title or imprisoned not more than 5 years, or both.


Historical and Revision Notes


Section 4 of title 36, U.S.C. 1940 ed., Patriotic Societies and Observances, was divided into this section and section 706 of this title.

Reference to “jurisdiction” of the United States was omitted as unnecessary in view of definition of “United States” in section 9 of this title.

Reference to offense as a misdemeanor was omitted as unnecessary in view of definitive section 1 of this title.

Words “upon conviction thereof” were omitted as punishment cannot be imposed until conviction is secured.

Minor changes were made in phraseology.

Editorial Notes

AMENDMENTS

2001—Pub. L. 107–56 substituted “5 years” for “one year”.

1994—Pub. L. 103–322 substituted “fined not more than $500” for “fined under this title for “fined not more than $500”.

CHAPTER 44—FIREARMS

Sec.

921. Definitions.

922. Unlawful acts.

923. Licensing.

924. Penalties.

925. Exceptions; Relief from disabilities.

925A. Remedy for erroneous denial of firearm.

926. Rules and regulations.

926A. Interstate transportation of firearms.

926B. Carrying of concealed firearms by qualified law enforcement officers.

926C. Carrying of concealed firearms by qualified retired law enforcement officers.

927. Effect on State law.

928. Separability.

929. Use of restricted ammunition.

930. Possession of firearms and dangerous weapons in Federal facilities.

931. Prohibition on purchase, ownership, or possession of body armor by violent felons.

Editorial Notes

AMENDMENTS


Executive Documents

TRACING OF FIREARMS IN CONNECTION WITH CRIMINAL INVESTIGATIONS

Memorandum of President of the United States, Jan. 16, 2017, 78 F.R. 4301, which requires Federal law enforcement agencies to ensure that all firearms recovered after Jan. 16, 2013, in the course of criminal investigations and taken into Federal custody are traced through the Bureau of Alcohol, Tobacco, Firearms, and Explosives at the earliest time practicable, was editorially reclassified and is set out as a note under section 40901 of Title 34, Crime Control and Law Enforcement.

PROMOTING SMART GUN TECHNOLOGY

Memorandum of President of the United States, Jan. 4, 2016, 81 F.R. 719, which requires the Department of Defense, the Department of Justice, and the Department of Homeland Security to conduct or sponsor research into gun safety technology, review such research, and explore potential ways to further its use and development to more broadly improve gun safety, was editorially reclassified and is set out as a note under section 40901 of Title 34, Crime Control and Law Enforcement.

§921. Definitions

(a) As used in this chapter—

(1) The term “person” and the term “whoever” include any individual, corporation, company, association, firm, partnership, society, or joint stock company.

(2) The term “interstate or foreign commerce” includes commerce between any place in a State and any place outside of that State, or within any possession of the United States (not including the Canal Zone) or the District of Columbia, but such term does not include commerce between places within the same State but through any place outside of that State. The term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States (not including the Canal Zone).

(3) The term “firearm” means (A) any weapon (including a starter gun) which will or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

(4) The term “destructive device” means—

(A) any explosive, incendiary, or poison gas—

(i) bomb,

(ii) grenade,

(iii) rocket having a propellant charge of more than four ounces,

(iv) missile having an explosive or incendiary charge of more than one-quarter ounce,

(v) mine, or

(vi) device similar to any of the devices described in the preceding clauses;

(B) any type of weapon (other than a shotgun or a shotgun shell which the Attorney General finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propell-
§ 921 TITLE 18—CRIMES AND CRIMINAL PROCEDURE

lant, and which has any barrel with a bore of more than one-half inch in diameter; and
(C) any combination of parts either designed or intended for use in converting any device into a destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

The term “destructive device” shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 7684(2), 7685, or 7686 of title 10; or any other device which the Attorney General finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting, recreational or cultural purposes.

(5) The term “shotgun” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosive to fire a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(6) The term “short-barreled shotgun” means a shotgun having one or more barrels less than eight inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such a weapon as modified has an overall length of less than twenty-six inches.

(7) The term “rifle” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosive to fire only a single projectile through a rifled bore for each single pull of the trigger.

(8) The term “short-barreled rifle” means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six inches.

(9) The term “importer” means any person engaged in the business of importing or bringing firearms or ammunition into the United States for purposes of sale or distribution; and the term “licensed importer” means any such person licensed under the provisions of this chapter.

