

AMENDMENT TO RULES COMMITTEE PRINT 116-5
OFFERED BY MR. RUSH OF ILLINOIS

Page 6, after line 12, add the following:

1 **SEC. 7. ANTI-STRAW PURCHASING AND FIREARMS TRAF-**
2 **FICKING AMENDMENTS.**

3 (a) IN GENERAL.—Chapter 44 of title 18, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 932. Straw purchasing of firearms**

7 “(a) For purposes of this section—

8 “(1) the term ‘crime of violence’ has the mean-
9 ing given that term in section 924(c)(3);

10 “(2) the term ‘drug trafficking crime’ has the
11 meaning given that term in section 924(c)(2); and

12 “(3) the term ‘purchases’ includes the receipt of
13 any firearm by a person who does not own the fire-
14 arm—

15 “(A) by way of pledge or pawn as security
16 for the payment or repayment of money; or

17 “(B) on consignment.

18 “(b) It shall be unlawful for any person (other than
19 a licensed importer, licensed manufacturer, licensed col-
20 lector, or licensed dealer) to knowingly purchase, or at-

1 tempt or conspire to purchase, any firearm in or otherwise
2 affecting interstate or foreign commerce—

3 “(1) from a licensed importer, licensed manu-
4 facturer, licensed collector, or licensed dealer for, on
5 behalf of, or at the request or demand of any other
6 person, known or unknown; or

7 “(2) from any person who is not a licensed im-
8 porter, licensed manufacturer, licensed collector, or
9 licensed dealer for, on behalf of, or at the request or
10 demand of any other person, known or unknown,
11 knowing or having reasonable cause to believe that
12 such other person—

13 “(A) is under indictment for, or has been
14 convicted in any court of, a crime punishable by
15 imprisonment for a term exceeding 1 year;

16 “(B) is a fugitive from justice;

17 “(C) is an unlawful user of or addicted to
18 any controlled substance (as defined in section
19 102 of the Controlled Substances Act (21
20 U.S.C. 802));

21 “(D) has been adjudicated as a mental de-
22 fective or has been committed to any mental in-
23 stitution;

24 “(E) is an alien who—

1 “(i) is illegally or unlawfully in the
2 United States; or

3 “(ii) except as provided in section
4 922(y)(2), has been admitted to the United
5 States under a nonimmigrant visa (as that
6 term is defined in section 101(a)(26) of
7 the Immigration and Nationality Act (8
8 U.S.C. 1101(a)(26)));

9 “(F) has been discharged from the Armed
10 Forces under dishonorable conditions;

11 “(G) having been a citizen of the United
12 States, has renounced his or her citizenship;

13 “(H) is subject to a court order that re-
14 strains such person from harassing, stalking, or
15 threatening an intimate partner of such person
16 or child of such intimate partner or person, or
17 engaging in other conduct that would place an
18 intimate partner in reasonable fear of bodily in-
19 jury to the partner or child, except that this
20 subparagraph shall only apply to a court order
21 that—

22 “(i) was issued after a hearing of
23 which such person received actual notice,
24 and at which such person had the oppor-
25 tunity to participate; and

1 “(ii)(I) includes a finding that such
2 person represents a credible threat to the
3 physical safety of such intimate partner or
4 child; or

5 “(II) by its terms explicitly prohibits
6 the use, attempted use, or threatened use
7 of physical force against such intimate
8 partner or child that would reasonably be
9 expected to cause bodily injury;

10 “(I) has been convicted in any court of a
11 misdemeanor crime of domestic violence;

12 “(J) intends to—

13 “(i) use, carry, possess, or sell or oth-
14 erwise dispose of the firearm or ammuni-
15 tion in furtherance of a crime of violence
16 or drug trafficking crime; or

17 “(ii) export the firearm or ammuni-
18 tion in violation of law;

19 “(K) who does not reside in any State; or

20 “(L) intends to sell or otherwise dispose of
21 the firearm or ammunition to a person de-
22 scribed in any of subparagraphs (A) through
23 (K).

1 “(c)(1) Except as provided in paragraph (2), any per-
2 son who violates subsection (b) shall be fined under this
3 title, imprisoned for not more than 15 years, or both.

4 “(2) If a violation of subsection (b) is committed
5 knowing or with reasonable cause to believe that any fire-
6 arm involved will be used to commit a crime of violence,
7 the person shall be sentenced to a term of imprisonment
8 of not more than 25 years.

