§ 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 therefore.

(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 in use in connection with competition or training pursuant to chapter 751 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, manufacturer, licensed dealer, or licensed collector conducting operations under this chapter, firearms or ammunition—

(1) with an accessory that is not readily assembled to the firearm or ammunition;

(2) without an accessory that is not readily disassembled from the firearm or ammunition;

(3) is manufactured after November 30, 1986;

(4) had been manufactured before November 30, 1986, and was imported after January 1, 1987; and

(5) 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 not authorize, under subsection (d), the importation of any firearm the importation of which is prohibited by section 922(p).


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; Pub. L. 113–57, §1, Dec. 9, 2013, 127 Stat. 656, provided that, effective 35 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 Strike “, 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.

Editorial Notes

REFERENCES IN TEXT


Section 5845(b) of the Internal Revenue Code of 1986, referred to in subsec. (d), 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. 107–226, which directed amendment of this section by substituting “Attorney General” for “Secretary” wherever appearing, was executed by making the substitution wherever appearing in subsec. (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)” after “except for”.

Subsec. (a)(2)(A). Pub. L. 104–106 inserted “before the repeal of such section by section 1624(a) of the Corpora-
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tion 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)”.  
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. 100–619, § 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).  
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 or has a prior conviction under this chapter or of the National Firearms Act” and “‘shipment, transportation, or possession of firearms, and’” for “‘shipment, possession of firearms and importation 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 imported” in provision following par. (4) substituted “‘shall permit’” for “‘may permit’”.  
Subsec. (d)(2). Pub. L. 99–308, § 105(2)(C), (E) effective 35 years after such effective date, see section 12(f) of Pub. L. 100–619, as amended, set out as a note under section 922 of this title.  
Pub. L. 99–308, § 105(3)(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”.  
1983—Subsec. (a). Pub. L. 93–618 redesignated existing provisions as par. (1), made minor changes in phraseology, and added pars. (2) to (5).  
Subsec. (b). Pub. L. 90–619 added licensed collectors to the enumerated list of licensees.  
Subsec. (c). Pub. L. 90–619 substituted “imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, importation, 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. 90–619 made minor changes in phraseology, subjected ammunition to the authority of the Secretary in text preceding par. (1), substituted “‘section 5845(b)” for “‘section 5845(2)” in par. (2), substituted “‘section 5845(a)” for “‘section 5845(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).  

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 1996 Amendment  
Pub. L. 104–106, div. A, title XVI, § 1624(c), Feb. 10, 1996, 110 Stat. 522, provided that: “The amendments made by this section (amending this section and sections 4313 and 4316 of Title 19, Armed Forces, and repealing sections 4307, 4308, 4310, and 4311 of Title 10) shall take effect on the earlier of—  
“(1) the date on which the Secretary of the Army submits a certification in accordance with section 1623 (former 30 U.S.C. 5225); or  
“(2) October 1, 1996.”  

Effective Date of 1988 Amendment: Sunset Provision  
Amendment by Pub. L. 100–619 effective 30th day beginning after Nov. 10, 1988, and amendment by section 2(f)(2)(C), (E) effective 35 years after such effective date, see section 2(f) of Pub. L. 100–619, 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 10(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  

Effective Date  
Section effective 180 days after June 19, 1968, see section 907 of Pub. L. 90–351, 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 (g) or (n) 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.