

DEPARTMENT OF STATE FEE COLLECTIONS

Overview

Like other U.S. Government agencies, the Department of State (Department) 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, registration fees are charged for expenses related to Defense Trade Control licensing, compliance, and enforcement activities. 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 to 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. In FY 2014, these fees will finance the Department's Border Security Program and consular activities.

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 2013 budget request included an extension of this authority through September 30, 2013, and the Department proposes a further extension of this authority through September 30, 2014.

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, 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:

- English Teaching Program
- Library Program

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

(S in thousands)	FY 2012 Actual	FY 2013 CR	FY 2014 Request	Increase/ Decrease from FY 2012
Machine Readable Visa Fees				
Carryforward Allocations	59,186	297,681	-	(59,186)
Prior Year Collections Unallocated	384,110	81,007	16,399	(367,711)
Current Year Collections Projected (Net)	1,439,858	1,439,858	1,871,984	432,126
Total Collections Available	1,883,154	1,818,546	1,888,383	5,229
Carryforward Allocations Planned	-	-	-	-
Current Year Allocation Plan	1,802,147	1,802,147	1,852,316	50,169
Total Allocations	1,802,147	1,802,147	1,852,316	50,169
Unallocated Balance	81,007	16,399	36,067	(44,940)
Western Hemisphere Travel Initiative Surcharges				
Carryforward Allocations	13,419	7,822	-	(13,419)
Prior Year Collections Unallocated	40,677	111,493	176,712	136,035
Current Year Collections Projected (Net)	272,897	272,897	329,465	56,568
Total Collections Available	326,993	392,212	506,177	179,184
Carryforward Allocations Planned	-	-	-	-
Current Year Allocation Plan	215,500	215,500	186,150	(29,350)
Total Allocations	215,500	215,500	186,150	(29,350)
Unallocated Balance	111,493	176,712	320,027	208,534
Passport Security Surcharges				
Carryforward Allocations	763	20,971	-	(763)
Prior Year Collections Unallocated	296,864	374,527	472,398	175,534
Current Year Collections Projected (Net)	453,900	453,900	526,176	72,276
Total Collections Available	751,527	849,398	998,574	247,047
Carryforward Allocations Planned	-	-	-	-
Current Year Allocation Plan	377,000	377,000	628,500	251,500
Total Allocations	377,000	377,000	628,500	251,500
Unallocated Balance	374,527	472,398	370,074	(4,453)
Immigrant Visa Security Surcharges				
Carryforward Allocations	434	3,082	-	(434)
Prior Year Collections Unallocated	23,407	16,568	12,377	(11,030)
Current Year Collections Projected (Net)	28,727	28,727	43,500	14,773
Total Collections Available	52,568	48,377	55,877	3,309
Carryforward Allocations Planned	-	-	-	-
Current Year Allocation Plan	36,000	36,000	39,564	3,564
Total Allocations	36,000	36,000	39,564	3,564

