TITLE 22 - FOREIGN RELATIONS AND INTERCOURSE
CHAPTER 4 - PASSPORTS

§ 214. Fees for execution and issuance of passports; persons excused from payment

(a) There shall be collected and paid into the Treasury of the United States a fee, prescribed by the Secretary of State by regulation, for the filing of each application for a passport (including the cost of passport issuance and use) and a fee, prescribed by the Secretary of State by regulation, for executing each such application except that the Secretary of State may by regulation authorize State officials or the United States Postal Service to collect and retain the execution fee for each application for a passport accepted by such officials or by that Service. Such fees shall not be refundable, except as the Secretary may by regulation prescribe. No passport fee shall be collected from an officer or employee of the United States proceeding abroad in the discharge of official duties, or from members of his immediate family; from an American seaman who requires a passport in connection with his duties aboard an American flag-vessel; from a widow, widower, child, parent, grandparent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member; or from an individual or individuals abroad, returning to the United States, when the Secretary determines that foregoing the collection of such fee is justified for humanitarian reasons or for law enforcement purposes. No execution fee shall be collected for an application made before a Federal official by a person excused from payment of the passport fee under this section.

(b) (1) The Secretary of State may by regulation establish and collect a surcharge on applicable fees for the filing of each application for a passport in order to cover the costs of meeting the increased demand for passports as a result of actions taken to comply with section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note). Such surcharge shall be in addition to the fees provided for in subsection (a) of this section and in addition to the surcharges or fees otherwise authorized by law and shall be deposited as an offsetting collection to the appropriate Department of State appropriation, to remain available until expended for the purposes of meeting such costs.

(2) The authority to collect the surcharge provided under paragraph (1) may not be exercised after September 30, 2010.

(3) The Secretary of State shall ensure that, to the extent practicable, the total cost of a passport application during fiscal years 2006 and 2007, including the surcharge authorized under paragraph (1), shall not exceed the cost of the passport application as of December 1, 2005.


Amendments

2007—Subsec. (a). Pub. L. 109–472 substituted “from a widow” for “or from a widow” and inserted “; or from an individual or individuals abroad, returning to the United States, when the Secretary determines that foregoing the collection of such fee is justified for humanitarian reasons or for law enforcement purposes” after “memorial service for such member”.

2006—Pub. L. 109–167 designated existing provisions as subsec. (a) and added subsec. (b).

Subsec. (a). Pub. L. 109–210 substituted “or from a widow, widower, child, parent, grandparent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral
or memorial service for such member” for “or from a widow, child, parent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member”.

1999—Pub. L. 106–113, in first sentence, substituted “the filing of each application for a passport (including the cost of passport issuance and use)” for “each passport issued” and “each such application except” for “each application for a passport; except” and inserted after first sentence “Such fees shall not be refundable, except as the Secretary may by regulation prescribe.”

1996—Pub. L. 104–208 inserted “: except that the Secretary of State may by regulation authorize State officials or the United States Postal Service to collect and retain the execution fee for each application for a passport accepted by such officials or by that Service” before period at end of first sentence and struck out after first sentence “Nothing contained in this section shall be construed to limit the right of the Secretary of State by regulation (1) to authorize State officials to collect and retain the execution fee, or (2) to transfer to the United States Postal Service the execution fee for each application accepted by that Service.”

1982—Pub. L. 97–241 substituted provision that the Secretary of State prescribe by regulation the fee for passports for provision that a fee of $10 be charged for each passport and that the fees be collected and paid into the Treasury quarterly.

1974—Pub. L. 93–417 substituted provisions authorizing the Secretary of State to prescribe fees for execution of applications for passports by regulation for provisions prescribing a fixed fee of $2, substituted “United States Postal Service” for “Postal Service”, and struck out references to the fee of $2 in the proviso relating to the rights of the Secretary of State.

1971—Pub. L. 92–14 authorized the United States Postal Service to receive the fee of $2 for execution of an application for a passport.

1968—Pub. L. 90–428 increased from $1.00 to $2.00 and from $9.00 to $10.00, respectively, the fees for the execution and the issuance of passports, struck out “to a citizen or person owing allegiance to or entitled to the protection of the United States” after “for each passport issued”, restricted the exemption for seamen to American seamen requiring a passport in connection with duties aboard an American flag-vessel, and inserted provision excusing a person exempted from a passport fee from paying an execution fee.

1956—Act Feb. 10, 1956, increased from $1 to $2 the fee for executing passport applications, and reworded authorization of State officials to collect and retain $2 fee.

Effective Date of 1999 Amendment


Effective and Termination Date of 1971 Amendment


Effective Date of 1968 Amendment

Amendment by Pub. L. 90–428 effective on thirtieth day following July 26, 1968, see section 4 of Pub. L. 90–428, set out as a note under section 217a of this title.

Extension of Authority


Deposit of Receipts From Expedited Passport Processing

Pub. L. 103–317, title V, Aug. 26, 1994, 108 Stat. 1760, provided in part “That hereafter all receipts received from a new charge from expedited passport processing shall be deposited in this account as an offsetting collection and shall be available until expended”. 

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see http://www.law.cornell.edu/uscode/usprint.html).
Information From United States Passports

Pub. L. 101–604, title II, § 203(d), Nov. 16, 1990, 104 Stat. 3083, provided that: “Notwithstanding any other provision of law, to the extent provided in appropriation Acts, for each fiscal year not more than $5,000,000 in passport fees collected by the Department of State may be credited to a Department of State account. Amounts credited to such account shall be available only for the costs associated with the acquisition and production of machine-readable United States passports and visas and compatible reading equipment. Amounts credited to such account are authorized to remain available until expended.”