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Washington, DC 20548

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December 3, 2021

The Honorable Robert Menendez  
Chairman  
The Honorable James E. Risch  
Ranking Member  
Committee on Foreign Relations  
United States Senate

The Honorable Gregory Meeks  
Chairman  
The Honorable Michael McCaul  
Ranking Member  
Committee on Foreign Affairs  
House of Representatives

Subject: *Department of State, Schedule of Fees for Consular Services—Passport Security Surcharge*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Department of State (DOS) entitled “Schedule of Fees for Consular Services—Passport Security Surcharge” (RIN: 1400-AE15). We received the rule on October 28, 2021. It was published in the *Federal Register* as a final rule on October 28, 2021. 86 Fed. Reg. 59613. The effective date is December 27, 2021.

According to DOS, the final rule adjusts the Schedule of Fees for Consular Services by increasing the passport book security surcharge (PSS) from \$60 to \$80. DOS stated this increase reflects increases in security-related costs for processing passports attributed to the PSS.

The Congressional Review Act (CRA) requires a 60-day delay in the effective date of a major rule from the date of publication in the Federal Register or receipt of the rule by Congress, whichever is later. 5 U.S.C. § 801(a)(3)(A). Here, the rule was published and was received by the Senate on October 28, 2021. 86 Fed. Reg. 59613; 167 Cong. Rec. S8079 (daily ed. Nov. 15, 2021). The rule was received by the House of Representatives on November 1, 2021. 167 Cong. Rec. H6709 (Nov. 30, 2021). It has an effective date of December 27, 2021. Therefore, the final rule does not have the required 60-day delay.

Enclosed is our assessment of DOS’s compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. If you have any questions about this report or wish to contact GAO officials responsible for the evaluation work relating to the subject matter of the rule, please contact Shari Brewster, Assistant General Counsel, at (202) 512-6398.



Shirley A. Jones  
Managing Associate General Counsel

Enclosure

cc: Alice Kottmyer  
Attorney-Adviser, Office of the Legal Adviser  
Department of State

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE  
ISSUED BY THE  
DEPARTMENT OF STATE  
ENTITLED  
“SCHEDULE OF FEES FOR CONSULAR SERVICES—  
PASSPORT SECURITY SURCHARGE”  
(RIN: 1400-AE15)

(i) Cost-benefit analysis

The Department of State (DOS) stated that the increase in the passport book security surcharge (PSS) is \$20 and DOS does not anticipate demand for passport services will change significantly as a result of this increase. DOS stated the price of a passport book or card will remain minor in comparison with other costs associated with foreign travel. According to DOS, an adult passport book is valid for 10 years, and a minor passport book is valid for 5 years or until the applicant turns 18 and, therefore, the cost to the applicant of the PSS increase is spread over the lifetime of the passport book use. DOS stated that the adjusted fee will result in a more accurate alignment of the fees for consular services to the costs of providing the services.

(ii) Agency actions relevant to the Regulatory Flexibility Act (RFA), 5 U.S.C. §§ 603–605, 607, and 609

DOS certified that this final rule will not have a significant economic impact on a substantial number of small entities.

(iii) Agency actions relevant to sections 202–205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532–1535

DOS determined this final rule is not expected to result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any year, and it will not significantly or uniquely affect small governments.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*

On March 26, 2021, DOS published a proposed rule. 86 Fed. Reg. 16149. DOS stated it received two comments. According to DOS, both comments were addressed in this final rule.

Paperwork Reduction Act (PRA), 44 U.S.C. §§ 3501-3520

DOS determined that this final rule contains no new information collection requirements under the PRA.

Statutory authorization for the rule

DOS promulgated this final rule pursuant to various sections of title 8, United States Code; section 2602 of title 10, United States Code; various sections of title 22, United States Code; and section 9701 of title 31, United States Code.

Executive Order No. 12866 (Regulatory Planning and Review)

DOS stated that the Office of Management and Budget has determined that this final rule is economically significant under the Order.

Executive Order No. 13132 (Federalism)

DOS stated this final rule will not have substantial direct effects on the states, on the relationship between the National Government and the states, or on the distribution of power and responsibilities among the various levels of government. As a result, DOS determined the rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement under the Order.