

109TH CONGRESS
1ST SESSION

H. R. 2088

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

MAY 4, 2005

Mr. GIBBONS (for himself, Mr. OTTER, Mr. KENNEDY of Minnesota, Mr. SESSIONS, Mr. JONES of North Carolina, Mr. MILLER of Florida, Mr. CANNON, Mr. BURTON of Indiana, Mr. GOODE, Mr. KINGSTON, Mr. BRADLEY of New Hampshire, Mr. TERRY, Mr. BAKER, Mr. WHITFIELD, Mr. BARRETT of South Carolina, Mr. BACHUS, Mr. BOOZMAN, Mr. TIBERI, Mr. BISHOP of Utah, Mr. WILSON of South Carolina, Mr. BARTON of Texas, Mr. DUNCAN, Mr. SHUSTER, Mr. HOSTETTLER, Mr. MCCOTTER, Mr. HEFLEY, Mr. ISSA, Mr. SIMPSON, Mr. TANCREDO, Mr. SHIMKUS, Mr. PEARCE, Mr. KING of Iowa, Mr. PETERSON of Pennsylvania, Mr. SALAZAR, Mr. KUHL of New York, Mr. HALL, Mr. MOLLOHAN, Mr. FRANKS of Arizona, Mr. SOUDER, Mr. ROGERS of Alabama, Mr. AKIN, Mr. BURGESS, Mr. CRAMER, Mr. CUNNINGHAM, Mr. BARTLETT of Maryland, Mr. ROSS, Mrs. EMERSON, Mr. HUNTER, Mr. TAYLOR of Mississippi, Mr. DEAL of Georgia, Mr. HERGER, Mr. FEENEY, Mr. LEWIS of Kentucky, and Mr. CALVERT) 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 2005”.

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

8 (a) **REGISTRATION.**—Subject to such regulations as
9 the Attorney General may prescribe, the applicable veteran
10 or a member of such a veteran’s family, who owns and
11 possesses a qualifying firearm, may register such firearm
12 in the National Firearms Registration and Transfer
13 Record (described in section 5841 of the Internal Revenue
14 Code of 1986) during the amnesty period.

15 (b) **QUALIFYING FIREARM.**—

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

19 (A) before October 31, 1968; and

20 (B) by a veteran, while such veteran was
21 a member of the Armed Forces and was sta-
22 tioned outside the continental United States.

23 (2) **PRESUMPTION OF VALIDITY.**—With respect
24 to any firearm, in the absence of clear and con-
25 vincing evidence to the contrary the Attorney Gen-

1 eral shall accept as true and accurate any affidavit,
2 document, or other evidence submitted by an indi-
3 vidual to establish that such firearm meets the re-
4 quirements of paragraph (1).

5 (c) HEARINGS.—If the Attorney General determines
6 that any individual may not register a firearm under sub-
7 section (a) during the amnesty period, the Attorney Gen-
8 eral, upon the request of such individual, shall—

9 (1) provide such individual any evidence on
10 which the Attorney General’s decision is based; and

11 (2) promptly hold a hearing to review such de-
12 termination.

13 (d) LIMITED IMMUNITY.—

14 (1) CRIMINAL LIABILITY UNDER TITLE 18.—

15 Any individual who registers a firearm under sub-
16 section (a)—

17 (A) shall be treated, for purposes of sub-
18 sections (a)(3) and (o) of section 922 of title
19 18, United States Code, as having lawfully ac-
20 quired and possessed the firearm before the
21 date of the enactment of chapter 44 of such
22 title and each of such chapter’s provisions; and

23 (B) shall not be liable under chapter 44 of
24 title 18, United States Code, for any violation
25 of such chapter which—

- 1 (i) is based solely on such individual's
2 ownership, possession, transportation, im-
3 portation, or alteration of such firearm;
4 and
5 (ii) occurred before or concurrent with
6 such registration.

7 (2) CRIMINAL LIABILITY UNDER INTERNAL
8 REVENUE CODE.—Except as provided in paragraph
9 (3), any individual who registers a firearm under
10 subsection (a) shall not be liable under chapter 53
11 or 75 of the Internal Revenue Code of 1986 for any
12 violation of such chapters which relates to such fire-
13 arm and which occurred before or concurrent with
14 such registration.

15 (3) TRANSFER TAX LIABILITY.—Paragraph (2)
16 shall not affect the liability of any individual for any
17 transfer tax imposed under section 5811 of the In-
18 ternal Revenue Code of 1986.

19 (4) ATTEMPTS TO REGISTER.—In the case of
20 an applicable veteran or a member of such a vet-
21 eran's family who attempts to register a qualifying
22 firearm in the National Firearms Registration and
23 Transfer Record at a time other than during the
24 amnesty period, paragraphs (1), (2), and (3) shall
25 apply with respect to such individual if such indi-

1 vidual surrenders such firearm to a law enforcement
2 agency not later than 30 days after notification by
3 the Attorney General of potential criminal liability
4 for continued possession of the firearm.

5 (e) FORFEITURE.—Any firearm registered under
6 subsection (a) shall not be subject to seizure or forfeiture
7 under chapter 53 or 75 of the Internal Revenue Code or
8 chapter 44 of title 18, United States Code, for any viola-
9 tion of such chapters which relates to such firearm and
10 which occurred before or concurrent with such registra-
11 tion.

