Year Allocation Plan	23,000	23,000	23,000
Total Allocations	23,000	23,000	23,000

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(\$ in thousands)	FY 2010 Actual	FY 2011 CR	FY 2012 Request
Unallocated Balance	26,541	38,521	50,734
<b>Diversity Lottery Fees</b>			
Carryforward Allocations	575	-	-
Prior Year Collections Unallocated	10,408	12,363	14,463
Current Year Collections Projected (Net)	24,026	24,200	24,200
Total Collections Available	35,009	36,563	38,663
Carryforward Allocations Planned	-	-	-
Current Year Allocation Plan	22,646	22,100	24,700
Total Allocations	22,646	22,100	24,700
Unallocated Balance	12,363	14,463	13,963
<b>H and L Visa Fraud Prevention and Detection Fees</b>			
Carryforward Allocations	47,742	-	-
Prior Year Collections Unallocated	152,613	192,449	192,449
Current Year Collections Projected (Net)	37,859	40,000	40,000
Total Collections Available	238,214	232,449	232,449
Carryforward Allocations Planned	2,900	-	-
Current Year Allocation Plan	42,865	40,000	44,000
Total Allocations	45,765	40,000	44,000
Unallocated Balance	192,449	192,449	188,449
<b>Total Border Security Program Fees</b>			
Carryforward Allocations	114,743	-	-
Prior Year Collections Unallocated	437,773	605,256	581,404
Current Year Collections Projected (Net)	1,636,922	1,966,200	2,153,220
Total Collections Available	2,198,364	2,577,956	2,741,124
Carryforward Allocations Planned	2,900	-	-
Current Year Allocation Plan	1,582,662	1,989,552	2,084,983
Total Allocations	1,585,562	1,989,552	2,084,983
Unallocated Balance	605,256	581,404	649,141
<b>Expedited Passport Fees</b>			
Carryforward Allocations	2,514	5,555	-
Prior Year Collections Unallocated	47,494	45,072	62,072
Current Year Collections Projected (Net)	159,078	144,000	148,000
Total Collections Available	209,086	194,627	210,072
Carryforward Allocations Planned	2,514	5,555	-
Current Year Allocation Plan	161,500	127,000	139,000
Total Allocations	164,014	132,555	139,000
Unallocated Balance	45,072	62,072	71,072
<b>Defense Trade Control Fees</b>			
Carryforward Allocations	6,576	16,200	15,020
Prior Year Collections Unallocated	2,600	2,600	2,600
Current Year Collections Projected (Net)	40,000	40,000	40,000
Total Collections Available	49,176	58,800	57,620
Carryforward Allocations Planned	9,176	17,600	22,600
Current Year Allocation Plan	23,800	26,180	27,000

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(\$ in thousands)	FY 2010 Actual	FY 2011 CR	FY 2012 Request
Total Allocations	32,976	43,780	49,600
Unallocated Balance	16,200	15,020	8,020
<b>Commercial Service Fees</b>			
Carryforward Allocations	6	-	-
Prior Year Collections Unallocated	3	8	8
Current Year Collections Projected (Net)	74	130	130
Total Collections Available	83	138	138
Carryforward Allocations Planned	-	-	-
Current Year Allocation Plan	75	130	130
Total Allocations	75	130	130
Unallocated Balance	8	8	8
<b>United States Information and Educational Exchange Act (Section 810) Fees</b>			
Carryforward Allocations	17,233	19,417	19,417
Prior Year Collections Unallocated	-	-	-
Current Year Collections Projected (Net)	11,000	11,000	11,000
Total Collections Available	28,233	30,417	30,417
Carryforward Allocations Planned	-	-	-
Current Year Allocation Plan	8,816	11,000	11,000
Total Allocations	8,816	11,000	11,000
Unallocated Balance	19,417	19,417	19,417

**Key:**

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

Carryforward Allocations are defined as unobligated prior year funds.

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

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

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

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

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

Total Allocations is the sum of carryforward and the CY plan.

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