''(B) There is no credible medical evidence that partial-birth abortions are safe or are safer than other abortion procedures. No controlled studies of partial-birth abortions have been conducted nor have any comparative studies been conducted to demonstrate its safety and efficacy compared to other abortion methods. Furthermore, there have been no articles published in peer-reviewed journals that establish that partial-birth abortions are superior in any way to established abortion procedures. Indeed, unlike other more commonly used abortion procedures, there are currently no medical schools that provide instruction on abortions that include the instruction in partial-birth abortions in their curriculum.

''(C) A prominent medical association has concluded that partial-birth abortion is 'not an accepted medical practice', that it has 'never been subject to even a minimal amount of the normal medical practice development,' that 'the relative advantages and disadvantages of the procedure in specific circumstances remain unknown,' and that 'there is no consensus among obstetricians about its use'. The association has further noted that partial-birth abortion is broadly disfavored by both medical experts and the public, is 'ethically wrong,' and 'is never the only appropriate procedure'.

''(D) Neither the plaintiff in Stenberg v. Carhart, nor the experts who testified on his behalf, have identified a single circumstance during which a partial-birth abortion was necessary to preserve the health of a woman.

''(E) The physician credited with developing the partial-birth abortion procedure has testified that he has never encountered a situation where a partial-birth abortion was medically necessary to achieve the desired outcome and, thus, is never medically necessary to preserve the health of a woman.

''(F) A ban on the partial-birth abortion procedure will therefore advance the health interests of pregnant women seeking to terminate a pregnancy.

''(G) In light of this overwhelming evidence, Congress and the States have a compelling interest in prohibiting partial-birth abortions. In addition to promoting maternal health, such a prohibition will draw a bright line that clearly distinguishes abortion and infanticide, that preserves the integrity of the medical profession, and promotes respect for human life.

''(H) Based upon Roe v. Wade, 410 U.S. 113 (1973) and Planned Parenthood v. Casey, 505 U.S. 833 (1992), a governmental interest in protecting the life of a child during the delivery process arises by virtue of the fact that during a partial-birth abortion, labor is induced and the birth process has begun. This distinction was recognized in Roe when the Court noted, without comment, that the Texas parturition statute, which prohibited one from killing a child 'in a state of being born and before actual birth,' was not under attack. This interest becomes compelling as the child emerges from the maternal body. A child that is completely born is a full, legal person entitled to constitutional protections afforded a 'person' under the United States Constitution. Partial-birth abortions involve the killing of a child that is in the process, in fact mere inches away from, becoming a 'person'. Thus, the government has a heightened interest in protecting the life of the partially-born child.

''(I) This, too, has not gone unnoticed in the medical community, where a prominent medical association has recognized that partial-birth abortions are 'ethically different from other destructive abortion techniques because the fetus, normally twenty weeks or longer in gestation, is killed outside of the womb'. According to this medical association, the '''partial birth'' gives the fetus an autonomy which separates it from the right of the woman to choose treatments for her own body'.

''(J) Partial-birth abortion also confuses the medical, legal, and ethical duties of physicians to preserve and promote life, as the physician acts directly against the physical life of a child, whom he or she had just delivered, all but the head, out of the womb, in order to end that life. Partial-birth abortion thus appropriates the terminology and techniques used by obstetricians in the delivery of living children—obstetricians who preserve and protect the life of the mother and the child—and instead uses those techniques to end the life of the partially-born child.

''(K) Thus, by aborting a child in the manner that purposefully seeks to kill the child after he or she has begun the process of birth, partial-birth abortion undermines the public's perception of the appropriate role of a physician during the delivery process, and perverts a process during which life is brought into the world, in order to destroy a partially-born child.

''(L) The gruesome and inhumane nature of the partial-birth abortion procedure and its disturbing similarity to the killing of a newborn infant promotes a complete disregard for infant human life that can only be countered by a prohibition of the procedure.

''(M) The vast majority of babies killed during partial-birth abortions are alive until the end of the procedure. It is a medical fact, however, that unborn infants at this stage can feel pain when subjected to painful stimuli and that their perception of this pain is even more intense than that of newborn infants and older children when subjected to the same stimuli. Thus, during a partial-birth abortion procedure, the child will fully experience the pain associated with piercing his or her skull and sucking out his or her brain.

''(N) Implicitly approving such a brutal and inhumane procedure by choosing not to prohibit it will further coarsen society to the humanity of not only newborns, but all vulnerable and innocent human life, making it increasingly difficult to protect such life. Thus, Congress has a compelling interest in acting—indeed it must act—to prohibit this inhumane procedure.

''(O) For these reasons, Congress finds that partial-birth abortion is never medically indicated to preserve the health of the mother; is in fact unrecognized as a valid abortion procedure by the mainstream medical community; poses additional health risks to the mother; blurs the line between abortion and infanticide in the killing of a partially-born child just inches from birth; and confuses the role of the physician in childbirth and should, therefore, be banned.''

CHAPTER 75—PASSPORTS AND VISAS

AMENDMENTS

1994—Pub. L. 103–322, title XIII, §130009(b), Sept. 13, 1994, 108 Stat. 2030, added item 1547.

1986—Pub. L. 99–603, title I, §103(b), Nov. 6, 1986, 100 Stat. 3380, amended item 1546 generally, striking out ''entry'' before ''documents''.

