

citizen of the United States and shall not within a reasonable time after demand made upon him by the Secretary of State or by such citizen, his executor, administrator, or legal representative, account for and pay over all moneys, property, and effects, less his lawful fees, due to such citizen, shall be deemed guilty of embezzlement, and shall be punishable by imprisonment for not more than five years, and by a fine of not more than \$2,000.

(R.S. § 1734; Dec. 21, 1898, ch. 36, § 3, 30 Stat. 771.)

Editorial Notes

CODIFICATION

R.S. § 1734 derived from act Mar. 3, 1869, ch. 125, § 5, 15 Stat. 322.

Section was not enacted as part of the Foreign Service Act of 1980 which comprises this chapter.

Section was formerly classified to section 1198 of this title, and prior thereto to section 102 of this title.

§ 4218. False certificate as to ownership of property

If any consul or vice consul falsely and knowingly certifies that property belonging to foreigners is property belonging to citizens of the United States, he shall be punishable by imprisonment for not more than three years, and by a fine of not more than \$10,000.

(R.S. § 1737; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100.)

Editorial Notes

CODIFICATION

R.S. § 1737 derived from act Feb. 22, 1803, ch. 9, § 7, 2 Stat. 204.

References to “commercial agent” and “vice-commercial agent” were omitted in view of the abolition of the grade of commercial agent by act Apr. 5, 1906.

Section was not enacted as part of the Foreign Service Act of 1980 which comprises this chapter.

Section was formerly classified to section 1200 of this title, and prior thereto to section 104 of this title.

§ 4219. Regulation of fees by President

The President is authorized to prescribe, from time to time, the rates or tariffs of fees to be charged for official services, and to designate what shall be regarded as official services, besides such as are expressly declared by law, in the business of the several embassies, legations, and consulates, and to adapt the same, by such differences as may be necessary or proper, to each embassy, legation, or consulate; and it shall be the duty of all officers and persons connected with such embassies, legations, and consulates to collect for such official services such and only such fees as may be prescribed for their respective embassies, legations, and consulates, and such rates or tariffs shall be reported annually to Congress.

(R.S. § 1745; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100.)

Editorial Notes

CODIFICATION

R.S. § 1745 derived from act Aug. 18, 1856, ch. 127, § 16, 11 Stat. 57.

References to “commercial agencies” and “commercial agency” were omitted in view of the abolition of the grade of commercial agent by act Apr. 5, 1906.

Section was not enacted as part of the Foreign Service Act of 1980 which comprises this chapter.

Section was formerly classified to section 1201 of this title, and prior thereto to section 127 of this title.

Executive Documents

EX. ORD. NO. 10718. DELEGATION OF AUTHORITY TO SECRETARY OF STATE

Ex. Ord. No. 10718, June 27, 1957, 22 F.R. 4632, provided: SECTION 1. There is hereby delegated to the Secretary of State the authority vested in the President by section 1745 of the Revised Statutes of the United States (22 U.S.C. 1201) [this section] to prescribe, from time to time, the rates or tariffs of fees to be charged for official services, and to designate what shall be regarded as official services, besides such as are expressly declared by law, in the business of the several embassies, legations, and consulates, and to adapt the same, by such differences as may be necessary or proper, to each embassy, legation, or consulate.

SEC. 2. This order shall not operate to amend, supersede, or terminate any rates or tariffs of fees, designations, or adaptations prescribed or made under authority of the said section 1745 [this section] and in force immediately prior to the issuance of this order; but authority to amend, supersede, or terminate the same, and to prescribe regulations necessary or desirable for the implementation of rates or tariffs of fees, designations, or adaptations heretofore or hereafter prescribed or made, shall be deemed to be included within the authority delegated by section 1 of this order.

SEC. 3. The rates or tariffs of fees and the regulations prescribed and any other actions taken by the Secretary of State under authority of this order shall be published in the Federal Register.

DWIGHT D. EISENHOWER.

§ 4220. Medium for payment of fees

All fees collected by diplomatic and consular officers for and in behalf of the United States shall be collected in the coin of the United States, or at its representative value in exchange.

(R.S. § 1746.)

Editorial Notes

CODIFICATION

R.S. § 1746 derived from act Aug. 18, 1856, ch. 127, § 30, 11 Stat. 63.

Section was not enacted as part of the Foreign Service Act of 1980 which comprises this chapter.

Section was formerly classified to section 1202 of this title, and prior thereto to section 128 of this title.

§ 4221. Depositions and notarial acts; perjury

Every secretary of embassy or legation and consular officer is authorized, whenever he is required or deems it necessary or proper so to do, at the post, port, place, or within the limits of his embassy, legation, or consulate, to administer to or take from any person an oath, affirmation, affidavit, or deposition, and to perform any notarial act which any notary public is required or authorized by law to do within the United States. At any post, port, or place where there is no consular officer, the Secretary of State may authorize any other officer or employee of the United States Government who is a United States citizen serving overseas, including any contract employee of the United States Government, to perform such acts, and any such contractor so authorized shall not be considered

