

**Statutory Notes and Related Subsidiaries**

(R.S. § 1731.)

**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 Repealed.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.

**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

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