9 “(d) Subsection (b)(1) shall not apply to any firearm
10 that is lawfully purchased by a person—

11 “(1) to be given as a bona fide gift to a recipi-
12 ent who provided no service or tangible thing of
13 value to acquire the firearm, unless the person
14 knows or has reasonable cause to believe such recipi-
15 ent is prohibited by Federal law from possessing, re-
16 ceiving, selling, shipping, transporting, transferring,
17 or otherwise disposing of the firearm; or

18 “(2) to be given to a bona fide winner of an or-
19 ganized raffle, contest, or auction conducted in ac-
20 cordance with law and sponsored by a national,
21 State, or local organization or association, unless the
22 person knows or has reasonable cause to believe such
23 recipient is prohibited by Federal law from pos-
24 sessed, purchasing, receiving, selling, shipping,

1 transporting, transferring, or otherwise disposing of
2 the firearm.

3 **“§ 933. Trafficking in firearms**

4 “(a) It shall be unlawful for any person to—

5 “(1) ship, transport, transfer, cause to be
6 transported, or otherwise dispose of 2 or more fire-
7 arms to another person in or otherwise affecting
8 interstate or foreign commerce, if the transferor
9 knows or has reasonable cause to believe that the
10 use, carrying, or possession of a firearm by the
11 transferee would be in violation of, or would result
12 in a violation of, any Federal law punishable by a
13 term of imprisonment exceeding 1 year;

14 “(2) receive from another person 2 or more
15 firearms in or otherwise affecting interstate or for-
16 eign commerce, if the recipient knows or has reason-
17 able cause to believe that such receipt would be in
18 violation of, or would result in a violation of, any
19 Federal law punishable by a term of imprisonment
20 exceeding 1 year; or

21 “(3) attempt or conspire to commit the conduct
22 described in paragraph (1) or (2).

23 “(b)(1) Except as provided in paragraph (2), any per-
24 son who violates subsection (a) shall be fined under this
25 title, imprisoned for not more than 15 years, or both.

1 “(2) If a violation of subsection (a) is committed by
2 a person in concert with 5 or more other persons with
3 respect to whom such person occupies a position of orga-
4 nizer, leader, supervisor, or manager, the person shall be
5 sentenced to a term of imprisonment of not more than
6 25 years.

7 **“§ 934. Forfeiture and fines**

8 “(a)(1) Any person convicted of a violation of section
9 932 or 933 shall forfeit to the United States, irrespective
10 of any provision of State law—

11 “(A) any property constituting, or derived from,
12 any proceeds the person obtained, directly or indi-
13 rectly, as the result of such violation; and

14 “(B) any of the person’s property used, or in-
15 tended to be used, in any manner or part, to com-
16 mit, or to facilitate the commission of, such viola-
17 tion.

18 “(2) The court, in imposing sentence on a person con-
19 victed of a violation of section 932 or 933, shall order,
20 in addition to any other sentence imposed pursuant to sec-
21 tion 932 or 933, that the person forfeit to the United
22 States all property described in paragraph (1).

23 “(b) A defendant who derives profits or other pro-
24 ceeds from an offense under section 932 or 933 may be
25 fined not more than the greater of—

1 “(1) the fine otherwise authorized by this part;
2 and

3 “(2) the amount equal to twice the gross profits
4 or other proceeds of the offense under section 932
5 or 933.”.

6 (b) TITLE III AUTHORIZATION.—Section 2516(1)(n)
7 of title 18, United States Code, is amended by striking
8 “and 924” and inserting “, 924, 932, or 933”.

9 (c) RACKETEERING AMENDMENT.—Section
10 1961(1)(B) of title 18, United States Code, is amended
11 by inserting “section 932 (relating to straw purchasing),
12 section 933 (relating to trafficking in firearms),” before
13 “section 1028”.

14 (d) MONEY LAUNDERING AMENDMENT.—Section
15 1956(e)(7)(D) of title 18, United States Code, is amended
16 by striking “section 924(n)” and inserting “section
17 924(n), 932, or 933”.

