

tablishes 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 submits 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 35 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’s<sup>1</sup> 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

<sup>1</sup> So in original. Probably should be “Attorney General’s”.

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).

1968—Pub. L. 90-618 inserted provisions authorizing the Secretary to prescribe regulations requiring a licensee, when dealing with another licensee, to provide such other licensee a certified copy of the license, and regulations authorizing the issuance of certified copies of the license required under this chapter.

#### 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 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 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.

### § 926A. Interstate transportation of firearms

Notwithstanding any other provision of any law or any rule or regulation of a State or any political subdivision thereof, any person who is not otherwise prohibited by this chapter from transporting, shipping, or receiving a firearm

shall be entitled to transport a firearm for any lawful purpose from any place where he may lawfully possess and carry such firearm to any other place where he may lawfully possess and carry such firearm if, during such transportation the firearm is unloaded, and neither the firearm nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment of such transporting vehicle: *Provided*, That in the case of a vehicle without a compartment separate from the driver's compartment the firearm or ammunition shall be contained in a locked container other than the glove compartment or console.

(Added Pub. L. 99-360, §1(a), July 8, 1986, 100 Stat. 766.)

#### PRIOR PROVISIONS

A prior section 926A, added Pub. L. 99-308, §107(a), May 19, 1986, 100 Stat. 460, provided that any person not prohibited by this chapter from transporting, shipping, or receiving a firearm be entitled to transport an unloaded, not readily accessible firearm in interstate commerce notwithstanding any provision of any legislation enacted, or rule or regulation prescribed by any State or political subdivision thereof, prior to repeal by Pub. L. 99-360, §1(a).

#### EFFECTIVE DATE

Section effective on date on which Firearms Owners' Protection Act, Pub. L. 99-308, became effective, see section 2 of Pub. L. 99-360, set out as an Effective Date of 1986 Amendments note under section 921 of this title.

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

(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

(b) This section shall not be construed to supersede or limit the laws of any State that—

(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

(c) As used in this section, the term "qualified law enforcement officer" means an employee of a governmental agency who—

(1) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice);

(2) is authorized by the agency to carry a firearm;

(3) is not the subject of any disciplinary action by the agency which could result in suspension or loss of police powers;

(4) meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;