

four places and inserted “, and if the firearm is a machinegun, or is equipped with a firearm silencer or firearm muffler, to imprisonment for ten years” after “five years”, “, and if the firearm is a machinegun, or is equipped with a firearm silencer or firearm muffler, to imprisonment for twenty years” after “ten years”, and “or drug trafficking crime” before “in which the firearm was used or carried”.

Subsec. (c)(2), (3). Pub. L. 99-308, §104(a)(2)(F), added pars. (2) and (3).

Subsec. (d). Pub. L. 99-308, §104(a)(3), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “Any firearm or ammunition involved in or used or intended to be used in, any violation of the provisions of this chapter or any rule or regulation promulgated thereunder, or any violation of any other criminal law of the United States, shall be subject to seizure and forfeiture and all provisions of the Internal Revenue Code of 1954 relating to the seizure, forfeiture, and disposition of firearms, as defined in section 5845(a) of that Code, shall, so far as applicable, extend to seizures and forfeitures under the provisions of this chapter.”

Subsec. (d)(1). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

Subsec. (e). Pub. L. 99-308, §104(a)(4), added subsec. (e).

Subsec. (e)(1). Pub. L. 99-570, §1402(a), substituted “for a violent felony or a serious drug offense, or both” for “for robbery or burglary, or both”.

Subsec. (e)(2). Pub. L. 99-570, §1402(b), amended par. (2) generally, substituting provisions defining terms “serious drug offense” and “violent felony” for provisions defining “robbery” and “burglary”.

1984—Subsec. (a). Pub. L. 98-473, §223(a), which directed amendment of subsec. (a) by striking out “, and shall become eligible for parole as the Board of Parole shall determine” effective Nov. 1, 1987, pursuant to section 235 of Pub. L. 98-473, as amended, could not be executed because quoted language no longer appears due to general amendment of subsec. (a) by Pub. L. 99-308, §104(a)(1). See 1986 Amendment note above.

Subsec. (c). Pub. L. 98-473, §1005(a), amended subsec. (c) generally, substituting provisions setting forth mandatory, determinate sentence for persons who use or carry firearms during and in relation to any Federal crime of violence for provisions setting out a minimum sentencing scheme for the use or carrying, unlawfully, of a firearm during a Federal felony.

1971—Subsec. (c). Pub. L. 91-644, in first sentence, substituted “felony for which he” for “felony which” in items (1) and (2) and inserted “, in addition to the punishment provided for the commission of such felony,” before “be sentenced”, and in second sentence substituted “for not less than two nor more than twenty-five years” for “for not less than five years nor more than 25 years”, inserted “in the case of a second or subsequent conviction” after “suspend the sentence”, and prohibited term of imprisonment imposed under this subsec. to run concurrently with any term for commission of the felony.

1968—Subsec. (a). Pub. L. 90-618 inserted provision authorizing the Board of Parole to grant parole to a person convicted under this chapter.

Subsec. (b). Pub. L. 90-618 inserted “or any ammunition” after “a firearm”.

Subsecs. (c), (d). Pub. L. 90-618 added subsec. (c), redesignated former subsec. (c) as (d), and as so redesignated, substituted “section 5845(a) of that Code” for “section 5848(1) of said Code”.

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by section 5(c)(2) of Pub. L. 109-92 effective 180 days after Oct. 26, 2005, see section 5(d) of Pub. L. 109-92, set out as a note under section 922 of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 603(m)(2) of Pub. L. 104-294 provided that: “The amendments made by paragraph (1) [amending

this section] shall take effect as if the amendments had been included in section 110507 of the Act referred to in paragraph (1) [Pub. L. 103-322] on the date of the enactment of such Act [Sept. 13, 1994].”

Section 603(p)(2) of Pub. L. 104-294 provided that: “The amendment made by paragraph (1) [amending this section] shall take effect as if the amendment had been included in section 110102(c)(2) of the Act referred to in paragraph (1) [Pub. L. 103-322] on the date of the enactment of such Act [Sept. 13, 1994].”

EFFECTIVE AND TERMINATION DATES OF 1994 AMENDMENT

Amendment by sections 110102(c) and 110103(c) of Pub. L. 103-322 repealed 10 years after Sept. 13, 1994, see section 110105(2) of Pub. L. 103-322, formerly set out as a note under section 921 of this title.

Section 33001(i) of Pub. L. 103-322 provided that the amendment made by that section is effective as of the date on which section 3528 of Pub. L. 101-647 took effect.

