

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. 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. Pursuant to P.L. 112-10 the FY 2011 Carry forward balance reflects the cancellation of \$140 million in un-obligated balances.

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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 FY 2012 enacted budget included an extension of this authority through September 30, 2012, and the Department proposes a further one-year extension of this authority through September 30, 2013.

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 Visa Lottery Program. These fee collections are available until expended to provide consular services and are deposited as an offsetting collection.

Affidavit of Support Fees

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

Bureau of Political-Military Affairs

Defense Trade Control Fees

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

Bureau of Economic and Business Affairs

Commercial Services Fees

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

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

Information and Educational Exchange Fees

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

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

(\$ in thousands)	FY 2011 Actual	FY 2012 Estimate	FY 2013 Request	Increase/ Decrease
Machine Readable Visa Fees				
Carryforward Allocations	60,783	157,993	-	(157,993)
Prior Year Collections Unallocated	109,358	276,663	461,994	185,331
Current Year Collections* Projected (Net)	1,111,593	1,260,000	1,316,000	56,000
Total Collections Available	1,281,734	1,694,656	1,777,994	83,338
Carryforward Allocations Planned	-	-	-	-
Current Year Allocation Plan	1,005,071	1,232,662	1,366,956	134,294
Total Allocations	1,005,071	1,232,662	1,366,956	134,294
Unallocated Balance	276,663	461,994	411,038	(50,956)
Western Hemisphere Travel Initiative Surcharges				
Carryforward Allocations	8,899	13,828	-	(13,828)
Prior Year Collections Unallocated	67,883	40,268	24,727	(15,541)
Current Year Collections Projected (Net)	262,986	276,381	304,675	28,294
Total Collections Available	339,768	330,477	329,402	(1,075)
Carryforward Allocations Planned	-	-	-	-
Current Year Allocation Plan	299,500	305,750	301,560	(4,190)
Total Allocations	299,500	305,750	301,560	(4,190)
Unallocated Balance	40,268	24,727	27,842	3,115
Passport Security Surcharges				
Carryforward Allocations	2,193	827	-	(827)
Prior Year Collections Unallocated	113,657	296,800	151,627	(145,173)
Current Year Collections Projected (Net)	440,950	439,000	484,000	45,000
Total Collections Available	556,800	736,627	635,627	(101,000)
Carryforward Allocations Planned	-	-	-	-
Current Year Allocation Plan	260,000	585,000	506,310	(78,690)
Total Allocations	260,000	585,000	506,310	(78,690)
Unallocated Balance	296,800	151,627	129,317	(22,310)
Immigrant Visa Security Surcharges				
Carryforward Allocations	-	763	-	(763)
Prior Year Collections Unallocated	6,148	23,078	10,891	(12,187)
Current Year Collections Projected (Net)	52,730	42,920	43,290	370
Total Collections Available	58,878	66,761	54,181	(12,580)
Carryforward Allocations Planned	-	-	-	-
Current Year Allocation Plan	35,800	55,870	36,110	(19,760)
Total Allocations	35,800	55,870	36,110	(19,760)
Unallocated Balance	23,078	10,891	18,071	7,180
Affidavit of Support Fees				
Carryforward Allocations	1	65	-	(65)
Prior Year Collections Unallocated	26,631	36,824	40,940	4,116
Current Year Collections Projected (Net)	33,192	27,051	27,284	233

