

111TH CONGRESS
1ST SESSION

H. R. 442

To provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearms Registration and Transfer Record, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2009

Mr. REHBERG introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearms Registration and Transfer Record, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans’ Heritage
5 Firearms Act of 2009”.

1 **SEC. 2. AMNESTY PERIOD FOR VETERANS TO REGISTER**
2 **QUALIFYING FIREARMS.**

3 (a) **REGISTRATION.**—Subject to such regulations as
4 the Attorney General may prescribe, the applicable veteran
5 or a member of the family of such a veteran, who owns
6 and possesses a qualifying firearm, may register the fire-
7 arm in the National Firearms Registration and Transfer
8 Record (described in section 5841 of the Internal Revenue
9 Code of 1986) during the amnesty period.

10 (b) **QUALIFYING FIREARM.**—

11 (1) **IN GENERAL.**—For purposes of this section,
12 the term “qualifying firearm” means any firearm
13 which was acquired—

14 (A) before October 31, 1968; and

15 (B) by a veteran, while the veteran was a
16 member of the Armed Forces and was stationed
17 outside the continental United States.

18 (2) **PRESUMPTION OF VALIDITY.**—In the ab-
19 sence of clear and convincing evidence to the con-
20 trary, the Attorney General shall accept as true and
21 accurate any affidavit, document, or other evidence
22 submitted by an individual to establish that a fire-
23 arm meets the requirements of paragraph (1).

24 (c) **HEARINGS.**—If the Attorney General determines
25 that an individual may not register a firearm under sub-

1 section (a) during the amnesty period, the Attorney Gen-
2 eral, on the request of such individual, shall—

3 (1) provide the individual any evidence on which
4 the Attorney General’s decision is based; and

5 (2) promptly hold a hearing to review the deter-
6 mination.

7 (d) LIMITED IMMUNITY.—

8 (1) CRIMINAL LIABILITY UNDER TITLE 18.—An
9 individual who registers a firearm under subsection
10 (a) of this section—

11 (A) shall be treated, for purposes of sub-
12 sections (a)(3) and (o) of section 922 of title
13 18, United States Code, as having lawfully ac-
14 quired and possessed the firearm before the
15 date of the enactment of chapter 44 of such
16 title and of each provision of that chapter; and

17 (B) shall not be liable for any violation of
18 that chapter which—

19 (i) is based solely on the ownership,
20 possession, transportation, importation, or
21 alteration of the firearm by the individual;
22 and

23 (ii) occurred before or concurrent with
24 the registration.

1 (2) CRIMINAL LIABILITY UNDER INTERNAL
2 REVENUE CODE.—Except as provided in paragraph
3 (3), an individual who registers a firearm under sub-
4 section (a) shall not be liable for a violation of chap-
5 ter 53 or 75 of the Internal Revenue Code of 1986
6 with respect to the firearm which occurred before or
7 concurrent with the registration.

8 (3) TRANSFER TAX LIABILITY.—Paragraph (2)
9 shall not affect the liability of any individual for any
10 transfer tax imposed under section 5811 of the In-
11 ternal Revenue Code of 1986.

12 (4) ATTEMPTS TO REGISTER.—In the case of
13 an applicable veteran or a member of such a vet-
14 eran's family who attempts to register a qualifying
15 firearm in the National Firearms Registration and
16 Transfer Record at a time other than during the
17 amnesty period, paragraphs (1), (2), and (3) shall
18 apply with respect to the individual if the individual
19 surrenders the firearm to a law enforcement agency
20 not later than 30 days after notification by the At-
21 torney General of potential criminal liability for con-
22 tinued possession of the firearm.

23 (e) FORFEITURE.—A firearm registered under sub-
24 section (a) shall not be subject to seizure or forfeiture
25 under chapter 53 or 75 of the Internal Revenue Code of

1 1986 or chapter 44 of title 18, United States Code, for
2 a violation of any such chapter with respect to the firearm
3 which occurred before or concurrent with the registration.

4 (f) NOTICE; FORMS; MAILBOX RULE.—

5 (1) NOTICE OF AMNESTY PERIOD.—The Attor-
6 ney General shall provide clear printed notices pro-
7 viding information regarding the amnesty period and
8 registering a firearm during the period. To the ex-
9 tent feasible, the Attorney General shall ensure that
10 the notices are posted in post offices, law enforce-
11 ment buildings, buildings of the Department of Vet-
12 erans Affairs, and businesses of licensed firearms
13 dealers.

14 (2) FORMS.—The Attorney General shall make
15 available any forms necessary for registering a fire-
16 arm in the National Firearms Registration and
17 Transfer Record. To the extent feasible, the Attor-
18 ney General shall make such forms available in the
19 locations referred to in paragraph (1) and through
20 the website for the Bureau of Alcohol, Tobacco,
21 Firearms, and Explosives.

22 (3) MAILBOX RULE.—For purposes of this sec-
23 tion, the Attorney General shall treat any form that
24 is postmarked during the amnesty period as received
25 during the amnesty period.

1 (g) DEFINITIONS.—In this section:

2 (1) AMNESTY PERIOD.—The term “amnesty pe-
3 riod” means the 90-day period beginning on the date
4 that is 90 days after the date of the enactment of
5 this Act.