Section 33001(j) of Pub. L. 103-322 provided that the amendment made by that section is effective as of the date on which section 3527 of Pub. L. 101-647 took effect.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by section 1702(b)(3) of Pub. L. 101-647 applicable to conduct engaged in after end of 60-day period beginning on Nov. 29, 1990, see section 1702(b)(4) of Pub. L. 101-647, set out as a note under section 921 of this title.

Section 2203(d) of Pub. L. 101-647 provided that the amendment by that section is effective with respect to any offense committed after Nov. 1, 1987.

EFFECTIVE DATE OF 1988 AMENDMENT; SUNSET PROVISION

Amendment by section 2(b) of Pub. L. 100-649 effective 30th day beginning after Nov. 10, 1988, and amendment by section 2(f)(2)(B), (D) effective 25 years after such effective date, see section 2(f) of Pub. L. 100-649, as amended, set out as a note under section 922 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-308 effective 180 days after May 19, 1986, see section 110(a) of Pub. L. 99-308, set out as a note under section 921 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by section 223(a) of Pub. L. 98-473 effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such amendment, see section 235(a)(1) of Pub. L. 98-473, set out as an Effective Date note under section 3551 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-618 effective Dec. 16, 1968, see section 105 of Pub. L. 90-618, set out as a note under section 921 of this title.

§ 925. Exceptions: Relief from disabilities

(a)(1) The provisions of this chapter, except for sections 922(d)(9) and 922(g)(9) and provisions relating to firearms subject to the prohibitions of section 922(p), shall not apply with respect to the transportation, shipment, receipt, possession, or importation of any firearm or ammunition imported for, sold or shipped to, or issued for the use of, the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof.

(2) The provisions of this chapter, except for provisions relating to firearms subject to the prohibitions of section 922(p), shall not apply with respect to (A) the shipment or receipt of

firearms or ammunition when sold or issued by the Secretary of the Army pursuant to section 4308 of title 10 before the repeal of such section by section 1624(a) of the Corporation for the Promotion of Rifle Practice and Firearms Safety Act, and (B) the transportation of any such firearm or ammunition carried out to enable a person, who lawfully received such firearm or ammunition from the Secretary of the Army, to engage in military training or in competitions.

(3) Unless otherwise prohibited by this chapter, except for provisions relating to firearms subject to the prohibitions of section 922(p), or any other Federal law, a licensed importer, licensed manufacturer, or licensed dealer may ship to a member of the United States Armed Forces on active duty outside the United States or to clubs, recognized by the Department of Defense, whose entire membership is composed of such members, and such members or clubs may receive a firearm or ammunition determined by the Attorney General to be generally recognized as particularly suitable for sporting purposes and intended for the personal use of such member or club.

(4) When established to the satisfaction of the Attorney General to be consistent with the provisions of this chapter, except for provisions relating to firearms subject to the prohibitions of section 922(p), and other applicable Federal and State laws and published ordinances, the Attorney General may authorize the transportation, shipment, receipt, or importation into the United States to the place of residence of any member of the United States Armed Forces who is on active duty outside the United States (or who has been on active duty outside the United States within the sixty day period immediately preceding the transportation, shipment, receipt, or importation), of any firearm or ammunition which is (A) determined by the Attorney General to be generally recognized as particularly suitable for sporting purposes, or determined by the Department of Defense to be a type of firearm normally classified as a war souvenir, and (B) intended for the personal use of such member.

(5) For the purpose of paragraph (3) of this subsection, the term "United States" means each of the several States and the District of Columbia.

(b) A licensed importer, licensed manufacturer, licensed dealer, or licensed collector who is indicted for a crime punishable by imprisonment for a term exceeding one year, may, notwithstanding any other provision of this chapter, continue operation pursuant to his existing license (if prior to the expiration of the term of the existing license timely application is made for a new license) during the term of such indictment and until any conviction pursuant to the indictment becomes final.

(c) A person who is prohibited from possessing, shipping, transporting, or receiving firearms or ammunition may make application to the Attorney General for relief from the disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, transportation, or possession of firearms, and the Attorney General may grant such relief if it is established to his satisfaction that the circumstances regarding the disability, 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 would not be contrary to the public interest. Any person whose application for relief from disabilities is denied by the Attorney General may file a petition with the United States district court for the district in which he resides for a judicial review of such denial. The court may in its discretion admit additional evidence where failure to do so would result in a miscarriage of justice. A licensed importer, licensed manufacturer, licensed dealer, or licensed collector conducting operations under this chapter, who makes application for relief from the disabilities incurred under this chapter, shall not be barred by such disability from further operations under his license pending final action on an application for relief filed pursuant to this section. Whenever the Attorney General grants relief to any person pursuant to this section he shall promptly publish in the Federal Register notice of such action, together with the reasons therefor.

