

- Sec.
 212a. Restriction of passports for sex tourism.
 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 Omitted or Repealed.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 Repealed.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 Repealed.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.

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109-167, §1, Jan. 10, 2006, 119 Stat. 3578, provided that: “This Act [amending section 214 of this title] may be cited as the ‘Passport Services Enhancement Act of 2005’.”

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

Pub. L. 95-426, title I, §125, Oct. 7, 1978, 92 Stat. 971, 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”.

§ 212a. Restriction of passports for sex tourism**(a) In general**

Following any conviction of an individual for a violation of section 2423 of title 18, the Attorney General shall notify in a timely manner—

- (1) the Secretary of State for appropriate action under subsection (b); and
- (2) the Secretary of Homeland Security for appropriate action under the Immigration and Nationality Act [8 U.S.C. 1101 et seq.].

(b) Authority to restrict passport**(1) Ineligibility for passport****(A) In general**

The Secretary of State shall not issue a passport or passport card to an individual who is convicted of a violation of section 2423 of title 18 during the covered period if the individual used a passport or passport card or otherwise crossed an international border in committing the offense.

(B) Passport revocation

The Secretary of State shall revoke a passport or passport card previously issued to an individual described in subparagraph (A).

(2) Exceptions**(A) Emergency and humanitarian situations**

Notwithstanding paragraph (1), the Secretary of State may issue a passport or passport card, in emergency circumstances or for humanitarian reasons, to an individual described in paragraph (1)(A).

(B) Limitation for return to United States

Notwithstanding paragraph (1), the Secretary of State may, prior to revocation, limit a previously issued passport or passport card only for return travel to the United States, or may issue a limited passport or passport card that only permits return travel to the United States.

(3) Definitions

In this subsection—

(A) the term “covered period” means the period beginning on the date on which an individual is convicted of a violation of section 2423 of title 18 and ending on the later of—

- (i) the date on which the individual is released from a sentence of imprisonment relating to the offense; and
- (ii) the end of a period of parole or other supervised release of the covered individual relating to the offense; and

(B) the term “imprisonment” means being confined in or otherwise restricted to a jail, prison, half-way house, treatment facility, or another institution, on a full or part-time basis, pursuant to the sentence imposed as the result of a criminal conviction.

(Pub. L. 110-457, title II, §236, Dec. 23, 2008, 122 Stat. 5082.)

REFERENCES IN TEXT

The Immigration and Nationality Act, referred to in subsec. (a)(2), is act June 27, 1952, ch. 477, 66 Stat. 163, which is classified principally to chapter 12 (§1101 et seq.) of Title 8, Aliens and Nationality. For complete

classification of this Act to the Code, see Short Title note set out under section 1101 of Title 8 and Tables.

§ 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.

AMENDMENTS

1968—Pub. L. 90-428 substituted provisions requiring that the initial passport application be duly verified under oath before a person authorized and empowered by the Secretary of State to administer oaths for provisions requiring that each passport application be duly verified under oath before a person authorized and empowered to administer oaths.

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.

ISSUANCE OF PASSPORTS FOR CHILDREN UNDER AGE 14

Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title II, §236], Nov. 29, 1999, 113 Stat. 1536, 1501A-430, provided that:

“(a) IN GENERAL.—

“(1) REGULATIONS.—Not later than 1 year after the date of the enactment of this Act [Nov. 29, 1999], the Secretary of State shall issue regulations providing that before a child under the age of 14 years is issued a passport the requirements under paragraph (2) shall apply under penalty of perjury.

“(2) REQUIREMENTS.—

“(A) Both parents, or the child’s legal guardian, must execute the application and provide documentary evidence demonstrating that they are the parents or guardian; or

“(B) the person executing the application must provide documentary evidence that such person—

“(i) has sole custody of the child;

“(ii) has the consent of the other parent to the issuance of the passport; or

“(iii) is in loco parentis and has the consent of both parents, of a parent with sole custody over the child, or of the child’s legal guardian, to the issuance of the passport.

“(b) EXCEPTIONS.—The regulations required by subsection (a) may provide for exceptions in exigent circumstances, such as those involving the health or welfare of the child, or when the Secretary determines that issuance of a passport is warranted by special family circumstances.”

§ 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