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(S in thousands)	FY 2012 Actual	FY 2013 CR	FY 2014 Request	Increase/ Decrease from FY 2012
Unallocated Balance	16,568	12,377	16,313	(255)
Affidavit of Support Fees				
Carryforward Allocations	65	13,684	-	(65)
Prior Year Collections Unallocated	36,824	27,334	31,463	(5,361)
Current Year Collections Projected (Net)	20,445	20,445	27,051	6,606
Total Collections Available	57,334	61,463	58,514	1,180
Carryforward Allocations Planned	-	-	-	-
Current Year Allocation Plan	30,000	30,000	33,184	3,184
Total Allocations	30,000	30,000	33,184	3,184
Unallocated Balance	27,334	31,463	25,330	(2,004)
Diversity Lottery Fees				
Carryforward Allocations	368	1,495	-	(368)
Prior Year Collections Unallocated	23,512	17,085	11,786	(11,726)
Current Year Collections Projected (Net)	17,906	17,906	18,150	244
Total Collections Available	41,785	36,486	29,936	(11,849)
Carryforward Allocations Planned	-	-	-	-
Current Year Allocation Plan	24,700	24,700	23,000	(1,700)
Total Allocations	24,700	24,700	23,000	(1,700)
Unallocated Balance	17,085	11,786	6,936	(10,149)
H and L Visa Fraud Prevention and Detection Fees				
Carryforward Allocations	4,940	44,074	-	(4,940)
Prior Year Collections Unallocated	43,996	44,720	84,578	40,581
Current Year Collections Projected (Net)	46,258	46,258	40,000	(6,258)
Total Collections Available	95,194	135,052	124,578	29,384
Carryforward Allocations Planned	-	-	-	-
Current Year Allocation Plan	50,474	50,474	47,161	(3,313)
Total Allocations	50,474	50,474	47,161	(3,313)
Unallocated Balance	44,720	84,578	77,417	32,697
Total Border Security Program Fees				
Carryforward Allocations	72,110	371,023	-	(72,110)
Prior Year Collections Unallocated	812,566	642,501	771,349	(41,217)
Current Year Collections Projected (Net)	2,256,646	2,256,646	2,824,400	567,754
Total Collections Available	3,141,322	3,270,170	3,595,749	454,427
Carryforward Allocations Planned	-	-	-	-
Current Year Allocation Plan	2,498,821	2,498,821	2,771,691	272,870
Total Allocations	2,498,821	2,498,821	2,771,691	272,870
Unallocated Balance	642,501	771,349	824,058	181,557
Expedited Passport Fees				
Carryforward Allocations	13,766	-	-	(13,766)
Prior Year Collections Unallocated	60,157	47,049	47,049	(13,108)
Current Year Collections Projected (Net)	157,676	156,000	156,000	(1,676)
Total Collections Available	231,599	203,049	203,049	(28,550)
Carryforward Allocations Planned	26,409	-	-	(26,409)
Current Year Allocation Plan	158,141	156,000	163,181	5,040

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(S in thousands)	FY 2012 Actual	FY 2013 CR	FY 2014 Request	Increase/ Decrease from FY 2012
Total Allocations	184,550	156,000	163,181	(21,369)
Unallocated Balance	47,049	47,049	39,868	(7,181)
Defense Trade Control Fees				
Carryforward Allocations	20,319	-	-	(20,319)
Prior Year Collections Unallocated	23,700	23,753	11,153	(12,547)
Current Year Collections Projected (Net)	43,310	40,000	40,000	(3,310)
Total Collections Available	87,329	63,753	51,153	(36,176)
Carryforward Allocations Planned	45,000	22,600	-	(45,000)
Current Year Allocation Plan	18,576	30,000	30,000	11,424
Total Allocations	63,576	52,600	30,000	(33,576)
Unallocated Balance	23,753	11,153	21,153	(2,600)
Commercial Service Fees				
Carryforward Allocations	76	-	-	-
Prior Year Collections Unallocated	-	8	-	(8)
Current Year Collections Projected (Net)	120	120	150	30
Total Collections Available	196	128	150	22
Carryforward Allocations Planned	76	-	-	-
Current Year Allocation Plan	112	128	150	22
Total Allocations	188	128	150	22
Unallocated Balance	8	-	-	-
United States Information and Educational Exchange Act (Section 810) Fees				
Carryforward Allocations	-	-	-	-
Prior Year Collections Unallocated	21,307	22,013	22,013	706
Current Year Collections Projected (Net)	11,000	11,000	11,000	-
Total Collections Available	32,307	33,013	33,013	706
Carryforward Allocations Planned	-	-	-	-
Current Year Allocation Plan	10,294	11,000	11,000	706
Total Allocations	10,294	11,000	11,000	706
Unallocated Balance	22,013	22,013	22,013	-

Key:

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

BSP fees fund the majority of the cross-cutting Consular Relations activity. Total funding for Consular Relations is \$2.8 billion, including \$2,771.7 million from BSP Fees, \$5 million from non-BSP Diversity Lottery Fees, and \$33.2 million from Affidavit of Support Fees.

Carry forward 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 carry forward, PY collections, and CY collections.

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Carry forward 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 carry forward and the CY plan.

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