

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3746

To authorize the Director of the Bureau of Justice Assistance to approve local programs that exchange merchandise vouchers for firearms and make grants to the programs, to amend title 18, United States Code, to provide amnesty for individuals who surrender firearms under the programs, and to amend the Internal Revenue Code of 1986 to allow tax deductions for taxpayers who donate merchandise vouchers for use in the programs.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 1994

Mr. KLEIN introduced the following bill; which was referred jointly to the Committees on the Judiciary and Ways and Means

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## A BILL

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be known as the ‘‘National Firearms  
3 Exchange Act’’.

4 **SEC. 2. FINDINGS AND PURPOSE.**

5 (a) FINDINGS.—The Congress finds that—

6 (1) the Nation is afflicted with an enormous  
7 problem relating to crimes of violence;

8 (2) there are more than 200,000,000 firearms  
9 on the Nation’s streets;

10 (3) such firearms are the cause of numerous  
11 deaths and injuries to the Nation’s citizens; and

12 (4) it is essential that the Nation act to rid it-  
13 self of such firearms and protect the safety of its  
14 citizens.

15 (b) PURPOSE.—The purpose of this Act is—

16 (1) to authorize the Director of the Bureau of  
17 Justice Assistance to approve local programs that  
18 exchange merchandise vouchers for firearms;

19 (2) to authorize the Director to make grants to  
20 the programs;

21 (3) to provide amnesty from certain Federal  
22 statutes concerning firearms for individuals who sur-  
23 render, or are in the process of surrendering, fire-  
24 arms under the programs; and

1           (4) to allow a tax deduction for taxpayers who  
2           donate merchandise vouchers for use in the pro-  
3           grams.

4       **TITLE I—PROGRAMS TO EX-**  
5       **CHANGE VOUCHERS FOR**  
6       **FIREARMS**

7       **SEC. 101. APPROVAL AND FUNDING OF PROGRAMS TO EX-**  
8                               **CHANGE VOUCHERS FOR FIREARMS.**

9           (a) IN GENERAL.—Title I of the Omnibus Crime  
10          Control and Safe Streets Act of 1968 (42 U.S.C. 3711  
11          et seq.) is amended—

12                   (1) by redesignating part Q as part R;

13                   (2) by redesignating section 1701 as section  
14                   1801; and

15                   (3) by inserting after part P the following new  
16                   part:

17                   **“PART Q—PROGRAMS TO EXCHANGE**  
18                   **MERCHANDISE VOUCHERS FOR FIREARMS**

19                   **“SEC. 1701. APPROVAL OF PROGRAMS TO EXCHANGE MER-**  
20                               **CHANDISE VOUCHERS FOR FIREARMS.**

21                   “(a) IN GENERAL.—The Director of the Bureau of  
22          Justice Assistance shall establish procedures under which  
23          any unit of local government may apply for approval,  
24          under this section, of a program to exchange merchandise  
25          vouchers for firearms. The Director shall establish criteria

1 and procedures to determine whether any such program  
2 should be approved under this part.

3 “(b) FACTORS TO BE CONSIDERED.—In determining  
4 whether or not to approve a program under this section,  
5 the Director shall consider—

6 “(1) the characteristics of the unit of local gov-  
7 ernment in which the program will be located;

8 “(2) the kinds of firearms included in the pro-  
9 gram;

10 “(3) the manner in which the program will dis-  
11 pose of firearms that are surrendered;

12 “(4) whether the program will accept firearms  
13 from residents of other States and units of local gov-  
14 ernment;

15 “(5) whether and to what extent the program  
16 will protect the anonymity of individuals who surren-  
17 der firearms to the program;

18 “(6) whether and to what extent the State in  
19 which the program is located will provide that any  
20 individual who surrenders, or is in the process of  
21 surrendering, a firearm to the program will not be  
22 prosecuted under State law—

23 “(A) for possession, transportation, stor-  
24 age, or concealment of the firearm (occurring

1 before or after the date of the enactment of this  
2 part);

3 “(B) for transfer, delivery, shipment, or  
4 surrender of the firearm to the program;

5 “(C) for surrender of the firearm to the  
6 program in exchange for a voucher; or

7 “(D) for making the firearm or for obliter-  
8 ating, removing, changing, or altering the serial  
9 number or other required identification of the  
10 firearm;

11 “(7) the manner in which the program will re-  
12 cruit participation by individuals and businesses;  
13 and

14 “(8) any other factor that the Director consid-  
15 ers appropriate.