(10) The term “manufacturer” means any person engaged in the business of manufacturing firearms or ammunition for purposes of sale or distribution; and the term “licensed manufacturer” means any such person licensed under the provisions of this chapter.

(11) The term “dealer” means (A) any person engaged in the business of selling firearms at wholesale or retail, (B) any person engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms, or (C) any person who is a pawnbroker. The term “licensed dealer” means any dealer who is licensed under the provisions of this chapter.

(12) The term “pawnbroker” means any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any firearm as security for the payment or repayment of money.

(13) The term “collecter” means any person who acquires, holds, or disposes of firearms as curios or relics, as the Attorney General shall by regulation define, and the term “licensed collector” means any such person licensed under the provisions of this chapter.

(14) The term “indictment” includes an indictment or information in any court under which a crime punishable by imprisonment for a term exceeding one year may be prosecuted.

(15) The term “fugitive from justice” means any person who has fled from any State to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding.

(16) The term “antique firearm” means—
(A) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1899; or
(B) any replica of any firearm described in subparagraph (A) if such replica—
(i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or
(ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; or
(C) any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition. For purposes of this subparagraph, the term “antique firearm” shall not include any weapon which incorporates a firearm frame or receiver, any firearm which is converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.

(17)(A) The term “ammunition” means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

(B) The term “armor piercing ammunition” means—
(i) a projectile or projectile core which may be used in a handgun and which is constructed entirely (excluding the presence of traces of other substances) from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium; or
(ii) a full jacketed projectile larger than .22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile.

(C) The term “armor piercing ammunition” does not include shotgun shot required by Federal or State environmental or game regulations for hunting purposes, afragile projectile designed for target shooting, a projectile which the Attorney General finds is primarily intended to be used for sporting purposes, or any other projectile or projectile core which the Attorney General finds is intended to be used for indus-
trial purposes, including a charge used in an oil and gas well perforating device.


(19) The term “published ordinance” means a published law of any political subdivision of a State which the Attorney General determines to be relevant to the enforcement of this chapter and which is contained on a list compiled by the Attorney General, which list shall be published in the Federal Register, revised annually, and furnished to each licensee under this chapter.

(20) The term “crime punishable by imprisonment for a term exceeding one year” does not include—

(A) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices, or

(B) any State offense classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.

What constitutes a conviction of such a crime shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any conviction which has been expunged, or set aside or for which a person has been pardoned or has had civil rights restored shall not be considered a conviction for purposes of this chapter, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

(21) The term “engaged in the business” means—

(A) as applied to a manufacturer of firearms, a person who devotes time, attention, and labor to manufacturing firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms manufactured;

(B) as applied to a manufacturer of ammunition, a person who devotes time, attention, and labor to manufacturing ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms manufactured;

(C) as applied to a dealer in firearms, as defined in section 921(a)(11)(A), a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms resold;

(D) as applied to a dealer in firearms, as defined in section 921(a)(11)(B), a person who devotes time, attention, and labor to engaging in such activity as a regular course of trade or business with the principal objective of livelihood and profit, but such term shall not include a person who makes occasional repairs of firearms, or who occasionally fits special barrels, stocks, or trigger mechanisms to firearms; and

(E) as applied to an importer of firearms, a person who devotes time, attention, and labor to importing firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms imported; and

(F) as applied to an importer of ammunition, a person who devotes time, attention, and labor to importing ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the ammunition imported.

(22) The term “with the principal objective of livelihood and profit” means that the intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection: Provided, That proof of profit shall not be required as to a person who engages in the regular and repetitive purchase and disposition of firearms for criminal purposes or terrorism. For purposes of this paragraph, the term “terrorism” means activity, directed against United States persons, which—

(A) is committed by an individual who is not a national or permanent resident alien of the United States;

(B) involves violent acts or acts dangerous to human life which would be a criminal violation if committed within the jurisdiction of the United States; and

(C) is intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping.

(23) The term “machinegun” has the meaning given such term in section 5845(b) of the National Firearms Act (26 U.S.C. 5845(b)).

(24) The terms “firearm silencer” and “firearm muffler” mean any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.

(25) The term “school zone” means—

(A) in, or on the grounds of, a public, parochial or private school; or

(B) within a distance of 1,000 feet from the grounds of a public, parochial, or private school.