(d) The Attorney General shall authorize a firearm or ammunition to be imported or brought into the United States or any possession thereof if the firearm or ammunition—

(1) is being imported or brought in for scientific or research purposes, or is for use in connection with competition or training pursuant to chapter 401 of title 10;

(2) is an unserviceable firearm, other than a machinegun as defined in section 5845(b) of the Internal Revenue Code of 1986 (not readily restorable to firing condition), imported or brought in as a curio or museum piece;

(3) is of a type that does not fall within the definition of a firearm as defined in section 5845(a) of the Internal Revenue Code of 1986 and is generally recognized as particularly suitable for or readily adaptable to sporting purposes, excluding surplus military firearms, except in any case where the Attorney General has not authorized the importation of the firearm pursuant to this paragraph, it shall be unlawful to import any frame, receiver, or barrel of such firearm which would be prohibited if assembled; or

(4) was previously taken out of the United States or a possession by the person who is bringing in the firearm or ammunition.

The Attorney General shall permit the conditional importation or bringing in of a firearm or ammunition for examination and testing in connection with the making of a determination as to whether the importation or bringing in of such firearm or ammunition will be allowed under this subsection.

(e) Notwithstanding any other provision of this title, the Attorney General shall authorize the importation of, by any licensed importer, the following:

(1) All rifles and shotguns listed as curios or relics by the Attorney General pursuant to section 921(a)(13), and

(2) All handguns, listed as curios or relics by the Attorney General pursuant to section 921(a)(13), provided that such handguns are generally recognized as particularly suitable for or readily adaptable to sporting purposes.

(f) The Attorney General shall not authorize, under subsection (d), the importation of any firearm the importation of which is prohibited by section 922(p).

(Added Pub. L. 90-351, title IV, § 902, June 19, 1968, 82 Stat. 233; amended Pub. L. 90-618, title I, § 102, Oct. 22, 1968, 82 Stat. 1224; Pub. L. 98-573, title II, § 233, Oct. 30, 1984, 98 Stat. 2991; Pub. L. 99-308, § 105, May 19, 1986, 100 Stat. 459; Pub. L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 100-649, § 2(c), (f)(2)(C), (E), Nov. 10, 1988, 102 Stat. 3817, 3818; Pub. L. 101-647, title XXII, § 2203(b), (c), Nov. 29, 1990, 104 Stat. 4857; Pub. L. 104-106, div. A, title XVI, § 1624(b)(3), Feb. 10, 1996, 110 Stat. 522; Pub. L. 104-208, div. A, title I, § 101(f) [title VI, § 658(d)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-372; Pub. L. 104-294, title VI, § 607(c), Oct. 11, 1996, 110 Stat. 3511; Pub. L. 107-296, title XI, § 1112(f)(6), Nov. 25, 2002, 116 Stat. 2276; Pub. L. 108-174, § 1(3), Dec. 9, 2003, 117 Stat. 2481.)

AMENDMENT OF SECTION

Pub. L. 100-649, § 2(f)(2)(C), (E), Nov. 10, 1988, 102 Stat. 3818, as amended by Pub. L. 105-277, div. A, § 101(h) [title VI, § 649], Oct. 21, 1998, 112 Stat. 2681-480, 2681-528; Pub. L. 108-174, § 1(1), (3), Dec. 9, 2003, 117 Stat. 2481, provided that, effective 25 years after the 30th day beginning after Nov. 10, 1988, subsection (a) of this section is amended by striking “and provisions relating to firearms subject to the prohibitions of section 922(p)” in par. (1), striking “, except for provisions relating to firearms subject to the prohibitions of section 922(p),” in par. (2), and striking “except for provisions relating to firearms subject to the prohibitions of section 922(p),” in pars. (3) and (4) and subsection (f) of this section is repealed.

REFERENCES IN TEXT

Section 4308 of title 10 before the repeal of such section by section 1624(a) of the Corporation for the Promotion of Rifle Practice and Firearms Safety Act, referred to in subsec. (a)(2)(A), means section 4308 of Title 10, Armed Forces, prior to repeal by section 1624(a)(1) of Pub. L. 104-106, div. A, title XVI, Feb. 10, 1996, 110 Stat. 522.

Section 5845(b) of the Internal Revenue Code of 1986, referred to in subsec. (d)(2), is classified to section 5845(b) of Title 26, Internal Revenue Code.

Section 5845(a) of the Internal Revenue Code of 1986, referred to in subsec. (d)(3), is classified to section 5845(a) of Title 26.