16 “(c) DISPOSAL OF FIREARMS.—

17 “(1) DESTRUCTION OF FIREARMS.—The Direc-  
18 tor may not approve under this section any program  
19 that does not provide that all firearms surrendered  
20 to the program will be destroyed.

21 “(2) USE OF FIREARMS FOR EVIDENTIARY AND  
22 INVESTIGATIVE PURPOSES.—Paragraph (1) shall not  
23 be interpreted to require the destruction of a firearm  
24 that is surrendered to an approved program and is  
25 needed for investigatory or evidentiary purposes,

1       until the firearm is no longer needed for such pur-  
2       poses.

3       “(d) TIMING OF APPROVAL PROCESS AND DURATION  
4 OF APPROVAL STATUS.—

5           “(1) TIMING OF APPROVAL PROCESS.—The Di-  
6       rector shall approve or disapprove each program for  
7       which an application is submitted under subsection  
8       (a) within 60 days after the application is submitted.

9           “(2) DURATION OF APPROVAL STATUS.—A pro-  
10       gram shall be considered approved for the 2-year  
11       period beginning on the date that the program is  
12       approved under this section, and may reapply for  
13       approval for subsequent 2-year periods.

14       “(e) EFFORT TO SECURE STATE AMNESTY REGARD-  
15       ING APPROVED PROGRAMS.—The Director shall make  
16       every effort possible to secure from State governments, for  
17       individuals who surrender or are in the process of surren-  
18       dering a firearm to a program approved under this section,  
19       provisions of amnesty that are similar to the amnesty de-  
20       scribed in section 925(h) of title 18, United States Code,  
21       regarding State offenses that are the same as or substan-  
22       tially similar to the Federal offenses for which amnesty  
23       is provided in such section.

1 **“SEC. 1702. GRANTS TO APPROVED PROGRAMS.**

2 “(a) GRANT AUTHORIZATION.—The Director may  
3 make grants to programs that are approved under section  
4 1701.

5 “(b) APPLICATIONS, CRITERIA, AND ALLOCATION.—  
6 The Director shall establish procedures under which a unit  
7 of local government whose program is approved under sec-  
8 tion 1701 may apply for a grant for the program. The  
9 Director shall establish procedures and criteria to deter-  
10 mine whether any such program should receive such a  
11 grant.

12 **“SEC. 1703. ANNUAL REPORT TO CONGRESS.**

13 “(a) IN GENERAL.—As part of the annual report re-  
14 quired by section 810, the Director shall submit to the  
15 Congress an assessment of the effectiveness of this part  
16 and of approved programs. The Director’s assessment may  
17 include recommendations that the Director finds appro-  
18 priate.

19 “(b) CRITERIA REGARDING EFFECTIVENESS.—In  
20 order to complete the assessment required by subsection  
21 (a), the Director shall establish criteria for evaluating the  
22 effectiveness of this part and of approved programs.

23 “(c) EVALUATION OF FACTORS.—The assessment re-  
24 quired by subsection (a) also shall include—

25 “(1) a statement showing the manner in which  
26 the Director used the factors referred to in section

1 1701(b) in deciding whether to approve and fund  
2 programs under this part; and

3 “(2) for each of the factors referred to in sec-  
4 tion 1701(b), a statement of the manner in which  
5 the program characteristics included in the factor  
6 predict a program’s effectiveness.