(26) The term “school” means a school which provides elementary or secondary education, as determined under State law.

(27) The term “motor vehicle” has the meaning given such term in section 13102 of title 49, United States Code.

(28) The term “semiautomatic rifle” means any repeating rifle which utilizes a portion of

---

1So in original. Probably should be followed by a period.
the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

(29) The term “handgun” means—
(A) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and
(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.


(32) The term “intimate partner” means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person.

(33)(A) Except as provided in subparagraph (C), the term “misdemeanor crime of domestic violence” means an offense that—
(i) is a misdemeanor under Federal, State, or Tribal law; and
(ii) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

(B)(i) A person shall not be considered to have been convicted of such an offense for purposes of this chapter, unless—
(I) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and
(II) in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either
(aa) the case was tried by a jury, or
(bb) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise.
(ii) A person shall not be considered to have been convicted of such an offense for purposes of this chapter if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

(34) The term “secure gun storage or safety device” means—
(A) a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device;
(B) a device incorporated into the design of the firearm that is designed to prevent the operation of the firearm by anyone not having access to the device; or
(C) a safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.

(35) The term “body armor” means any product sold or offered for sale, in interstate or foreign commerce, as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment.

(b) For the purposes of this chapter, a member of the Armed Forces on active duty is a resident of the State in which his permanent duty station is located.


Editorial Notes

References in Text

For definition of Canal Zone, referred to in subsec. (a)(2), see section 3902(b) of Title 22, Foreign Relations and Intercourse.

Amendments


2006—Subsec. (a)(33)(A)(i). Pub. L. 109–162, which directed the general amendment of “section 921(33)(A)(i) of title 18”, was executed to par. (33)(A)(i) of subsec. (a), to reflect the probable intent of Congress. Prior to amendment, cl. (i) read as follows: “is a misdemeanor under Federal or State law; and”.


Subsec. (a)(18). Pub. L. 107–296, § 1112(f)(3), added par. (18) and struck out former par. (18) which read as follows: “The term ‘Secretary’ or ‘Secretary of the Treasury’ means the Secretary of the Treasury or his delegate.”


Subsec. (a)(5). Pub. L. 103–277, §101(b) (title I, §115(1)), substituted ‘‘an explosive’’ for ‘‘the explosive in a fixed metallic cartridge’’.

Subsec. (a)(16). Pub. L. 105–277, §101(h) (title I, §115(2)), struck out former par. (16) which read as follows: ‘‘The term ‘antique firearm’ means—

(A) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and

(B) any replica of any firearm described in subparagraph (A) if such replica—

‘‘(1) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or

‘‘(2) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.’’


1994—Subsec. (a)(17)(B). Pub. L. 103–322, §110519, amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: ‘‘The term ‘armorer’ means a person who—

‘‘(1) repairs,改建, or overhauls a firearm which is not designed or intended for use as a destructive device; or

‘‘(2) is a manufacturer of a firearm which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.’’


Subsec. (a)(32). Pub. L. 103–322, §110639 substituted ‘‘to use solely for sporting, recreational or cultural purposes’’ for ‘‘to use solely for sporting purposes’’.

1996—Subsec. (a). Pub. L. 90–618 inserted definitions of ‘‘collectors’’, ‘‘licensed collector’’, and ‘‘crime punishable by imprisonment for a term exceeding one year’’.

amended definitions of ‘‘person’’, ‘‘whoever’’, ‘‘interstate or foreign commerce’’, ‘‘State’’, ‘‘firearm’’, ‘‘destructive device’’, ‘‘dealer’’, ‘‘indictment’’, ‘‘fugitive from justice’’, ‘‘antique firearm’’, ‘‘ammunition’’, and ‘‘published ordinance’’; and reenacted without change existing definitions of ‘‘shotgun’’, ‘‘short-barreled shotgun’’, ‘‘firearm’’, ‘‘short-barreled rifle’’, ‘‘importer’’, ‘‘licensed importer’’, ‘‘manufacturer’’, ‘‘licensed manufacturer’’, ‘‘licensed dealer’’, ‘‘pawnbroker’’, and ‘‘Secretary’’ or ‘‘Secretary of the Treasury’’.

1975—Subsec. (a)(4). Pub. L. 90–618 substituted provisions determining that a member of the armed forces on active duty is a resident of the State in which his permanent duty station is located for provisions defining ‘‘firearm’’, ‘‘destructive device’’, and ‘‘crime punishable by imprisonment for a term exceeding one year’’.