§ 1541. Issuance without authority

Whoever, acting or claiming to act in any office or capacity under the United States, or a

State, without lawful authority grants, issues, or verifies any passport or other instrument in the nature of a passport to or for any person whomsoever; or

Whoever, being a consular officer authorized to grant, issue, or verify passports, knowingly and willfully grants, issues, or verifies any such passport to or for any person not owing allegiance, to the United States, whether a citizen or not—

Shall be fined under this title, imprisoned not more than 25 years (if the offense was committed to facilitate an act of international terrorism (as defined in section 2331 of this title)), 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title)), 10 years (in the case of the first or second such offense, if the offense was not committed to facilitate such an act of international terrorism or a drug trafficking crime), or 15 years (in the case of any other offense), or both.

For purposes of this section, the term ''State'' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(June 25, 1948, ch. 645, 62 Stat. 771; Pub. L. 103–322, title XIII, § 130009(a)(1), title XXXIII, § 330016(1)(G), Sept. 13, 1994, 108 Stat. 2030, 2147; Pub. L. 104–208, div. C, title II, § 211(a)(2), Sept. 30, 1996, 110 Stat. 3009–569; Pub. L. 104–294, title VI, § 607(n), Oct. 11, 1996, 110 Stat. 3512; Pub. L. 107–273, div. B, title IV, § 4002(a)(3), Nov. 2, 2002, 116 Stat. 1806.)

HISTORICAL AND REVISION NOTES

Based on section 219 of title 22, U.S.C., 1940 ed., Foreign Relations and Intercourse (R.S. 4078; June 14, 1902, ch. 1088, § 3, 32 Stat. 386).

The venue provision, which followed the punishment provisions, was omitted as covered by section 3238 of this title.

Changes were made in phraseology.

AMENDMENTS

2002—Pub. L. 107–273 substituted ''to facilitate'' for ''to facility'' in third par.

1996—Pub. L. 104–294, § 607(n)(1), struck out ''or possession'' after ''or a State'' in first par.

Pub. L. 104–294, § 607(n)(2), added last par. defining ''State'' for purposes of this section.

Pub. L. 104–208 substituted ''imprisoned not more than 25 years (if the offense was committed to facilitate an act of international terrorism (as defined in section 2331 of this title)), 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title)), 10 years (in the case of the first or second such offense, if the offense was not committed to facility such an act of international terrorism or a drug trafficking crime), or 15 years (in the case of any other offense)'' for ''imprisoned not more than 10 years'' in third par.

1994—Pub. L. 103–322, § 330016(1)(G), which directed the amendment of this section by substituting ''under this title'' for ''not more than $500'', could not be executed because the words ''not more than $500'' did not appear in text subsequent to amendment by Pub. L. 103–322, § 130009(a)(1). See below.

Pub. L. 103–322, § 130009(a)(1), substituted ''under this title, imprisoned not more than 10 years'' for ''not more than $500 or imprisoned not more than one year'' in last par.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–208 applicable with respect to offenses occurring on or after Sept. 30, 1996, see section 211(c) of Pub. L. 104–208, set out as a note under section 1028 of this title.

§ 1542. False statement in application and use of passport

Whoever willfully and knowingly makes any false statement in an application for passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws; or

Whoever willfully and knowingly uses or attempts to use, or furnishes to another for use any passport the issue of which was secured in any way by reason of any false statement—

Shall be fined under this title, imprisoned not more than 25 years (if the offense was committed to facilitate an act of international terrorism (as defined in section 2331 of this title)), 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title)), 10 years (in the case of the first or second such offense, if the offense was not committed to facilitate such an act of international terrorism or a drug trafficking crime), or 15 years (in the case of any other offense), or both.

(June 25, 1948, ch. 645, 62 Stat. 771; Pub. L. 103–322, title XIII, § 130009(a)(2), title XXXIII, § 330016(1)(I), Sept. 13, 1994, 108 Stat. 2030, 2147; Pub. L. 104–208, div. C, title II, § 211(a)(2), Sept. 30, 1996, 110 Stat. 3009–569; Pub. L. 107–273, div. B, title IV, § 4002(a)(3), Nov. 2, 2002, 116 Stat. 1806.)

HISTORICAL AND REVISION NOTES

Based on section 220 of title 22, U.S.C., 1940 ed., Foreign Relations and Intercourse (June 15, 1917, ch. 30, title IX, § 2, 40 Stat. 227; Mar. 28, 1940, ch. 72, § 7, 54 Stat. 80).

Mandatory-punishment provision was rephrased in the alternative.

Punishment of five years' imprisonment was substituted for ''ten years'' to conform with other sections embracing offenses of comparable gravity.

Minor changes were made in phraseology.

AMENDMENTS

2002—Pub. L. 107–273 substituted ''to facilitate'' for ''to facility'' in last par.

1996—Pub. L. 104–208 substituted ''imprisoned not more than 25 years (if the offense was committed to facilitate an act of international terrorism (as defined in section 2331 of this title)), 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title)), 10 years (in the case of the first or second such offense, if the offense was not committed to facility such an act of international terrorism or a drug trafficking crime), or 15 years (in the case of any other offense)'' for ''imprisoned not more than 10 years'' in last par.

1994—Pub. L. 103–322, § 330016(1)(I), which directed the amendment of this section by substituting ''under this title'' for ''not more than $2,000'', could not be executed because the words ''not more than $2,000'' did not appear in text subsequent to amendment by Pub. L. 103–322, § 130009(a)(2). See below.

Pub. L. 103–322, § 130009(a)(2), substituted ''under this title, imprisoned not more than 10 years'' for ''not more than $2,000 or imprisoned not more than five years'' in last par.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–208 applicable with respect to offenses occurring on or after Sept. 30, 1996, see