12 (f) NOTICE; FORMS; MAILBOX RULE.—

13 (1) NOTICE OF AMNESTY PERIOD.—The Attor-
14 ney General shall provide clear printed notices pro-
15 viding information regarding the amnesty period and
16 registering a firearm during such period. To the ex-
17 tent feasible, the Attorney General shall ensure that
18 such notices are posted in post offices, law enforce-
19 ment buildings, buildings of the Department of Vet-
20 erans Affairs, and in the businesses of licensed fire-
21 arms dealers.

22 (2) FORMS.—The Attorney General shall make
23 available any forms necessary for registering a fire-
24 arm in the National Firearms Registration and
25 Transfer Record. To the extent feasible, the Attor-

1 ney General shall make such forms available in the
2 locations referred to in paragraph (1) and through
3 the website for the Bureau of Alcohol, Tobacco,
4 Firearms, and Explosives.

5 (3) MAILBOX RULE.—For purposes of this sec-
6 tion, the Attorney General shall treat any form that
7 is postmarked during the amnesty period as received
8 during the amnesty period.

9 (g) DEFINITIONS.—For purposes of this section:

10 (1) AMNESTY PERIOD.—The term “amnesty pe-
11 riod” means the 90-day period beginning on the date
12 that is 90 days after the date of the enactment of
13 this Act.

14 (2) FIREARM.—The term “firearm” has the
15 meaning given such term in section 5845 of the In-
16 ternal Revenue Code of 1986, except that such term
17 does not include—

18 (A) any device described in subsection

19 (f)(1) of such section; or

20 (B) any combination of parts—

21 (i) designed or intended for use in
22 converting any device into a device de-
23 scribed in subparagraph (A); or

1 (ii) from which a device described in
2 subparagraph (A) may be readily assem-
3 bled.

4 (3) APPLICABLE VETERAN.—With respect to
5 any firearm, the term “applicable veteran” means
6 the veteran described in subsection (b)(1)(B).

7 (4) VETERAN.—The term “veteran” has the
8 meaning given such term in section 101(2) of title
9 38, United States Code.

10 (5) FAMILY.—The term “family” means, with
11 respect to a veteran, the grandparents of such vet-
12 eran, the grandparents of such veteran’s spouse, the
13 lineal descendants of such grandparents, and any
14 spouse of such a lineal descendant. A spouse of an
15 individual who is legally separated from such indi-
16 vidual under a decree of divorce or separate mainte-
17 nance shall be treated as such individual’s spouse for
18 purposes of this paragraph. Individuals related by
19 the half blood or by legal adoption shall be treated
20 as if they were related by the whole blood for pur-
21 poses of this paragraph.

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

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

2 (a) TRANSFER OF FORFEITED FIREARMS TO MUSE-
3 UMS.—

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

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

14 (3) CATALOGUE OF FIREARMS.—With respect
15 to each firearm which is available to be transferred
16 to a museum under paragraph (1), the Attorney
17 General shall, not later than 60 days after the for-
18 feiture of such firearm, publish information which
19 identifies such firearm (including a picture) on the
20 web page of the Bureau of Alcohol, Tobacco, Fire-
21 arms, and Explosives. Such information shall be
22 available to the public without cost and without re-
23 striction.

24 (4) REGISTRATION OF FIREARMS.—Any firearm
25 transferred under paragraph (1) to a qualified mu-
26 seum shall be registered to the transferee in the Na-

1 tional Firearms Registration and Transfer Record
2 (described in section 5841 of the Internal Revenue
3 Code of 1986).

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

9 (6) QUALIFIED MUSEUM.—For purposes of this
10 subsection, the term “qualified museum” means—

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

13 (B) any museum which—

14 (i) is open to the public;

15 (ii) is incorporated as not-for-profit
16 corporation under applicable state law;

17 (iii) may possess a firearm in the col-
18 lection of the museum under the laws of
19 the State in which the collection of the mu-
20 seum is displayed;

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

24 (v) certifies to the Attorney General
25 that—

1 (I) the museum is not engaged in
2 the trade or business of buying or
3 selling firearms,

4 (II) with respect to the transfer
5 of any firearm under paragraph (1),
6 the museum is not requesting the
7 transfer of such firearm for purpose
8 of sale, and

9 (III) the museum shall, not later
10 than 90 days after the date on which
11 such museum ceases operations, file
12 an application pursuant to chapter 53
13 of the Internal Revenue Code of 1986
14 to transfer any machinegun trans-
15 ferred to the museum under para-
16 graph (1) to an entity or person who
17 may lawfully possess such machinegun
18 under section 922(o) of title 18,
19 United States Code, or abandon such
20 machinegun to Federal, State, or local
21 law enforcement authorities.

22 (b) TRANSFER OF MACHINEGUNS TO MUSEUMS.—
23 Section 922(o)(2) of title 18, United States Code, is
24 amended—

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

3 (2) by redesignating subparagraph (B) as sub-
4 paragraph (C); and

5 (3) by inserting after subparagraph (A) the fol-
6 lowing new subparagraph:

7 “(B) a transfer to or by, or possession by, a
8 museum which is open to the public and incor-
9 porated as a not-for-profit corporation under appli-
10 cable State law; or”.

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