AMENDMENTS

2002—Subsecs. (a), (c) to (f). Pub. L. 107-296, which directed amendment of this section by substituting “Attorney General” for “Secretary” wherever appearing, was executed by making the substitution wherever appearing in subsecs. (a)(4) and (c) to (f), by not making the substitution for “Secretary of the Army” in subsec. (a)(2), and by substituting “Attorney General” for “Secretary of the Treasury” in subsec. (a)(3), to reflect the probable intent of Congress.

1996—Subsec. (a)(1). Pub. L. 104-208 inserted “sections 922(d)(9) and 922(g)(9) and” after “except for”.

Subsec. (a)(2)(A). Pub. L. 104-106 inserted “before the repeal of such section by section 1624(a) of the Corporation for the Promotion of Rifle Practice and Firearms Safety Act” after “section 4308 of title 10”.

Subsec. (a)(5). Pub. L. 104-294 substituted “For the purpose of paragraph (3)” for “For the purpose of paragraphs (3) and (4)”.

1990—Subsec. (a)(1). Pub. L. 101-647, § 2203(b), inserted “possession,” before “or importation”.

Subsec. (c). Pub. L. 101-647, § 2203(c), substituted “regarding the disability” for “regarding the conviction” and “barred by such disability” for “barred by such conviction” and struck out “by reason of such a conviction” after “incurred under this chapter”.

1988—Subsec. (a). Pub. L. 100-649, § 2(c)(1), inserted “, except for provisions relating to firearms subject to the prohibitions of section 922(p),” after “chapter” in pars. (1) to (4).

Subsec. (f). Pub. L. 100-649, § 2(c)(2), added subsec. (f).

1986—Subsec. (c). Pub. L. 99-308, § 105(1), substituted “is prohibited from possessing, shipping, transporting, or receiving firearms or ammunition” for “has been convicted of a crime punishable by imprisonment for a term exceeding one year (other than a crime involving the use of a firearm or other weapon or a violation of this chapter or of the National Firearms Act)” and “shipment, transportation, or possession of firearms, and” for “shipment, or possession of firearms and incurred by reason of such conviction, and” and inserted provision that any person whose application for relief has been denied may file for judicial relief of such denial and that the court may admit additional evidence to avoid a miscarriage of justice.

Subsec. (d). Pub. L. 99-308, § 105(2)(A), (B), (D), in provision preceding par. (1) substituted “shall authorize” for “may authorize” and struck out “the person importing or bringing in the firearm or ammunition establishes to the satisfaction of the Secretary that” after “thereof if”, and in provision following par. (4) substituted “shall permit” for “may permit”.

Subsec. (d)(2). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

Subsec. (d)(3). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

Pub. L. 99-308, § 105(2)(C), inserted “except in any case where the Secretary has not authorized the importation of the firearm pursuant to this paragraph, it shall be unlawful to import any frame, receiver, or barrel of such firearm which would be prohibited if assembled”.

1984—Subsec. (e). Pub. L. 98-573 added subsec. (e).

1968—Subsec. (a). Pub. L. 90-618 redesignated existing provisions as par. (1), made minor changes in phraseology, and added pars. (2) to (5).

Subsec. (b). Pub. L. 90-618 added licensed collectors to the enumerated list of licensees.

Subsec. (c). Pub. L. 90-618 substituted “imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and” for “under this chapter”, “to act in a manner dangerous to public safety” for “to conduct his operations in an unlawful manner,” and “licensed importer, licensed manufacturer, licensed dealer, or licensed collector” for “licensee”.

Subsec. (d). Pub. L. 90-618 made minor changes in phraseology, subjected ammunition to the authority of the Secretary in text preceding par. (1), substituted “section 5845(b)” for “section 5848(2)” in par. (2), substituted “section 5845(a)” for “section 5848(1)” and “excluding surplus military firearms” for “and in the case of surplus military firearms is a rifle or shotgun” in par. (3), inserted “or ammunition” after “the firearm” in par. (4), and authorized the Secretary to permit the importation of ammunition for examination and testing in text following par. (4).

