

hearing, prior to prescribing such rules and regulations.

(Added Pub. L. 91-452, title XI, §1102(a), Oct. 15, 1970, 84 Stat. 959; amended Pub. L. 107-296, title XI, §1112(e)(3), Nov. 25, 2002, 116 Stat. 2276.)

#### Editorial Notes

##### AMENDMENTS

2002—Pub. L. 107-296 substituted “Attorney General” for “Secretary” wherever appearing.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

#### § 848. Effect on State law

No provision of this chapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State so that the two cannot be reconciled or consistently stand together.

(Added Pub. L. 91-452, title XI, §1102(a), Oct. 15, 1970, 84 Stat. 959.)

### CHAPTER 41—EXTORTION AND THREATS

Sec.

- 871. Threats against President and successors to the Presidency.
- 872. Extortion by officers or employees of the United States.
- 873. Blackmail.
- 874. Kickbacks from public works employees.
- 875. Interstate communications.
- 876. Mailing threatening communications.
- 877. Mailing threatening communications from foreign country.
- 878. Threats and extortion against foreign officials, official guests, or internationally protected persons.
- 879. Threats against former Presidents and certain other persons.
- 880. Receiving the proceeds of extortion.

#### Editorial Notes

##### AMENDMENTS

2000—Pub. L. 106-544, §2(b)(2), Dec. 19, 2000, 114 Stat. 2715, struck out “protected by the Secret Service” after “other persons” in item 879.

1994—Pub. L. 103-322, title XXXII, §320601(a)(2), Sept. 13, 1994, 108 Stat. 2115, added item 880.

1982—Pub. L. 97-297, §1(b), Oct. 12, 1982, 96 Stat. 1317, added item 879.

1976—Pub. L. 94-467, §9, Oct. 8, 1976, 90 Stat. 2001, added item 878.

1962—Pub. L. 87-829, §2, Oct. 15, 1962, 76 Stat. 956, substituted “and successors to the Presidency” for “, President-elect, and Vice President” in item 871.

1955—Act June 1, 1955, ch. 115, §2, 69 Stat. 80, inserted “President-elect, and Vice President” in item 871.

#### § 871. Threats against President and successors to the Presidency

(a) Whoever knowingly and willfully deposits for conveyance in the mail or for a delivery from

any post office or by any letter carrier any letter, paper, writing, print, missive, or document containing any threat to take the life of, to kidnap, or to inflict bodily harm upon the President of the United States, the President-elect, the Vice President or other officer next in the order of succession to the office of President of the United States, or the Vice President-elect, or knowingly and willfully otherwise makes any such threat against the President, President-elect, Vice President or other officer next in the order of succession to the office of President, or Vice President-elect, shall be fined under this title or imprisoned not more than five years, or both.

(b) The terms “President-elect” and “Vice President-elect” as used in this section shall mean such persons as are the apparent successful candidates for the offices of President and Vice President, respectively, as ascertained from the results of the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2. The phrase “other officer next in the order of succession to the office of President” as used in this section shall mean the person next in the order of succession to act as President in accordance with title 3, United States Code, sections 19 and 20.

(June 25, 1948, ch. 645, 62 Stat. 740; June 1, 1955, ch. 115, §1, 69 Stat. 80; Pub. L. 87-829, §1, Oct. 15, 1962, 76 Stat. 956; Pub. L. 97-297, §2, Oct. 12, 1982, 96 Stat. 1318; Pub. L. 103-322, title XXXIII, §330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §89 (Feb. 14, 1917, ch. 64, 39 Stat. 919).

Reference to persons causing or procuring was omitted as unnecessary in view of definition of “principal” in section 2 of this title.

Minor changes were made in phraseology.

#### Editorial Notes

##### AMENDMENTS

1994—Subsec. (a). Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$1,000”.

1982—Subsec. (a). Pub. L. 97-297 inserted “, to kidnap,” after “containing any threat to take the life of”.

1962—Pub. L. 87-829 designated existing provisions as subsec. (a), extended the provisions of such subsection to include any other officer next on the order of succession to the office of President and the Vice-President-elect, added subsec. (b), and substituted “and successors to the Presidency” for “, President-elect, and Vice President” in section catchline.

1955—Act June 1, 1955, included in section catchline and in text, provision for penalties for threats against the President-elect and the Vice President.

#### Statutory Notes and Related Subsidiaries

##### SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-544, §1, Dec. 19, 2000, 114 Stat. 2715, provided that: “This Act [amending sections 879, 3056 and 3486 of this title, repealing section 3486A of this title, and enacting provisions set out as notes under section 3056 of this title, section 551 of Title 5, Government Organization and Employees, and section 566 of Title 28, Judiciary and Judicial Procedure] may be cited as the ‘Presidential Threat Protection Act of 2000’.”