

Section 169, R.S. §4112, related to execution and return of process by a marshal.

Section 170, R.S. §4113, related to bond of a marshal.

Section 171, R.S. §4114, related to suit on bond of marshal.

Section 172, R.S. §4115, related to necessity for production of original bond.

Section 173, R.S. §4116, related to service of rules, orders, writs, and processes of every kind in suit on bond of marshal.

Section 174, R.S. §§4121, 4122; act June 25, 1948, ch. 646, §39, 62 Stat. 992, related to expenses of prisons in foreign countries.

§ 175. Omitted

CODIFICATION

Section, act Mar. 2, 1901, ch. 802, 31 Stat. 893, which appropriated funds for feeding and keeping of prisoners, was repeated in subsequent appropriation acts down to and including act Mar. 3, 1917, ch. 161, 39 Stat. 1058, but was not repeated thereafter.

§§ 176 to 181. Repealed. Aug. 1, 1956, ch. 807, 70 Stat. 774

Act Aug. 1, 1956, repealed sections 176 to 181 effective upon the date which the President determined to be appropriate for the relinquishment of jurisdiction of the United States in Morocco. Jurisdiction of the United States in Morocco was relinquished by memorandum of President Eisenhower dated Sept. 15, 1956. Notice was given to Morocco on Oct. 6, 1956, and all pending cases were disposed of by 1960. See Bulletin of the State Department Vol. 35:909, page 844.

Section 176, R.S. §4128, related to the exercise of judicial duties by the Secretary of State in the absence of a minister.

Section 177, R.S. §§4127, 4129; act June 14, 1878, ch. 193, 20 Stat. 131, related to the general extension to unnamed countries with which the United States may after July 1, 1870 enter into treaty relations, of the provisions relating to the jurisdiction of consular and diplomatic officers.

Section 178, R.S. §4130; acts Feb. 1, 1876, ch. 6, 19 Stat. 2; Feb. 5, 1915, ch. 23, §6, 38 Stat. 806, related to the definition of the words "minister" and "consul".

Section 179, R.S. §4110, related to the responsibility of diplomatic and consular officers as judicial officers.

Section 180, R.S. §4088; act Apr. 5, 1906, ch. 1366, §3, 34 Stat. 100, related to the power of consuls in uncivilized countries or countries not recognized by treaties.

Section 181, R.S. §4125, related to the applicability of other laws to Turkey.

§ 182. Omitted

CODIFICATION

Section, act Mar. 23, 1874, ch. 62, §1, 18 Stat. 23, related to consular courts in Turkey and Egypt. Such courts in Turkey were abolished Oct. 14, 1949, and such courts in Egypt were abolished by the Treaty of Oct. 28, 1931.

§ 183. Repealed. Aug. 1, 1956, ch. 807, 70 Stat. 774

Section, R.S. §4126, related to the extension of other laws to Persia and suits between American citizens and subjects of Persia and other countries.

EFFECTIVE DATE OF REPEAL

Act Aug. 1, 1956, repealed section 183 effective upon the date which the President determined to be appropriate for the relinquishment of jurisdiction of the United States in Morocco. Jurisdiction of the United States in Morocco was relinquished by memorandum of President Eisenhower dated Sept. 15, 1956. Notice was given to Morocco on Oct. 6, 1956, and all pending cases were disposed of by 1960. See Bulletin of the State Department Vol. 35:909, page 844.

CHAPTER 3—UNITED STATES COURT FOR CHINA

§§ 191 to 200. Repealed. June 25, 1948, ch. 646, §39, 62 Stat. 992, eff. Sept. 1, 1948

Section 191, acts June 30, 1906, ch. 3934, §1, 34 Stat. 814; June 24, 1936, ch. 757, 49 Stat. 1909, related to establishment of court.

Section 192, act June 30, 1906, ch. 3934, §2, 34 Stat. 814, related to jurisdiction of consular courts.

Section 193, act June 30, 1906, ch. 3934, §2, 34 Stat. 814, related to administration of estates of decedents.

Section 194, acts June 30, 1906, ch. 3934, §3, 34 Stat. 815; Mar. 3, 1911, ch. 231, §291, 36 Stat. 1167; Jan. 31, 1928, ch. 14, §1, 45 Stat. 54, related to appeals and writs of error.