6 (2) FIREARM.—The term “firearm” has the
7 meaning given the term in section 5845 of the Inter-
8 nal Revenue Code of 1986, except that the term
9 does not include—

10 (A) any device described in subsection
11 (f)(1) of such section; or

12 (B) any combination of parts—

13 (i) designed or intended for use in
14 converting any device into a device de-
15 scribed in subparagraph (A); or

16 (ii) from which a device described in
17 subparagraph (A) may be readily assem-
18 bled.

19 (3) APPLICABLE VETERAN.—The term “appli-
20 cable veteran” means, with respect to a firearm, the
21 veteran referred to in subsection (b)(1) with respect
22 to the firearm.

23 (4) VETERAN.—The term “veteran” has the
24 meaning given such term in section 101(2) of title
25 38, United States Code.

1 (5) FAMILY.—

2 (A) IN GENERAL.—The term “family”
3 means, with respect to a veteran, any grand-
4 parent of the veteran or of any spouse of the
5 veteran, any lineal descendant of any such
6 grandparent, and any spouse of any such lineal
7 descendant.

8 (B) SPECIAL RULES.—For purposes of
9 subparagraph (A):

10 (i) A spouse of an individual who is
11 legally separated from the individual under
12 a decree of divorce or separate mainte-
13 nance shall be treated as the spouse of the
14 individual.

15 (ii) Individuals related by the half
16 blood or by legal adoption shall be treated
17 as if they are related by the whole blood.

18 (6) CONTINENTAL UNITED STATES.—The term
19 “continental United States” means the several
20 States and the District of Columbia, but does not in-
21 clude Alaska or Hawaii.

22 **SEC. 3. TRANSFER OF FIREARMS TO MUSEUMS.**

23 (a) TRANSFER OF FORFEITED FIREARMS TO MUSE-
24 UMS.—

1 (1) IN GENERAL.—The Attorney General shall
2 transfer each firearm which has been forfeited to the
3 United States to the first qualified museum that
4 submits a request for the firearm in such form and
5 manner as the Attorney General may specify.

6 (2) DESTRUCTION OF FORFEITED FIREARMS
7 PROHIBITED.—The Attorney General shall not de-
8 stroy any firearm which has been forfeited to the
9 United States until the end of the 5-year period be-
10 ginning on the date of the forfeiture.

11 (3) CATALOGUE OF FIREARMS.—With respect
12 to each firearm that is available to be transferred to
13 a museum under paragraph (1), the Attorney Gen-
14 eral shall, not later than 60 days after the forfeiture
15 of the firearm, publish information which identifies
16 the firearm (including a picture) on the web page of
17 the Bureau of Alcohol, Tobacco, Firearms, and Ex-
18 plosives. The information shall be available to the
19 public without cost and without restriction.

20 (4) REGISTRATION OF FIREARMS.—Any firearm
21 transferred under paragraph (1) to a qualified mu-
22 seum shall be registered to the transferee in the Na-
23 tional Firearms Registration and Transfer Record
24 (described in section 5841 of the Internal Revenue
25 Code of 1986).

1 (5) FIREARM.—In this subsection, the term
2 “firearm” means any firearm (as defined in section
3 2(g)(2) of this Act) which is treated as a curio or
4 relic under chapter 44 of title 18, United States
5 Code.

6 (6) QUALIFIED MUSEUM.—In this subsection,
7 the term “qualified museum” means—

8 (A) any museum owned or operated by a
9 unit of Federal, State, or local government; and

10 (B) any museum which—

11 (i) is open to the public;

12 (ii) is incorporated as a not-for-profit
13 corporation under applicable State law;

14 (iii) may possess a firearm in the col-
15 lection of the museum under the laws of
16 the State in which the collection is dis-
17 played;

18 (iv) holds a license under chapter 44
19 of title 18, United States Code, as a col-
20 lector of curios or relics; and

21 (v) certifies to the Attorney General
22 that—

23 (I) the museum is not engaged in
24 the trade or business of buying or
25 selling firearms;

1 (II) with respect to the transfer
2 of any firearm under paragraph (1),
3 the museum is not requesting the
4 transfer of the firearm for purpose of
5 sale; and

6 (III) the museum shall, not later
7 than 90 days after the museum ceases
8 operations, file an application pursu-
9 ant to chapter 53 of the Internal Rev-
10 enue Code of 1986 to transfer any
11 machinegun transferred to the mu-
12 seum under paragraph (1) to an enti-
13 ty or person who may lawfully possess
14 the machinegun under section 922(o)
15 of title 18, United States Code, or
16 abandon the machinegun to Federal,
17 State, or local law enforcement au-
18 thorities.

19 (b) TRANSFER OF MACHINEGUNS TO MUSEUMS.—
20 Section 922(o)(2) of title 18, United States Code, is
21 amended—

22 (1) in subparagraph (A), by striking “or” at
23 the end;

24 (2) by redesignating subparagraph (B) as sub-
25 paragraph (C); and

1 (3) by inserting after subparagraph (A) the fol-
2 lowing:

3 “(B) a transfer to or by, or possession by,
4 a museum that is open to the public and incor-
5 porated as a not-for-profit corporation under
6 applicable State law; or”.

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