

113TH CONGRESS
1ST SESSION

H. R. 449

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

FEBRUARY 1, 2013

Mr. MILLER of Florida introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Ways and Means and Veterans' Affairs, 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 2013”.

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, and businesses of licensed firearms
12 dealers.

13 (2) VA OUTREACH.—The Secretary of Veterans
14 Affairs, in consultation with the Attorney General,
15 shall carry out an outreach program and develop a
16 communications strategy to provide to veterans in-
17 formation regarding the amnesty period and reg-
18 istering a firearm during the period, including by
19 posting notices in facilities of the Department of
20 Veterans Affairs and on the Internet website of the
21 Department.

22 (3) 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 paragraphs (1) and (2) and
3 through the Internet website for the Bureau of Alco-
4 hol, Tobacco, Firearms, and Explosives.

5 (4) 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.—In this section:

10 (1) AMNESTY PERIOD.—The term “amnesty pe-
11 riod” means the 180-day period beginning on the
12 date that is 90 days after the date of the enactment
13 of this Act.

14 (2) FIREARM.—The term “firearm” has the
15 meaning given the term in section 5845 of the Inter-
16 nal Revenue Code of 1986, except that the 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.—The term “appli-
5 cable veteran” means, with respect to a firearm, the
6 veteran referred to in subsection (b)(1) with respect
7 to the firearm.

8 (4) VETERAN.—The term “veteran” has the
9 meaning given such term in section 101(2) of title
10 38, United States Code.

11 (5) FAMILY.—

12 (A) IN GENERAL.—The term “family”
13 means, with respect to a veteran, any grand-
14 parent of the veteran or of any spouse of the
15 veteran, any lineal descendant of any such
16 grandparent, and any spouse of any such lineal
17 descendant.

18 (B) SPECIAL RULES.—For purposes of
19 subparagraph (A):

20 (i) A spouse of an individual who is
21 legally separated from the individual under
22 a decree of divorce or separate mainte-
23 nance shall be treated as the spouse of the
24 individual.

1 (ii) Individuals related by the half
2 blood or by legal adoption shall be treated
3 as if they are related by the whole blood.

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

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

9 (a) TRANSFER OF FORFEITED FIREARMS TO MUSE-
10 UMS.—

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

16 (2) DESTRUCTION OF FORFEITED FIREARMS
17 PROHIBITED.—The Attorney General shall not de-
18 stroy any firearm which has been forfeited to the
19 United States until the end of the 5-year period be-
20 ginning on the date of the forfeiture.

21 (3) CATALOGUE OF FIREARMS.—With respect
22 to each firearm that is available to be transferred to
23 a museum under paragraph (1), the Attorney Gen-
24 eral shall, not later than 60 days after the forfeiture
25 of the firearm, publish information which identifies

1 the firearm (including a picture) on the web page of
2 the Bureau of Alcohol, Tobacco, Firearms, and Ex-
3 plosives. The information shall be available to the
4 public without cost and without restriction.

5 (4) REGISTRATION OF FIREARMS.—Any firearm
6 transferred under paragraph (1) to a qualified mu-
7 seum shall be registered to the transferee in the Na-
8 tional Firearms Registration and Transfer Record
9 (described in section 5841 of the Internal Revenue
10 Code of 1986).

11 (5) FIREARM.—In this subsection, the term
12 “firearm” means any firearm (as defined in section
13 2(g)(2) of this Act) which is treated as a curio or
14 relic under chapter 44 of title 18, United States
15 Code.

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

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

20 (B) any museum which—

21 (i) is open to the public;

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

24 (iii) may possess a firearm in the col-
25 lection of the museum under the laws of

1 the State in which the collection is dis-
2 played;

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

6 (v) certifies to the Attorney General
7 that—

8 (I) the museum is not engaged in
9 the trade or business of buying or
10 selling firearms;

11 (II) with respect to the transfer
12 of any firearm under paragraph (1),
13 the museum is not requesting the
14 transfer of the firearm for purpose of
15 sale; and

16 (III) the museum shall, not later
17 than 90 days after the museum ceases
18 operations, file an application pursu-
19 ant to chapter 53 of the Internal Rev-
20 enue Code of 1986 to transfer any
21 machinegun transferred to the mu-
22 seum under paragraph (1) to an enti-
23 ty or person who may lawfully possess
24 the machinegun under section 922(o)
25 of title 18, United States Code, or

1 abandon the machinegun to Federal,
2 State, or local law enforcement au-
3 thorities.

4 (b) TRANSFER OF MACHINEGUNS TO MUSEUMS.—
5 Section 922(o)(2) of title 18, United States Code, is
6 amended—

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

9 (2) by redesignating subparagraph (B) as sub-
10 paragraph (C); and

11 (3) by inserting after subparagraph (A) the fol-
12 lowing:

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

○