

from \$1,000 to \$25,000 and raising maximum term of imprisonment from seven years to twenty years.

1949—Act May 24, 1949, corrected spelling of “maim”.

§ 115. Influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member

(a)(1) Whoever—

(A) assaults, kidnaps, or murders, or attempts or conspires to kidnap or murder, or threatens to assault, kidnap or murder a member of the immediate family of a United States official, a United States judge, a Federal law enforcement officer, or an official whose killing would be a crime under section 1114 of this title; or

(B) threatens to assault, kidnap, or murder, a United States official, a United States judge, a Federal law enforcement officer, or an official whose killing would be a crime under such section,

with intent to impede, intimidate, or interfere with such official, judge, or law enforcement officer while engaged in the performance of official duties, or with intent to retaliate against such official, judge, or law enforcement officer on account of the performance of official duties, shall be punished as provided in subsection (b).

(2) Whoever assaults, kidnaps, or murders, or attempts or conspires to kidnap or murder, or threatens to assault, kidnap, or murder, any person who formerly served as a person designated in paragraph (1), or a member of the immediate family of any person who formerly served as a person designated in paragraph (1), with intent to retaliate against such person on account of the performance of official duties during the term of service of such person, shall be punished as provided in subsection (b).

(b)(1) The punishment for an assault in violation of this section is—

(A) a fine under this title; and

(B)(i) if the assault consists of a simple assault, a term of imprisonment for not more than 1 year;

(ii) if the assault involved physical contact with the victim of that assault or the intent to commit another felony, a term of imprisonment for not more than 10 years;

(iii) if the assault resulted in bodily injury, a term of imprisonment for not more than 20 years; or

(iv) if the assault resulted in serious bodily injury (as that term is defined in section 1365 of this title, and including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242 of this title) or a dangerous weapon was used during and in relation to the offense, a term of imprisonment for not more than 30 years.

(2) A kidnapping, attempted kidnapping, or conspiracy to kidnap in violation of this section shall be punished as provided in section 1201 of this title for the kidnapping or attempted kidnapping of, or a conspiracy to kidnap, a person described in section 1201(a)(5) of this title.

(3) A murder, attempted murder, or conspiracy to murder in violation of this section shall be punished as provided in sections 1111, 1113, and 1117 of this title.

(4) A threat made in violation of this section shall be punished by a fine under this title or imprisonment for a term of not more than 10 years, or both, except that imprisonment for a threatened assault shall not exceed 6 years.

(c) As used in this section, the term—

(1) “Federal law enforcement officer” means any officer, agent, or employee of the United States authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of Federal criminal law;

(2) “immediate family member” of an individual means—

(A) his spouse, parent, brother or sister, child or person to whom he stands in loco parentis; or

(B) any other person living in his household and related to him by blood or marriage;

(3) “United States judge” means any judicial officer of the United States, and includes a justice of the Supreme Court and a United States magistrate judge; and

(4) “United States official” means the President, President-elect, Vice President, Vice President-elect, a Member of Congress, a member-elect of Congress, a member of the executive branch who is the head of a department listed in 5 U.S.C. 101, or the Director of the Central Intelligence Agency.

(d) This section shall not interfere with the investigative authority of the United States Secret Service, as provided under sections 3056, 871, and 879 of this title.

(e) There is extraterritorial jurisdiction over the conduct prohibited by this section.

(Added Pub. L. 98-473, title II, §1008(a), Oct. 12, 1984, 98 Stat. 2140; amended Pub. L. 99-646, §§37(a), 60, Nov. 10, 1986, 100 Stat. 3599, 3613; Pub. L. 100-690, title VI, §6487(f)[b], Nov. 18, 1988, 102 Stat. 4386; Pub. L. 101-647, title XXXV, §3508, Nov. 29, 1990, 104 Stat. 4922; Pub. L. 101-650, title III, §321, Dec. 1, 1990, 104 Stat. 5117; Pub. L. 103-322, title XXXIII, §§330016(2)(C), 330021(1), Sept. 13, 1994, 108 Stat. 2148, 2150; Pub. L. 104-132, title VII, §§723(a), 727(b), Apr. 24, 1996, 110 Stat. 1300, 1302; Pub. L. 107-273, div. B, title IV, §4002(b)(9), div. C, title I, §11008(c), Nov. 2, 2002, 116 Stat. 1808, 1818; Pub. L. 110-177, title II, §208(a), Jan. 7, 2008, 121 Stat. 2538; Pub. L. 117-59, §3(2), Nov. 18, 2021, 135 Stat. 1469.)

Editorial Notes

AMENDMENTS

2021—Subsec. (e). Pub. L. 117-59 added subsec. (e).

2008—Subsec. (b)(1). Pub. L. 110-177 added par. (1) and struck out former par. (1) which read as follows: “An assault in violation of this section shall be punished as provided in section 111 of this title.”

