

the Attorney General may grant such relief if it is established to his satisfaction that the circumstances regarding the indictment or conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief will not be contrary to the public interest. A licensee or permittee who makes application for relief from the disabilities incurred under this chapter by reason of indictment or conviction, shall not be barred by such indictment or conviction from further operations under his license or permit pending final action on an application for relief filed pursuant to this section."

Pub. L. 107-296, §1112(e)(3), substituted "Attorney General" for "Secretary" in two places.

1996—Subsec. (a). Pub. L. 104-132, §605(1), inserted "(l), (m), (n), or (o) of section 842 and subsections" after "subsections" in introductory provisions and ", and which pertain to safety" before semicolon at end of par. (l).

Subsec. (c). Pub. L. 104-132, §605(2), added subsec. (c).

1975—Subsec. (a)(5). Pub. L. 93-639 substituted provisions exempting commercially manufactured black powder in quantities not exceeding fifty pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices for such exemption of black powder in quantities not exceeding five pounds.

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.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-132 effective 1 year after Apr. 24, 1996, see section 607 of Pub. L. 104-132, set out as a note under section 841 of this title.

§ 846. Additional powers of the Attorney General

(a) The Attorney General is authorized to inspect the site of any accident, or fire, in which there is reason to believe that explosive materials were involved, in order that if any such incident has been brought about by accidental means, precautions may be taken to prevent similar accidents from occurring. In order to carry out the purpose of this subsection, the Attorney General is authorized to enter into or upon any property where explosive materials have been used, are suspected of having been used, or have been found in an otherwise unauthorized location. Nothing in this chapter shall be construed as modifying or otherwise affecting in any way the investigative authority of any other Federal agency. In addition to any other investigatory authority they have with respect to violations of provisions of this chapter, the Federal Bureau of Investigation, together with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, shall have authority to conduct investigations with respect to violations of subsection (d), (e), (f), (g), (h), or (i) of section 844 of this title.

(b) The Attorney General is authorized to establish a national repository of information on incidents involving arson and the suspected criminal misuse of explosives. All Federal agencies having information concerning such incidents shall report the information to the Attor-

ney General pursuant to such regulations as deemed necessary to carry out the provisions of this subsection. The repository shall also contain information on incidents voluntarily reported to the Attorney General by State and local authorities.

(Added Pub. L. 91-452, title XI, §1102(a), Oct. 15, 1970, 84 Stat. 959; amended Pub. L. 104-208, div. A, title I, §101(f) [title VI, §654(a)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-369; Pub. L. 107-296, title XI, §1112(e)(2), (3), Nov. 25, 2002, 116 Stat. 2276.)

Editorial Notes

AMENDMENTS

2002—Pub. L. 107-296, §1112(e)(3), substituted "Attorney General" for "Secretary" in section catchline.

Subsec. (a). Pub. L. 107-296, §1112(e)(3), substituted "Attorney General" for "Secretary" in two places.

Pub. L. 107-296, §1112(e)(2), substituted "the Federal Bureau of Investigation, together with the Bureau of Alcohol, Tobacco, Firearms, and Explosives" for "the Attorney General and the Federal Bureau of Investigation, together with the Secretary".

Subsec. (b). Pub. L. 107-296, §1112(e)(3), substituted "Attorney General" for "Secretary" wherever appearing.

1996—Pub. L. 104-208 designated existing provisions as subsec. (a) and added subsec. (b).

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.

AUTHORIZATION OF APPROPRIATIONS

Pub. L. 104-208, div. A, title I, §101(f) [title VI, §654(b)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-369, provided that: "There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection [probably means "this section" which amended this section]."

CERTIFICATION OF EXPLOSIVES DETECTION CANINES

Pub. L. 106-554, §1(a)(3) [title VI, §626], Dec. 21, 2000, 114 Stat. 2763, 2763A-162, provided that: "Hereafter, the Secretary of the Treasury is authorized to establish scientific certification standards for explosives detection canines, and shall provide, on a reimbursable basis, for the certification of explosives detection canines employed by Federal agencies, or other agencies providing explosives detection services at airports in the United States."

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 106-58, title VI, §630, Sept. 29, 1999, 113 Stat. 473.

Pub. L. 105-277, div. A, §101(h) [title VI, §640], Oct. 21, 1998, 112 Stat. 2681-480, 2681-526.

Pub. L. 105-61, title VI, §627, Oct. 10, 1997, 111 Stat. 1315.

Pub. L. 104-208, div. A, title I, §101(f) [title VI, §653(a)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-369.

§ 847. Rules and regulations

The administration of this chapter shall be vested in the Attorney General. The Attorney General may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter. The Attorney General shall give reasonable public notice, and afford to interested parties opportunity for

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 in 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’.”