Statutory Notes and Related Subsidiaries

Effective Date of 2018 Amendment

Amendment by Pub. L. 115–232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115–232, set out as a note preceding section 3001 of Title 10, Armed Forces.

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 1998 Amendment


Effective Date of 1995 Amendment

Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 1301 of Title 49, Transportation.

Effective and Termination Dates of 1994 Amendment

Pub. L. 103–322, title XI, §110105, Sept. 13, 1994, 108 Stat. 2008, provided that subtitle A (§§110101–110106) of title XI of Pub. L. 103–322 (amending this section and sections 922 to 924 of this title and enacting provisions set out as notes under this section) and the amend-
ments made by that subtitle were effective Sept. 13, 1994, and were repealed effective as of the date that is 10 years after that date.

**Effective Date of 1990 Amendment**

Pub. L. 101–647, title XVII, §1702(b)(4), Nov. 29, 1990, 104 Stat. 4484, provided that: "The amendments made by this section [amending this section and sections 922 and 924 of this title and enacting provisions set out as notes under this section] shall take effect on the date of enactment of this Act [Aug. 29, 1986], except that sections 3, 4, and 5 [amending section 923 of this title] shall take effect on the first day of the first calendar month which begins more than ninety days after the date of the enactment of this Act."

Pub. L. 99–360, §2, July 8, 1986, 100 Stat. 767, provided that: "This Act and the amendments made by this Act [enacting section 926A of this title, amending this section and section 923 of this title, and repealing former section 926A of this title], intended to amend the Firearms Owners' Protection Act [Pub. L. 99–308, see Short Title of 1986 Amendment note below], shall become effective one hundred and eighty days after the date of its enactment [June 19, 1986], except that: ''This section [amending this section and provisions set out as notes under this section] shall take effect on the date of the enactment of this Act [Nov. 29, 1990].'"

### Effective Date of 1986 Amendments; Publication and Availability of Compilation of State Laws and Published Ordinances

Pub. L. 99–408, §9, Aug. 28, 1986, 100 Stat. 921, provided that: "The amendments made by this Act [amending this section and sections 922, 923, and 929 of this title and enacting provisions set out as notes under this section] shall take effect on the date of enactment of this Act [Aug. 29, 1986], except that sections 3, 4, and 5 [amending section 923 of this title] shall take effect on the first day of the first calendar month which begins more than ninety days after the date of the enactment of this Act."

Pub. L. 99–360, §2, July 8, 1986, 100 Stat. 767, provided that: "This Act and the amendments made by this Act [enacting section 926A of this title, amending this section and section 923 of this title, and repealing former section 926A of this title], intended to amend the Firearms Owners' Protection Act [Pub. L. 99–308, see Short Title of 1986 Amendment note below], shall become effective one hundred and eightys days after the date of its enactment [June 19, 1986]; except that repeal of the Federal Firearms Act (sections 901 to 910 of Title 15, Commerce and Trade) shall become effective one hundred and eighty days after the date of its enactment [June 19, 1986]; except that repeal of the Federal Firearms Act (sections 901 to 910 of Title 15) shall not in itself terminate any valid license issued pursuant to that Act and any such license shall be deemed valid until it shall expire according to its terms unless it be sooner revoked or terminated pursuant to applicable provisions of law.''

### Short Title of 2005 Amendment


### Short Title of 2004 Amendment


### Short Title of 1994 Amendment


### Short Title of 1993 Amendment

Pub. L. 103–159, title I, §101, Nov. 30, 1993, 107 Stat. 1536, provided that: "This title [amending sections 92A of this title, amending this section, sections 922 and 924 of this title, and section 3759 of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under this section and section 922 of this title] may be cited as the 'Brady Handgun Violence Prevention Act.'"

Pub. L. 103–159, title III, §301, Nov. 30, 1993, 107 Stat. 1545, provided that: "This title [amending sections 922 to 924 of this title] may be cited as the 'Federal Firearms License Reform Act of 1993.'"

### Short Title of 1990 Amendment

Pub. L. 101–647, title XVII, §1702(a), Nov. 29, 1990, 104 Stat. 4484, provided that: "This section [amending sections 922, 924, and 925 of this title and enacting provisions set out as notes under this section] may be cited as the 'Gun-Free School Zones Act of 1990.'"