to be a consular officer. Every such oath, affirmation, affidavit, deposition, and notarial act administered, sworn, affirmed, taken, had, or done, by or before any such officer, when certified under his hand and seal of office, shall be as valid, and of like force and effect within the United States, to all intents and purposes, as if administered, sworn, affirmed, taken, had, or done, by or before any other person within the United States duly authorized and competent thereto. If any person shall willfully and corruptly commit perjury, or by any means procure any person to commit perjury in any such oath, affirmation, affidavit, or deposition, within the intent and meaning of any Act of Congress now or hereafter made, such offender may be charged, proceeded against, tried, convicted, and dealt with in any district of the United States, in the same manner, in all respects, as if such offense had been committed in the United States, before any officer duly authorized therein to administer or take such oath, affirmation, affidavit, or deposition, and shall be subject to the same punishment and disability therefor as are or shall be prescribed by any such act for such offense; and any document purporting to have affixed, impressed, or subscribed thereto, or thereon the seal and signature of the officer administering or taking the same in testimony thereof, shall be admitted in evidence without proof of any such seal or signature being genuine or of the official character of such person; and if any person shall forge any such seal or signature, or shall tender in evidence any such document with a false or counterfeit seal or signature thereto, knowing the same to be false or counterfeit, he shall be deemed and taken to be guilty of a misdemeanor and on conviction shall be imprisoned not exceeding three years nor less than one year, and fined, in a sum not to exceed \$3,000, and may be charged, proceeded against, tried, convicted, and dealt with therefor in the district where he may be arrested or in custody. Pursuant to such regulations as the Secretary of State may prescribe, the Secretary may designate any other employee of the Department of State who is a citizen of the United States to perform any notarial function authorized to be performed by a consular officer of the United States under this Act.

(R.S. § 1750; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100; Pub. L. 103-415, § 1(mm)(2), Oct. 25, 1994, 108 Stat. 4304; Pub. L. 105-277, div. G, subdiv. B, title XXII, § 2222(c)(1), Oct. 21, 1998, 112 Stat. 2681-818.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, probably means the act of Aug. 18, 1856, ch. 127, 11 Stat. 52, as amended. That act was incorporated into the Revised Statutes as R.S. §§ 208, 211, 1674 to 1676, 1680, 1685 to 1687, 1689, 1690, 1692, 1695, 1697, 1699, 1700, 1701, 1703, 1706, 1708, 1711, 1713, 1715, 1718, 1719, 1730, 1731, 1735, 1738 to 1741, 1743 to 1748, 1750 to 1752, 4207, 4213, 4580, 4581, 4583, and 4584. For complete classification of those sections of the Revised Statutes to the Code, see Tables.

CODIFICATION

R.S. § 1750 derived from act Aug. 18, 1856, ch. 127, § 24, 11 Stat. 61.

Reference to “commercial agency” was omitted in view of the abolition of the grade of commercial agent by act Apr. 5, 1906.

Section was not enacted as part of the Foreign Service Act of 1980 which comprises this chapter.

Section was formerly classified to section 1203 of this title, and prior thereto to section 131 of this title.

AMENDMENTS

1998—Pub. L. 105-277 inserted after first sentence “At any post, port, or place where there is no consular officer, the Secretary of State may authorize any other officer or employee of the United States Government who is a United States citizen serving overseas, including any contract employee of the United States Government, to perform such acts, and any such contractor so authorized shall not be considered to be a consular officer.”

1994—Pub. L. 103-415, which directed amendment of section 24 of the Act of August 18, 1856 (11 Stat. 61, 22 U.S.C. 4221) by inserting at end “Pursuant to such regulations as the Secretary of State may prescribe, the Secretary may designate any other employee of the Department of State who is a citizen of the United States to perform any notarial function authorized to be performed by a consular officer of the United States under this Act.”, was executed to this section, which is section 1750 of the Revised Statutes, to reflect the probable intent of Congress. Section 24 of the Act of Aug. 18, 1856, was restated in section 1750 of the Revised Statutes and repealed by section 5596 of the Revised Statutes.

§ 4222. Authentication of documents of State of Vatican City by consular officer in Rome

Until the United States shall have consular officer resident in the State of the Vatican City, a copy of any document of record or on file in a public office of said State of the Vatican City, certified by the lawful custodian of such document, may be authenticated, as provided in section 1741 of title 28, by a consular officer of the United States resident in the city of Rome, Kingdom of Italy, and such document or record shall, when so certified and authenticated, be admissible in evidence in any court of the United States.

(June 20, 1936, ch. 640, § 6A, as added June 25, 1938, ch. 682, 52 Stat. 1163.)

Editorial Notes

CODIFICATION

“Section 1741 of title 28” substituted in text for “section 6 of this Act [28 U.S.C. 695e]” on authority of act June 25, 1948, ch. 646, 62 Stat. 869, section 1 of which enacted Title 28, Judiciary and Judicial Procedure.

Section was not enacted as part of the Foreign Service Act of 1980 which comprises this chapter.

Section was formerly classified to section 1204 of this title, and prior thereto to section 695e-1 of Title 28.

§ 4223. General duty to account for fees

All fees, official or unofficial, received by any officer in the Consular Service for services rendered in connection with the duties of his office or as a consular officer, including fees for notarial services, and fees for taking depositions, executing commissions or letters rogatory, settling estates, receiving or paying out moneys, caring for or disposing of property, shall be accounted for and paid into the Treasury of the United States, and the sole and only compensation of such officers shall be by salaries fixed by law.