7 “(d) RECOMMENDATION REGARDING THIS PART.—  
8 In the annual report, referred to in section (a), that is  
9 submitted to the Congress 2 years after the date of the  
10 enactment of this Act, the Director shall make a rec-  
11 ommendation regarding whether approval and funding of  
12 programs under this part should continue.

13 **“SEC. 1704. DEFINITIONS.**

14 “For purposes of this part:

15 “(1) The term ‘approved program’ means a  
16 program approved by the Director under section  
17 1701.

18 “(2) The term ‘Director’ means the Director of  
19 the Bureau of Justice Assistance.

20 “(3) The term ‘firearm’ has the meaning given  
21 such term in section 921(a)(3)(A) of title 18, United  
22 States Code.

23 “(4) The term ‘program’ means a program of  
24 a unit of local government to exchange merchandise  
25 vouchers for firearms.”.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
 2 1001(a) of the Omnibus Crime Control and Safe Streets  
 3 Act of 1968 (42 U.S.C. 3793(a)) is amended by adding  
 4 at the end the following new paragraph:

5 “(11) There are authorized to be appropriated such  
 6 sums as may be necessary to carry out part Q.”.

7 (c) ADDITIONAL AMENDMENTS.—Title I of the Om-  
 8 nibus Crime Control and Safe Streets Act of 1968 (42  
 9 U.S.C. 3711 et seq.) is amended—

10 (1) in section 801(b), by striking “and O” and  
 11 inserting “O, and Q”;

12 (2) in the first sentence of section 802(b), by  
 13 striking “or O” and inserting “O, or Q”; and

14 (3) in section 1001(a)(3), by striking “and O”  
 15 and inserting “O, and Q”.

16 (d) CONFORMING AMENDMENT.—The table of con-  
 17 tents of title I of the Omnibus Crime Control and Safe  
 18 Streets Act of 1968 (42 U.S.C. 3711 prec.) is amended  
 19 by striking the items relating to part Q and inserting the  
 20 following new items:

“PART Q—PROGRAMS TO EXCHANGE MERCHANDISE VOUCHERS FOR  
 FIREARMS

“Sec. 1701. Approval of programs to exchange merchandise vouchers for fire-  
 arms.

“Sec. 1702. Grants to approved programs.

“Sec. 1703. Annual report to Congress.

“Sec. 1704. Definitions.

“PART R—TRANSITION—EFFECTIVE DATE—REPEALER

“Sec. 1801. Continuation of rules, authorities, and proceedings.”.

1 **SEC. 102. AMNESTY FOR INDIVIDUALS SURRENDERING**  
2 **FIREARMS.**

3 (a) IN GENERAL.—Section 925 of title 18, United  
4 States Code, is amended by adding at the end the follow-  
5 ing new subsection:

6 “(h)(1)(A) If an individual surrenders, or is in the  
7 process of surrendering, a firearm to a program approved  
8 under section 1701 of the Omnibus Crime Control and  
9 Safe Streets Act of 1968, section 922 of this title (except  
10 section 922(q)(1)(A)), and section 5861 of the National  
11 Firearms Act, shall not apply to the individual’s—

12 “(i) possession, transportation, storage, or con-  
13 cealment of the firearm (whether before or after the  
14 date of the enactment of this subsection);

15 “(ii) transfer, delivery, shipment, or surrender  
16 of the firearm to such a program;

17 “(iii) surrender of the firearm to such a pro-  
18 gram in exchange for a voucher; or

19 “(iv) making of the firearm in violation of the  
20 National Firearms Act, or obliteration, removal,  
21 change, or alteration of the serial number of the  
22 firearm (or other identification of the firearm) re-  
23 quired by the National Firearms Act.

