

ceive, directly or indirectly, any compensation, by way of commission or otherwise, for receiving or disbursing the wages or extra wages to which any seaman or mariner is entitled who is discharged in any foreign country, or for any money advanced to any such seaman or mariner who seeks relief from any consulate; nor shall any consular officer, or any person under any consular officer, be interested, directly or indirectly, in any profit derived from clothing, boarding or otherwise supplying or sending home any such seaman or mariner. Such prohibition as to profit, however, shall not be construed to relieve or prevent any such officer who is the owner of or otherwise interested in any vessel of the United States from transporting in such vessel any such seaman or mariner, or from receiving or being interested in such reasonable allowance as may be made for such transportation by law.

(R.S. § 1719; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100.)

Editorial Notes

CODIFICATION

R.S. § 1719 derived from act Aug. 18, 1856, ch. 127, § 20, 11 Stat. 59.

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 1187 of this title, and prior thereto to section 90 of this title.

§ 4208. Valuation of foreign coins in payment of fees

Consuls, vice consuls, and consular agents in the Dominion of Canada, in the collection of official fees, shall receive foreign moneys at the rate given in the Treasury schedule of the value of foreign coins.

(R.S. § 1722.)

Editorial Notes

CODIFICATION

R.S. § 1722 derived from act Mar. 3, 1869, ch. 125, § 3, 15 Stat. 321.

Provisions of R.S. § 1722 that no consul, vice consul, or consular agent in the Dominion of Canada shall be allowed tonnage fees for any services, actual or constructive, rendered any vessel owned and registered in the United States that may touch at a Canadian port, were omitted as superseded by section 12 of act June 26, 1884, ch. 121, 23 Stat. 56, which is classified to section 4206 of this title.

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

Section was formerly classified to section 1188 of this title, and prior thereto to section 91 of this title.

§ 4209. Exaction of excessive fees generally; penalty of treble amount

Whenever any consular officer collects, or knowingly allows to be collected for any service, any other or greater fees than are allowed by law for such service, he shall, besides his liability to refund the same, be liable to pay to the person by whom or in whose behalf the same are paid, treble the amount of the unlawful charge so collected, as a penalty, to be recovered with

costs, in any proper form of action, by such person for his own use. And in any such case the Secretary of the Treasury may retain, out of the compensation of such officer, the amount of such overcharge and of such penalty, and charge the same to such officer in account, and may thereupon refund such unlawful charge, and pay such penalty to the person entitled to the same if he shall think proper so to do.

(R.S. § 1723.)

Editorial Notes

CODIFICATION

R.S. § 1723 derived from act Aug. 18, 1856, ch. 127, § 17, 11 Stat. 58.

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

Section was formerly classified to section 1189 of this title, and prior thereto to section 92 of this title.

§ 4210. Liability for uncollected fees

Every consul general, consul, or vice consul appointed to perform the duty of any such officer, who omits to collect any fees which he is entitled to charge for any official service, shall be liable to the United States therefor, as if he had collected the same; unless, upon good cause shown therefor, the Secretary of the Treasury shall think proper to remit the same.

(R.S. § 1724; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100.)

Editorial Notes

CODIFICATION

R.S. § 1724 derived from act Aug. 18, 1856, ch. 127, § 18, 11 Stat. 58.

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 1190 of this title, and prior thereto to section 93 of this title.

§ 4211. Returns as to fees by officers compensated by fees

All consular agents, as are allowed for their compensation the whole or any part of the fees which they may collect, shall make returns in such manner as the Government Accountability Office shall prescribe, of all such fees as they or any person in their behalf so collect.

(R.S. § 1725; July 31, 1894, ch. 174, § 5, 28 Stat. 206; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100; June 10, 1921, ch. 18, title III, § 304, 42 Stat. 24; Pub. L. 108-271, § 8(b), July 7, 2004, 118 Stat. 814.)

Editorial Notes

CODIFICATION

R.S. § 1725 derived from act Aug. 18, 1856, ch. 127, § 18, 11 Stat. 58.

References to “commercial agents” and “vice-commercial agents” 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 1191 of this title, and prior thereto to section 94 of this title.

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

“Government Accountability Office” substituted in text for “General Accounting Office” pursuant to section 8(b) of Pub. L. 108-271, set out as a note under section 702 of Title 31, Money and Finance, which redesignated the General Accounting Office and any references thereto as the Government Accountability Office. Previously, “General Accounting Office” substituted in text for “Comptroller of the Treasury” pursuant to act June 10, 1921, which transferred all powers and duties conferred upon Comptroller, six auditors, and certain other officers of the Treasury to General Accounting Office. See section 701 et seq. of Title 31. Previously, functions of Secretary of State under this section transferred to Comptroller of the Treasury by act July 31, 1894.

§§ 4212 to 4214. Repealed. Pub. L. 105-277, div. G, subdiv. B, title XXII, § 2223, Oct. 21, 1998, 112 Stat. 2681-819

Section 4212, R.S. §§1726, 1727, required receipts for fees collected for consular services.

Section 4213, R.S. §1727, required registry of fees.

Section 4214, R.S. §1728; June 28, 1955, ch. 196, 69 Stat. 187, required full transcript and certification of register.

§ 4215. Notarial acts, oaths, affirmations, affidavits, and depositions; fees

Every consular officer of the United States is required, whenever application is made to him therefor, within the limits of his consulate, to administer to or take from any person any oath, affirmation, affidavit, or deposition, and to perform any other notarial act which any notary public is required or authorized by law to do within the United States; and for every such notarial act performed he shall charge in each instance the appropriate fee prescribed by the President under section 4219 of this title.

(Apr. 5, 1906, ch. 1366, §7, 34 Stat. 101; Pub. L. 103-236, title I, §127(b), Apr. 30, 1994, 108 Stat. 394; Pub. L. 103-415, §1(mm)(1), Oct. 25, 1994, 108 Stat. 4303.)

Editorial Notes

CODIFICATION

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

Section was formerly classified to section 1195 of this title, and prior thereto to section 98 of this title.

AMENDMENTS

1994—Pub. L. 103-415 struck out sentence inserted at end by Pub. L. 103-236. See below.

Pub. L. 103-236 inserted 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.”

§ 4216. Posting rates of fees

It shall be the duty of all consular officers at all times to keep posted up in their offices, respectively, in a conspicuous place, and subject to the examination of all persons interested therein, a copy of such rates or tariffs as shall be in force.

(R.S. §1731.)

Editorial Notes

CODIFICATION

R.S. §1731 derived from act Aug. 18, 1856, ch. 127, §16, 11 Stat. 57.

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

Section was formerly classified to section 1197 of this title, and prior thereto to section 101 of this title.

§ 4217. Embezzlement of fees or of effects of American citizens

Every consular officer who willfully neglects to render true and just quarterly accounts and returns of the business of his office, and of moneys received by him for the use of the United States, or who neglects to pay over any balance of said moneys due to the United States at the expiration of any quarter, before the expiration of the next succeeding quarter, or who shall receive money, property, or effects belonging to a 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