TITLE 8 - ALIENS AND NATIONALITY
CHAPTER 15 - ENHANCED BORDER SECURITY AND VISA ENTRY REFORM
SUBCHAPTER I - FUNDING
§ 1714. Surcharges related to consular services

Beginning in fiscal year 2005 and thereafter, the Secretary of State is authorized to charge surcharges related to consular services in support of enhanced border security that are in addition to the passport and immigrant visa fees in effect on January 1, 2004: Provided, That funds collected pursuant to this authority shall be credited to this account, and shall be available until expended for the purposes of such account: Provided further, That such surcharges shall be $12 on passport fees, and $45 on immigrant visa fees.


Codification

Section appears under the headings “Administration of Foreign Affairs” and “Diplomatic and Consular Programs” in title IV of div. B of Pub. L. 108–447. It was enacted as part of the Department of State and Related Agency Appropriations Act, 2005, and also as part of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005, and as part of the Consolidated Appropriations Act, 2005, and not as part of the Enhanced Border Security and Visa Entry Reform Act of 2002 which comprises this chapter.

Authority to Administratively Amend Surcharges

Pub. L. 109–472, § 6, Jan. 11, 2007, 120 Stat. 3555, provided that:

“(a) In General.—Beginning in fiscal year 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 border security (provided for in the last paragraph under the heading ‘diplomatic and consular programs’ under title IV of division B of the Consolidated Appropriations Act, 2005 (Public Law 108–447) [this section]) that are in addition to the passport and immigrant visa fees in effect on January 1, 2004.

“(b) Requirements.—In carrying out subsection (a) and the provision of law described in such subsection, the Secretary shall meet the following requirements:

“(1) The amounts of the surcharges shall be reasonably related to the costs of providing services in connection with the activity or item for which the surcharges are charged.

“(2) The aggregate amount of surcharges collected may not exceed the aggregate amount obligated and expended for the costs related to consular services in support of enhanced border security incurred in connection with the activity or item for which the surcharges are charged.

“(3) A surcharge may not be collected except to the extent the surcharge will be obligated and expended to pay the costs related to consular services in support of enhanced border security incurred in connection with the activity or item for which the surcharge is charged.

“(4) A surcharge shall be available for obligation and expenditure only to pay the costs related to consular services in support of enhanced border security incurred in providing services in connection with the activity or item for which the surcharge is charged.”