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. 104-106 effective on the earlier of the date on which the Secretary of the Army sub-

mits a certification in accordance with section 5523 of [former] Title 36, Patriotic Societies and Observances, or Oct. 1, 1996, see section 1624(c) of Pub. L. 104-106, set out as a note under section 4316 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1988 AMENDMENT; SUNSET PROVISION

Amendment by section 2(c) of Pub. L. 100-649 effective 30th day beginning after Nov. 10, 1988, and amendment by section 2(f)(2)(C), (E) effective 25 years after such effective date, see section 2(f) of Pub. L. 100-649, as amended, set out as a note under section 922 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-308 applicable to any action, petition, or appellate proceeding pending on May 19, 1986, see section 110(b) of Pub. L. 99-308, set out as a note under section 921 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-573 effective 15th day after Oct. 30, 1984, see section 214(a), (b) of Pub. L. 98-573, set out as a note under section 1304 of Title 19, Customs Duties.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-618 effective Dec. 16, 1968, except subsecs. (a)(1) and (d) effective Oct. 22, 1968, see section 105 of Pub. L. 90-618, set out as a note under section 921 of this title.

§ 925A. Remedy for erroneous denial of firearm

Any person denied a firearm pursuant to subsection (s) or (t) of section 922—

(1) due to the provision of erroneous information relating to the person by any State or political subdivision thereof, or by the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act; or

(2) who was not prohibited from receipt of a firearm pursuant to subsection (g) or (n) of section 922,

may bring an action against the State or political subdivision responsible for providing the erroneous information, or responsible for denying the transfer, or against the United States, as the case may be, for an order directing that the erroneous information be corrected or that the transfer be approved, as the case may be. In any action under this section, the court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs.

(Added Pub. L. 103-159, title I, §104(a), Nov. 30, 1993, 107 Stat. 1543.)

REFERENCES IN TEXT

Section 103 of the Brady Handgun Violence Prevention Act, referred to in par. (1), is section 103 of Pub. L. 103-159, which is set out as a note under section 922 of this title.

§ 926. Rules and regulations

(a) The Attorney General may prescribe only such rules and regulations as are necessary to carry out the provisions of this chapter, including—

(1) regulations providing that a person licensed under this chapter, when dealing with another person so licensed, shall provide such other licensed person a certified copy of this license;

(2) regulations providing for the issuance, at a reasonable cost, to a person licensed under this chapter, of certified copies of his license for use as provided under regulations issued under paragraph (1) of this subsection; and

(3) regulations providing for effective receipt and secure storage of firearms relinquished by or seized from persons described in subsection (d)(8) or (g)(8) of section 922.

No such rule or regulation prescribed after the date of the enactment of the Firearms Owners' Protection Act may require that records required to be maintained under this chapter or any portion of the contents of such records, be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or any political subdivision thereof, nor that any system of registration of firearms, firearms owners, or firearms transactions or dispositions be established. Nothing in this section expands or restricts the Secretary's¹ authority to inquire into the disposition of any firearm in the course of a criminal investigation.

(b) The Attorney General shall give not less than ninety days public notice, and shall afford interested parties opportunity for hearing, before prescribing such rules and regulations.

(c) The Attorney General shall not prescribe rules or regulations that require purchasers of black powder under the exemption provided in section 845(a)(5) of this title to complete affidavits or forms attesting to that exemption.

(Added Pub. L. 90-351, title IV, §902, June 19, 1968, 82 Stat. 234; amended Pub. L. 90-618, title I, §102, Oct. 22, 1968, 82 Stat. 1226; Pub. L. 99-308, §106, May 19, 1986, 100 Stat. 459; Pub. L. 103-322, title XI, §110401(d), Sept. 13, 1994, 108 Stat. 2015; Pub. L. 107-296, title XI, §1112(f)(6), Nov. 25, 2002, 116 Stat. 2276.)

REFERENCES IN TEXT

The date of the enactment of the Firearms Owners' Protection Act, referred to in subsec. (a), is the date of enactment of Pub. L. 99-308, which was approved May 19, 1986.

AMENDMENTS

2002—Subsecs. (a) to (c). Pub. L. 107-296 substituted "Attorney General" for "Secretary".

1994—Subsec. (a)(3). Pub. L. 103-322 added par. (3).

1986—Subsec. (a). Pub. L. 99-308, §106(1)-(4), designated existing provision as subsec. (a), and in subsec. (a) as so designated, in provision preceding par. (1) substituted "may prescribe only" for "may prescribe" and "as are" for "as he deems reasonably", and in closing provision substituted provision that no rule or regulation prescribed after May 19, 1986, require that records required under this chapter be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or political subdivision thereof, nor any system of registration of firearms, firearms owners, or firearms transactions or dispositions be established and that nothing in this section expand or restrict the authority of the Secretary to inquire into the disposition of any firearm in the course of a criminal investigation for provision that the Secretary give reasonable public notice, and afford an opportunity for a hearing, prior to prescribing rules and regulations.

Subsecs. (b), (c). Pub. L. 99-308, §106(5), added subsecs. (b) and (c).

¹ So in original. Probably should be "Attorney General's".