### Short Title of 1988 Amendment

Pub. L. 100–649, §1, Nov. 10, 1988, 102 Stat. 3816, provided that: "This Act [amending sections 922, 924, and 925 of this title and enacting provisions set out as notes under section 922 of this title and section 1356 of former Title 49, Transportation] may be cited as the 'Undetectable Firearms Act of 1988.'"
title, amending this section, sections 922 to 929 and 929
of this title, and section 5845 of Title 26, Internal Revenue
Code, repealing title VII of Pub. L. 90-351, set out in
the Appendix to this title, and enacting provisions
set out as notes under this section] may be cited as the
‘Firearms Owners’ Protection Act.’"

SHORT TITLE
Pub. L. 90-618, § 1, Oct. 22, 1968, 82 Stat. 1213, provided:
“That this Act [enacting sections 5822, 5871 and 5872 of
Title 26, Internal Revenue Code, amending this section,
sections 922 to 928 of this title, and Appendix to this
title, and sections 5801, 5802, 5811, 5812, 5821, 5841 to 5849,
5851 to 5854, 5861, 6806, and 7273 of Title 26, repealing sections
5692 and 6107 of Title 26, omitting sections 5803,
5813, 5814, 5831, 5865, and 5862 of ‘Title 26, and enacting
material set out as notes under this section and Appen-
dix to this title, and section 5801 of ‘Title 26] may be
cited as the ‘Gun Control Act of 1968.’"

RESTRICTIONS ON AMENDMENT OF REGULATIONS AS TO
CURIOS OR RELICS
241, provided in part: “That, in the current fiscal year
and any fiscal year thereafter, no funds appropriated
under this or any other Act shall be used to pay admin-
istrative expenses or the compensation of any officer or
employee of the United States to implement an amend-
ment or amendments to section 478.118 of title 27, Code
of Federal Regulations, or to change the definition of
‘curios or relics’ in section 478.11 of title 27, Code
of Federal Regulations, or to remove any item from
ATF Publication 5300.11 as it existed on January 1, 1994”.

CONSTRUCTION OF PUB. L. 103-159 WITH
SECTION 552A OF TITLE 5
1543, provided that: “This Act [enacting section 925A of
this title, amending this section, sections 922 to 924 of
this title, and section 3759 of title 42, The Public
Health and Welfare, and enacting provisions set out as
notes under this section and section 922 of this title] and
the amendments made by this Act shall not be con-
strued to alter or impair any right or remedy under
section 552a of title 5, United States Code.”

STATUTORY CONSTRUCTION: EVIDENCE
For provisions relating to statutory construction of,
and admissibility of evidence regarding compliance or
noncompliance with, the amendment by section 101(b)
[title I, § 110101(a)] of Pub. L. 105-277, see section 101(b)
[title I, § 110101(d)] of Pub. L. 105-277, set out as a
note under section 925 of this title.

STUDY BY ATTORNEY GENERAL
Stat. 2000, which provided that the Attorney General
was to study the effect of subtitle A (§§ 110101-110106) of
title XI of Pub. L. 103-322 and to report the results of
the study to Congress not later than 30 months after
Sept. 13, 1994, was repealed by Pub. L. 103-322, title XI,
§ 110105(2), Sept. 13, 1994, 108 Stat. 2000, effective 10 years

CONGRESSIONAL FINDINGS AND DECLARATION
Pub. L. 99-308, § 1(b), May 19, 1986, 100 Stat. 449,
provided that: “The Congress finds that—
“(1) the rights of citizens—
“(A) to keep and bear arms under the second
amendment to the United States Constitution;
“(B) to security against illegal and unreasonable
searches and seizures under the fourth amendment;
“(C) against uncompensated and dual use of
property, double jeopardy, and assurance of due process
of law under the fifth amendment; and
“(D) against unconstitutional exercise of authority
under the ninth and tenth amendments; require
additional legislation to correct existing fire-
arms statutes and enforcement policies; and
“(2) additional legislation is required to reaffirm
the intent of the Congress, as expressed in section 101 of
the Gun Control Act of 1968 [section 101 of Pub. L.
90-618, set out below], that ‘it is not the purpose of
this title to place any undue or unnecessary Federal
restrictions or burdens on law-abiding citizens with
respect to the acquisition, possession, or use of fire-
arms appropriate to the purpose of hunting, trapshooting,
target shooting, personal protection, or any
other lawful activity, and that this title is not in-
tended to discourage or eliminate the private own-
ship or use of firearms by law-abiding citizens for
lawful purposes.’”