2002—Subsec. (b)(2). Pub. L. 107-273, §4002(b)(9), substituted “or attempted kidnapping of, or a conspiracy to kidnap, a person” for “, attempted kidnapping, or conspiracy to kidnap of a person”.

Subsec. (b)(4). Pub. L. 107-273, §11008(c), substituted “10” for “five” and “6” for “three”.

1996—Subsec. (a)(1)(A). Pub. L. 104-132, §723(a)(1), inserted “or conspires” after “attempts”.

Subsec. (a)(2). Pub. L. 104-132, §727(b)(1), which directed insertion of “, or threatens to assault, kidnap,

or murder, any person who formerly served as a person designated in paragraph (1), or” after “assaults, kidnaps, or murders, or attempts to kidnap or murder”, was executed by making the substitution after “assaults, kidnaps, or murders, or attempts or conspires to kidnap or murder” to reflect the probable intent of Congress and the amendment by Pub. L. 104-132, §723(a)(1). See below.

Pub. L. 104-132, §723(a)(1), inserted “or conspires” after “attempts”.

Subsec. (b)(2). Pub. L. 104-132, §723(a)(2), substituted “, attempted kidnapping, or conspiracy to kidnap” for “or attempted kidnapping” in two places.

Subsec. (b)(3). Pub. L. 104-132, §723(a)(3), substituted “, attempted murder, or conspiracy to murder” and “, 1113, and 1117” for “or attempted murder” and “and 1113”, respectively.

Subsec. (d). Pub. L. 104-132, §727(b)(2), added subsec. (d).

1994—Subsec. (b)(2). Pub. L. 103-322, §330021(1), substituted “kidnapping” for “kidnaping” in two places.

Subsec. (b)(4). Pub. L. 103-322, §330016(2)(C), substituted “fine under this title” for “fine of not more than \$5,000”.

1990—Subsec. (c)(4). Pub. L. 101-647 substituted “the Central” for “The Central”.

1988—Subsec. (a). Pub. L. 100-690 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “Whoever assaults, kidnaps, or murders, or attempts to kidnap or murder, or threatens to assault, kidnap or murder a member of the immediate family of a United States official, a United States judge, a Federal law enforcement officer, or an official whose killing would be a crime under section 1114 of this title, or threatens to assault, kidnap, or murder, a United States official, a United States judge, a Federal law enforcement officer, or an official whose killing would be a crime under such section with intent to impede, intimidate, interfere with, or retaliate against such official, judge or law enforcement officer while engaged in or on account of the performance of official duties, shall be punished as provided in subsection (b).”

1986—Subsec. (a). Pub. L. 99-646, §60, substituted “section 1114 of this title, or threatens to assault, kidnap, or murder, a United States official, a United States judge, a Federal law enforcement officer, or an official whose killing would be a crime under such section” for “18 U.S.C. 1114, as amended,” “while engaged” for “while he is engaged”, and “official duties” for “his official duties”.

Subsec. (b)(2). Pub. L. 99-646, §37(a), inserted “for the kidnapping or attempted kidnapping of a person described in section 1201(a)(5) of this title”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 3001 of Title 50, War and National Defense.

“United States magistrate judge” substituted for “United States magistrate” in subsec. (c)(3) pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

TRANSFER OF FUNCTIONS

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury re-

lating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 116. Female genital mutilation

(a) Except as provided in subsection (b), whoever, in any circumstance described in subsection (d), knowingly—

(1) performs, attempts to perform, or conspires to perform female genital mutilation on another person who has not attained the age of 18 years;

(2) being the parent, guardian, or caretaker of a person who has not attained the age of 18 years facilitates or consents to the female genital mutilation of such person; or

(3) transports a person who has not attained the age of 18 years for the purpose of the performance of female genital mutilation on such person,

shall be fined under this title, imprisoned not more than 10 years, or both.

(b) A surgical operation is not a violation of this section if the operation is—

(1) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or

(2) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

(c) It shall not be a defense to a prosecution under this section that female genital mutilation is required as a matter of religion, custom, tradition, ritual, or standard practice.

(d) For the purposes of subsection (a), the circumstances described in this subsection are that—

(1) the defendant or victim traveled in interstate or foreign commerce, or traveled using a means, channel, facility, or instrumentality of interstate or foreign commerce, in furtherance of or in connection with the conduct described in subsection (a);

(2) the defendant used a means, channel, facility, or instrumentality of interstate or foreign commerce in furtherance of or in connection with the conduct described in subsection (a);

(3) any payment of any kind was made, directly or indirectly, in furtherance of or in connection with the conduct described in subsection (a) using any means, channel, facility, or instrumentality of interstate or foreign commerce or in or affecting interstate or foreign commerce;

(4) the defendant transmitted in interstate or foreign commerce any communication relating to or in furtherance of the conduct described in subsection (a) using any means, channel, facility, or instrumentality of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means