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(\$ in thousands)	FY 2011 Actual	FY 2012 Estimate	FY 2013 Request	Increase/ Decrease
Total Collections Available	59,824	63,940	68,224	4,284
Carryforward Allocations Planned	-	-	-	-
Current Year Allocation Plan	23,000	23,000	24,700	1,700
Total Allocations	23,000	23,000	24,700	1,700
Unallocated Balance	36,824	40,940	43,524	2,584
Diversity Lottery Fees				
Carryforward Allocations	3,659	2,357	-	(2,357)
Prior Year Collections Unallocated	12,798	21,523	23,380	1,857
Current Year Collections Projected (Net)	27,166	24,200	24,200	-
Total Collections Available	43,623	48,080	47,580	(500)
Carryforward Allocations Planned	-	-	-	-
Current Year Allocation Plan	22,100	24,700	18,000	(6,700)
Total Allocations	22,100	24,700	18,000	(6,700)
Unallocated Balance	21,523	23,380	29,580	6,200
H and L Visa Fraud Prevention and Detection Fees				
Carryforward Allocations	10,261	16,943	-	(16,943)
Prior Year Collections Unallocated	18,142	31,993	44,936	12,943
Current Year Collections Projected (Net)	46,042	40,000	40,000	-
Total Collections Available	74,445	88,936	84,936	(4,000)
Carryforward Allocations Planned	-	-	-	-
Current Year Allocation Plan	42,452	44,000	48,961	4,961
Total Allocations	42,452	44,000	48,961	4,961
Unallocated Balance	31,993	44,936	35,975	(8,961)
Total Border Security Program Fees				
Carryforward Allocations	85,795	192,711	-	(192,711)
Prior Year Collections Unallocated	327,986	690,325	717,555	27,230
Current Year Collections Projected (Net)	1,934,967	2,076,001	2,205,665	129,664
Total Collections Available	2,355,248	2,965,537	2,929,720	(35,817)
Carryforward Allocations Planned	-	-	-	-
Current Year Allocation Plan	1,657,923	2,240,982	2,277,897	36,915
Total Allocations	1,657,923	2,240,982	2,270,897	29,915
Unallocated Balance	690,325	717,555	651,823	(65,732)
Expedited Passport Fees				
Carryforward Allocations	16,634	24,795	-	(24,795)
Prior Year Collections Unallocated	57,315	35,127	30,986	(4,141)
Current Year Collections Projected (Net)	156,178	154,000	156,000	2,000
Total Collections Available	230,127	213,922	186,986	(26,936)
Carryforward Allocations Planned	-	24,795	-	(24,795)
Current Year Allocation Plan	195,000	158,141	155,500	(2,641)
Total Allocations	195,000	182,936	155,500	(27,436)
Unallocated Balance	35,127	30,986	31,486	500
Defense Trade Control Fees				
Carryforward Allocations	16,200	-	-	-
Prior Year Collections Unallocated	2,600	22,230	12,630	(9,600)
Current Year Collections Projected (Net)	35,065	40,000	40,000	-
Total Collections Available	53,865	62,230	52,630	(9,600)

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(\$ in thousands)	FY 2011 Actual	FY 2012 Estimate	FY 2013 Request	Increase/ Decrease
Carryforward Allocations Planned	17,600	22,600	-	(22,600)
Current Year Allocation Plan	14,035	27,000	27,000	-
Total Allocations	31,635	49,600	27,000	(22,600)
Unallocated Balance	22,230	12,630	25,630	13,000
Commercial Service Fees				
Carryforward Allocations	77	76	-	(76)
Prior Year Collections Unallocated	-	-	8	8
Current Year Collections Projected (Net)	122	120	130	10
Total Collections Available	199	196	138	(58)
Carryforward Allocations Planned	44	76	-	(76)
Current Year Allocation Plan	32	112	130	18
Total Allocations	76	188	130	(58)
Unallocated Balance	123	8	8	-
United States Information and Educational Exchange Act (Section 810) Fees				
Carryforward Allocations	-	-	-	-
Prior Year Collections Unallocated	19,417	21,316	21,316	-
Current Year Collections Projected (Net)	11,000	11,000	11,000	-
Total Collections Available	30,417	32,316	32,316	-
Carryforward Allocations Planned	-	-	-	-
Current Year Allocation Plan	9,101	11,000	11,000	-
Total Allocations	9,101	11,000	11,000	-
Unallocated Balance	21,316	21,316	21,316	-

*FY 2011 Actual includes the transfer of \$10 million from Diplomatic and Consular Programs (Consular Affairs Border Security Machine Readable Visa (MRV) fees)

Key:

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

Carryforward Allocations are defined as unobligated prior year funds.

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

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

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

Carryforward Allocations are defined as unobligated PY funds.

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

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

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