Section 195, act June 30, 1906, ch. 3934, §4, 34 Stat. 815, related to law applicable to determination of cases.

Section 196, act June 30, 1906, ch. 3934, §5, 34 Stat. 816, related to procedure generally.

Section 197, acts June 30, 1906, ch. 3934, §6, 34 Stat. 816; May 29, 1928, ch. 904, §§1, 2, 45 Stat. 997, related to officers of court.

Section 197a, act May 29, 1928, ch. 904, §§1, 2, 45 Stat. 997, related to salaries of judge.

Section 197b, act June 30, 1906, ch. 3934, §11, as added Aug. 7, 1935, ch. 452, §1, 49 Stat. 539, related to appointment and compensation of special judge.

Section 197c, acts Mar. 2, 1909, ch. 235, 35 Stat. 679; Mar. 4, 1915, ch. 145, 38 Stat. 1122, related to vice consul at Shanghai exercising judicial functions.

Section 198, act June 4, 1920, ch. 223, 41 Stat. 746, related to commissioner for court.

Section 198a, act June 30, 1906, ch. 3934, §10, as added Aug. 7, 1935, ch. 452, §1, 49 Stat. 538, related to commissioner for the court.

Section 199, act June 30, 1906, ch. 3934, §7, 34 Stat. 816, related to tenure of office of judge.

Section 200, act June 30, 1906, ch. 3934, §8, 34 Stat. 816, related to bond of marshal.

§ 201. Omitted

CODIFICATION

Section, acts Feb. 27, 1925, ch. 364, title I, 43 Stat. 1025; Apr. 29, 1926, ch. 195, title I, 44 Stat. 341; Feb. 24, 1927, ch. 189, title I, 44 Stat. 1192; Feb. 15, 1928, ch. 57, title I, 45 Stat. 76, related to expenses of judge and district attorney at sessions other than in Shanghai. By the Treaty of Jan. 11, 1943, 57 Stat., pt. 2, 767, between the United States and the Republic of China, the United States relinquished all of its extraterritorial rights in China.

§ 202. Repealed. June 25, 1948, ch. 646, §39, 62 Stat. 992, eff. Sept. 1, 1948

Section, act June 30, 1906, ch. 3934, §9, 34 Stat. 816, related to fees of marshal and clerk.

CHAPTER 4—PASSPORTS

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| Sec. | |
| 211. | Repealed. |
| 211a. | Authority to grant, issue, and verify passports. |
| 212. | Persons entitled to passport. |
| 213. | Application for passport; verification by oath of initial passport. |
| 214. | Fees for execution and issuance of passports; persons excused from payment. |
| 214a. | Fees erroneously charged and paid; refund. |
| 215 to 217. | Omitted or Repealed. |
| 217a. | Validity of passport; limitation of time. |
| 218. | Returns as to passports issued, etc. |
| 219 to 229. | Repealed. |

§ 211. Repealed. July 3, 1926, ch. 772, §4, 44 Stat. 887

Section, R.S. §4075; act June 14, 1902, ch. 1088, §1, 32 Stat. 386, provided for issuance of passports. See section 211a of this title.

§ 211a. Authority to grant, issue, and verify passports

The Secretary of State may grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by diplomatic and consular officers of the United States, and by such other employees of the Department of State who are citizens of the United States as the Secretary of State may designate, and by the chief or other executive officer of the insular possessions of the United States, under such rules as the President shall designate and prescribe for and on behalf of the United States, and no other person shall grant, issue, or verify such passports. Unless authorized by law, a passport may not be designated as restricted for travel to or for use in any country other than a country with which the United States is at war, where armed hostilities are in progress, or where there is imminent danger to the public health or the physical safety of United States travellers.

(July 3, 1926, ch. 772, § 1, 44 Stat. 887; Pub. L. 95-426, title I, § 124, Oct. 7, 1978, 92 Stat. 971; Pub. L. 103-236, title I, § 127(a), Apr. 30, 1994, 108 Stat. 394; Pub. L. 103-415, § 1(b), Oct. 25, 1994, 108 Stat. 4299.)

AMENDMENTS

1994—Pub. L. 103-415, § 1(b)(1), substituted “such other employees” for “such employees”.

Pub. L. 103-415, § 1(b)(2), which directed the amendment of this section by substituting “United States” for “United States,” was executed by making the substitution after “who are citizens of the”, to reflect the probable intent of Congress.

