

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.)

Editorial Notes

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 classified to section 40901 of Title 34, Crime Control and Law Enforcement.

§ 925B. Reporting of background check denials to State authorities

(a) IN GENERAL.—If the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901) (referred to in this section as “NICS”) provides a notice pursuant to section 922(t) that the receipt of a firearm by a person would violate subsection (g) or (n) of section 922 or State, local, or Tribal law, the Attorney General shall, in accordance with subsection (b) of this section—

(1) report to the local law enforcement authority of the State or Tribe where the person sought to acquire the firearm and, if different, the local law enforcement authorities of the State or Tribe of residence of the person—

- (A) that the notice was provided;
- (B) the Federal, State, local or Tribal prohibition;
- (C) the date and time the notice was provided;
- (D) the location of the licensee where the firearm was sought to be transferred; and
- (E) the identity of the person; and

(2) where practicable, report the incident to State and local prosecutors or Tribal prosecutors in the jurisdiction where the firearm transfer was sought.

(b) REQUIREMENTS FOR REPORT.—A report is made in accordance with this subsection if the report is made under subsection (a) within 24 hours after the NICS denies a firearm transfer in accordance with section 922(t) of title 18, United States Code, except that the making of the report may be delayed for so long as is necessary to avoid compromising an ongoing investigation.

(c) AMENDMENT OF REPORT.—If a report is made in accordance with subsection (b) and, after such report is made, the Federal Bureau of Investigation determines that the receipt of a firearm by a person for whom the report was made would not violate subsection (g) or (n) of section 922 or State, local, or Tribal law, the Attorney General shall notify any law enforcement authority and any prosecutor to whom the report was made of that determination.

(d) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to require a report with respect to a person to be made to the same State authorities that made the original denial determination with respect to the transfer of the firearm.

(Added Pub. L. 117-103, div. W, title XI, §1101(c), Mar. 15, 2022, 136 Stat. 919.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section not effective until Oct. 1 of the first fiscal year beginning after Mar. 15, 2022, see section 4(a) of div. W of Pub. L. 117-103, set out as a note under section 6851 of Title 15, Commerce and Trade.

§ 925C. Annual report to Congress

Not later than 1 year after the date of enactment of this section, and annually thereafter, the Attorney General shall submit to Congress a report detailing the following, broken down by Federal judicial district:

(1) With respect to each category of persons prohibited by subsection (g) or (n) of section 922 or State law from receiving or possessing a firearm who are so denied a firearm—

- (A) the number of denials;
- (B) the number of denials referred to the Bureau of Alcohol, Tobacco, Firearms, and Explosives;
- (C) the number of denials for which the Bureau of Alcohol, Tobacco, Firearms, and Explosives determines that the person denied was not prohibited by subsection (g) or (n) of section 922 or State law from receiving or possessing a firearm;
- (D) the number of denials overturned through the appeals process of the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901);
- (E) the number of denials with respect to which an investigation was opened by a field division of the Bureau of Alcohol, Tobacco, Firearms, and Explosives;
- (F) the number of persons charged with a Federal criminal offense in connection with a denial; and
- (G) the number of convictions obtained by Federal authorities in connection with a denial.

(2) The number of background check notices reported pursuant to section 925B (including the number of the notices that would have been so reported but for section 925B(c)).

(Added Pub. L. 117-103, div. W, title XI, §1102(a), Mar. 15, 2022, 136 Stat. 920.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in text, is the date of enactment of Pub. L. 117-103, which was approved Mar. 15, 2022.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section not effective until Oct. 1 of the first fiscal year beginning after Mar. 15, 2022, see section 4(a) of div. W of Pub. L. 117-103, set out as a note under section 6851 of Title 15, Commerce and Trade.

§ 925D. Special assistant U.S. attorneys and cross-deputized attorneys

(a) IN GENERAL.—In order to improve the enforcement of paragraphs (8) and (9) of section 922(g), the Attorney General may—

(1) appoint, in accordance with section 543 of title 28, qualified State, Tribal, territorial and local prosecutors and qualified attorneys working for the United States government to serve as special assistant United States attorneys for the purpose of prosecuting violations of such paragraphs; and

(2) deputize State, Tribal, territorial and local law enforcement officers for the purpose of enhancing the capacity of the agents of the Bureau of Alcohol, Tobacco, Firearms, and Explosives in responding to and investigating violations of such paragraphs.

(b) IMPROVE INTIMATE PARTNER AND PUBLIC SAFETY.—The Attorney General shall—

(1) identify not fewer than 75 jurisdictions among States, territories and Tribes where there are high rates of firearms violence and threats of firearms violence against intimate partners and other persons protected under paragraphs (8) and (9) of section 922(g) and where local authorities lack the resources to address such violence;

(2) make such appointments as described in subsection (a) in jurisdictions where enhanced enforcement of such paragraphs is necessary to reduce firearms homicide and injury rates; and

(3) establish, in order to receive and expedite requests for assistance from State, Tribal, territorial, and local law enforcement agencies responding to intimate partner violence cases where such agencies have probable cause to believe that the offenders may be in violation of such paragraphs, points of contact within—

(A) each Field Division of the Bureau of Alcohol, Tobacco, Firearms, and Explosives; and

(B) each District Office of the United States Attorneys.

(c) QUALIFIED DEFINED.—For purposes of this section, the term “qualified” means, with respect to an attorney, that the attorney is a licensed attorney in good standing with any relevant licensing authority.

(Added Pub. L. 117–103, div. W, title XI, § 1103(a), Mar. 15, 2022, 136 Stat. 921.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section not effective until Oct. 1 of the first fiscal year beginning after Mar. 15, 2022, see section 4(a) of div. W of Pub. L. 117–103, set out as a note under section 6851 of Title 15, Commerce and Trade.

§ 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.)

Editorial Notes

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 op-

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