

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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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.”

Executive Documents

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.)

Editorial Notes

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).