24 “(B) Subparagraph (A) shall not apply to an individ-  
25 ual’s conduct regarding a firearm if, at the time that the  
26 individual surrenders, or is in the process of surrendering,

1 the firearm to a program approved under section 1701 of  
2 the Omnibus Crime Control and Safe Streets Act of  
3 1968—

4 “(i) the individual is the subject of a complaint  
5 made, an indictment or information filed, an arrest  
6 made, or a summons issued, to begin a prosecution,  
7 for a violation of a provision referred to in subpara-  
8 graph (A), regarding the firearm; or

9 “(ii) the individual knows that the individual is  
10 the subject of a criminal investigation concerning the  
11 individual’s violation of a provision referred to in  
12 subparagraph (A) with regard to the firearm.

13 “(2)(A) Possession of a firearm in a school zone in  
14 order to surrender the firearm to a program, approved  
15 under section 1701 of the Omnibus Crime Control and  
16 Safe Streets Act of 1968, that is located in the school zone  
17 shall not be a violation of section 922(q)(1)(A) of this title.

18 “(B) Bringing a firearm to a Federal facility, or pos-  
19 sessed a firearm in a Federal facility, in order to surren-  
20 der the firearm to a program, approved under section  
21 1701 of the Omnibus Crime Control and Safe Streets Act  
22 of 1968, that is located in the Federal facility shall not  
23 be a violation of section 930(a) of this title.”.

1 (b) CROSS REFERENCE.—The National Firearms Act  
2 (26 U.S.C. 5801 et seq.) is amended by inserting after  
3 section 5861 the following new section:

4 **“SEC. 5862. CROSS REFERENCE.**

**“For applicability of section 5861 to individuals  
surrendering firearms to programs approved under  
section 1701 of the Omnibus Crime Control and Safe  
Streets Act of 1968, see section 925(h)(1) of title 18,  
United States Code.”.**

5 **TITLE II—TAX DEDUCTION FOR**  
6 **TAXPAYERS WHO DONATE**  
7 **MERCHANDISE VOUCHERS**

8 **SEC. 201. CHARITABLE DEDUCTION MODIFIED TO ALLOW**  
9 **DEDUCTION FOR FAIR MARKET VALUE OF**  
10 **CERTAIN CONTRIBUTIONS IN CONNECTION**  
11 **WITH GUN EXCHANGE PROGRAMS.**

12 (a) GENERAL RULE.—Subsection (e) of section 170  
13 of the Internal Revenue Code of 1986 (relating to certain  
14 contributions of ordinary income and capital gain prop-  
15 erty) is amended by adding at the end thereof the follow-  
16 ing new paragraph:

17 “(6) DEDUCTION ALLOWED FOR FULL MARKET  
18 VALUE OF CERTAIN CONTRIBUTIONS IN CONNECTION  
19 WITH GUN EXCHANGE PROGRAMS.—

20 “(A) IN GENERAL.—The deduction under  
21 subsection (a) for any qualified gun exchange  
22 program contribution shall be an amount equal  
23 to its fair market value, and no reduction under

1 paragraph (1)(A) shall be made in the amount  
2 of such contribution.

3 “(B) QUALIFIED GUN EXCHANGE PRO-  
4 GRAM CONTRIBUTION.—For purposes of this  
5 paragraph, the term ‘qualified gun exchange  
6 program contribution’ means any charitable  
7 contribution of property described in paragraph  
8 (1) of section 1221 or of a voucher which may  
9 be used to acquire property so described if—

10 “(i) the property (or voucher) is to be  
11 transferred by the donee to individuals sur-  
12 rendering firearms in a gun exchange pro-  
13 gram which is determined by the Director  
14 of the Bureau of Justice Assistance to be  
15 approved under section 1701 of the Omni-  
16 bus Crime Control and Safe Streets Act of  
17 1968, and

18 “(ii) the taxpayer received from the  
19 donee a written statement that the prop-  
20 erty (or voucher) was transferred as pro-  
21 vided in clause (i).”

22 (b) EFFECTIVE DATE.—The amendment made by  
23 subsection (a) shall apply to contributions made after the  
24 date of the enactment of this Act.

○