Pub. L. 103-236 substituted “by diplomatic and consular officers of the United States, and by other employees of the Department of State who are citizens of the United States,” for “by diplomatic representatives of the United States, and by such consul generals, consuls, or vice consuls when in charge,”.

1978—Pub. L. 95-426 inserted provision prohibiting passport restrictions except for countries with which the United States is at war, where armed hostilities are in progress or there is imminent danger to the public health or physical safety of United States travellers.

LIMITATIONS ON USE OF FUNDS FOR PROCUREMENT OF PAPER FOR PASSPORTS

Pub. L. 100-440, title VI, § 617(b), Sept. 22, 1988, 102 Stat. 1755, provided that: “None of the funds made available by this or any other Act with respect to any fiscal year may be used to procure paper for passports granted or issued pursuant to the first section of the Act entitled ‘An Act to regulate the issue and validity of passports, and for other purposes’, approved July 3, 1926 (22 U.S.C. 211a), if such paper is manufactured outside of the United States or its possessions or is procured from any corporation or other entity owned or controlled by persons not citizens of the United States. This subsection shall not apply if no domestic manufacturer for passport paper exists.”

Similar provisions were contained in the following prior appropriation act:

Pub. L. 100-202, § 101(m) [title VI, § 622(b)], Dec. 22, 1987, 101 Stat. 1329-390, 1329-428.

PERSONS ENTITLED TO DIPLOMATIC OR OFFICIAL UNITED STATES PASSPORT

Section 125 of Pub. L. 95-426 provided that: “It is the sense of the Congress that a diplomatic or official United States passport should be issued only to, and used only by, a person who holds a diplomatic or other official position in the United States Government or

who is otherwise eligible for such a passport under conditions specifically authorized by law.”

EX. ORD. NO. 11295. RULES GOVERNING GRANTING, ISSUING, AND VERIFYING OF PASSPORTS

Ex. Ord. No. 11295, Aug. 5, 1966, 31 F.R. 10603, provided:

By virtue of the authority vested in me by Section 301 of Title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. *Delegation of authority.* The Secretary of State is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority conferred upon the President by the first section of the Act of July 3, 1926 (22 U.S.C. 211a), to designate and prescribe for and on behalf of the United States rules governing the granting, issuing, and verifying of passports.

SEC. 2. *Superseded orders.* Subject to Section 3 of this order, the following are hereby superseded:

(1) Executive Order No. 7856 of March 31, 1938, entitled “Rules Governing the Granting and Issuing of Passports in the United States.”

(2) Executive Order No. 8820 of July 11, 1941, entitled “Amending the Foreign Service Regulations of the United States.”

SEC. 3. *Saving provisions.* All rules and regulations contained in the Executive order provisions revoked by Section 2 of this order, and all rules and regulations issued under the authority of those provisions, which are in force at the time of the issuance of this order shall remain in full force and effect until revoked, or except as they may be hereafter amended or modified, in pursuance of the authority conferred by this order, unless sooner terminated by operation of law.

LYNDON B. JOHNSON.

§ 212. Persons entitled to passport

No passport shall be granted or issued to or verified for any other persons than those owing allegiance, whether citizens or not, to the United States.

(R.S. § 4076; June 14, 1902, ch. 1088, § 2, 32 Stat. 386.)

CODIFICATION

R.S. § 4076 derived from act May 30, 1866, ch. 102, 14 Stat. 54.

AMENDMENTS

1902—Act June 14, 1902, substituted “those owing allegiance, whether citizens or not, to the United States” for “citizens of the United States”.

§ 213. Application for passport; verification by oath of initial passport

Before a passport is issued to any person by or under authority of the United States such person shall subscribe to and submit a written application which shall contain a true recital of each and every matter of fact which may be required by law or by any rules authorized by law to be stated as a prerequisite to the issuance of any such passport. If the applicant has not previously been issued a United States passport, the application shall be duly verified by his oath before a person authorized and empowered by the Secretary of State to administer oaths.

(June 15, 1917, ch. 30, title IX, § 1, 40 Stat. 227; Pub. L. 90-428, § 3, July 26, 1968, 82 Stat. 446.)

CODIFICATION

Second sentence of act June 15, 1917, which related to fees for taking application for passport, was omitted as superseded by sections 214 to 217a of this title.