provided that: ‘The Congress hereby declares that the
purposes of this title [amending this chapter] is to pro-
vide support to Federal, State, and local law enforce-
ment officials in their fight against crime and violence,
and it is not the purpose of this title to place any
undue or unnecessary Federal restrictions or burdens
on law-abiding citizens with respect to the acquisition,
possession, or use of firearms appropriate to the
purpose of hunting, trapshooting, target shooting,
personal protection, or any other lawful activity, and that
this title is not intended to discourage or eliminate the
private ownership or use of firearms by law-abiding
citizens for lawful purposes,’”

225, provided that: “(a) The Congress hereby finds and
declares—
“(1) that there is a widespread traffic in firearms
moving in or otherwise affecting interstate or foreign
commerce, and that the existing Federal controls
over such traffic do not adequately enable the States
to control this traffic within their own borders
through the exercise of their police power;
“(2) that the ease with which any person can ac-
quire firearms other than a rifle or shotgun (includ-
ing criminals, juveniles without the knowledge or
consent of their parents or guardians, narcotics ad-
dicts, mental defectives, armed groups who would
supplant the functions of duly constituted public au-
thorities, and others whose possession of such weapon
is similarly contrary to the public interest) is a sig-
nificant factor in the prevalence of lawlessness and
violent crime in the United States;
“(3) that only through adequate Federal control
over interstate and foreign commerce in these
weapons, and over all persons engaging in the businesses
of importing, manufacturing, or dealing in, them, can
this grave problem be properly dealt with, and effect-
ive State and local regulation of this traffic be made
possible;
“(4) that the acquisition on a mail-order basis of
firearms other than a rifle or shotgun by nonlicen-
ted individuals, from a place other than their State of
residence, has materially tended to thwart the effec-
tiveness of State laws and regulations, and local ordi-
nances;
“(5) that the sale or other disposition of conceal-
able weapons by importers, manufacturers, and deal-
ers holding Federal licenses, to nonresidents of the
State in which the licensees’ places of business are
located, has tended to make ineffective the laws, regu-
lations, and ordinances in the several States and
local jurisdictions regarding such firearms;
“(6) that there is a casual relationship between the
easy availability of firearms other than a rifle or
shotgun and juvenile and youthful criminal behavior,
and that such firearms have been widely sold by fed-

eral licensed importers and dealers to emotionally
immature, or thrill-bent juveniles and minors prone
to criminal behavior;
“(7) that the United States has become the dump-
ground of the castoff surplus military weapons of
other nations, and that such weapons, and the large
volume of relatively inexpensive pistols and revolvers

491
§ 922. Unlawful acts

(a) It shall be unlawful—

(1) for any person—

(A) except a licensed importer, licensed manufacturer, or licensed dealer, to engage in the business of importing, manufacturing, or dealing in firearms, or in the course of such business to ship, transport, or receive any firearm in interstate or foreign commerce;

(B) except a licensed importer or licensed manufacturer, to engage in the business of importing or manufacturing ammunition, or in the course of such business, to ship, transport, or receive any ammunition in interstate or foreign commerce;

(2) for any importer, manufacturer, dealer, or collector licensed under the provisions of this chapter to ship or transport in interstate or foreign commerce any firearm to any person other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, except that—

(A) this paragraph and subsection (b)(3) shall not be held to preclude a licensed importer, licensed manufacturer, licensed dealer, or licensed collector from returning a firearm or replacement firearm of the same kind and type to a person from whom it was received; and this paragraph shall not be held to preclude an individual from mailing a firearm owned in compliance with Federal, State, and local law to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector;

(B) this paragraph shall not be held to preclude a licensed importer, licensed manufacturer, or licensed dealer from depositing a firearm for conveyance in the mails to any officer, employee, agent, or watchman who, pursuant to the provisions of section 1715 of this title, is eligible to receive through the mails pistols, revolvers, and other firearms capable of being concealed on the person, for use in connection with his official duty; and

(C) nothing in this paragraph shall be construed as applying in any manner in the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States differently than it would apply if the District of Columbia, the Commonwealth of Puerto Rico, or the possession were in fact a State of the United States;

(3) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector to transport into or re-