18 (e) DIRECTIVE TO SENTENCING COMMISSION.—Pur-
19 suant to its authority under section 994 of title 28, United
20 States Code, and in accordance with this section, the
21 United States Sentencing Commission shall review and
22 amend its guidelines and policy statements to ensure that
23 persons convicted of an offense under section 932 or 933
24 of title 18, United States Code, and other offenses applica-
25 ble to the straw purchases and firearms trafficking of fire-

1 arms are subject to increased penalties in comparison to
2 those currently provided by the guidelines and policy state-
3 ments for such straw purchasing and firearms trafficking
4 offenses. The Commission shall also review and amend its
5 guidelines and policy statements to reflect the intent of
6 Congress that a person convicted of an offense under sec-
7 tion 932 or 933 of title 18, United States Code, who is
8 affiliated with a gang, cartel, organized crime ring, or
9 other such enterprise should be subject to higher penalties
10 than an otherwise unaffiliated individual.

11 (f) **TECHNICAL AND CONFORMING AMENDMENT.**—
12 The table of sections of chapter 44 of title 18, United
13 States Code, is amended by adding at the end the fol-
14 lowing:

“932. Straw purchasing of firearms.

“933. Trafficking in firearms.

“934. Forfeiture and fines.”.

15 **SEC. 8. AMENDMENTS TO SECTION 922(d).**

16 Section 922(d) of title 18, United States Code, is
17 amended—

18 (1) in paragraph (8), by striking “or” at the
19 end;

20 (2) in paragraph (9), by striking the period at
21 the end and inserting a semicolon; and

22 (3) by striking the matter following paragraph
23 (9) and inserting the following:

1 “(10) intends to sell or otherwise dispose of the
2 firearm or ammunition to a person described in any
3 of paragraphs (1) through (9); or

4 “(11) intends to sell or otherwise dispose of the
5 firearm or ammunition in furtherance of a crime of
6 violence or drug trafficking offense or to export the
7 firearm or ammunition in violation of law.

8 This subsection shall not apply with respect to the sale
9 or disposition of a firearm or ammunition to a licensed
10 importer, licensed manufacturer, licensed dealer, or li-
11 censed collector who pursuant to subsection (b) of section
12 925 is not precluded from dealing in firearms or ammuni-
13 tion, or to a person who has been granted relief from dis-
14 abilities pursuant to subsection (c) of section 925.”.

15 **SEC. 9. AMENDMENTS TO SECTION 924(a).**

16 Section 924(a) of title 18, United States Code, is
17 amended—

18 (1) in paragraph (2), by striking “(d), (g),”;

19 and

20 (2) by adding at the end the following:

21 “(8) Whoever knowingly violates subsection (d) or (g)
22 of section 922 shall be fined under this title, imprisoned
23 not more than 15 years, or both.”.

1 **SEC. 10. AMENDMENTS TO SECTION 924(h).**

2 Section 924 of title 18, United States Code, is
3 amended by striking subsection (h) and inserting the fol-
4 lowing:

5 “(h)(1) Whoever knowingly receives or transfers a
6 firearm or ammunition, or attempts or conspires to do so,
7 knowing or having reasonable cause to believe that such
8 firearm or ammunition will be used to commit a crime of
9 violence (as defined in subsection (c)(3)), a drug traf-
10 ficking crime (as defined in subsection (c)(2)), or a crime
11 under the Arms Export Control Act (22 U.S.C. 2751 et
12 seq.), the International Emergency Economic Powers Act
13 (50 U.S.C. 1701 et seq.), the Foreign Narcotics Kingpin
14 Designation Act (21 U.S.C. 1901 et seq.), or section
15 212(a)(2)(C) of the Immigration and Nationality Act (8
16 U.S.C. 1182(a)(2)(C)) shall be imprisoned not more than
17 25 years, fined in accordance with this title, or both.

18 “(2) No term of imprisonment imposed on a person
19 under this subsection shall run concurrently with any term
20 of imprisonment imposed on the person under section
21 932.”.

22 **SEC. 11. AMENDMENTS TO SECTION 924(k).**

23 Section 924 of title 18, United States Code, is
24 amended by striking subsection (k) and inserting the fol-
25 lowing:

1 “(k)(1) A person who, with intent to engage in or
2 to promote conduct that—

3 “(A) is punishable under the Controlled Sub-
4 stances Act (21 U.S.C. 801 et seq.), the Controlled
5 Substances Import and Export Act (21 U.S.C. 951
6 et seq.), or chapter 705 of title 46;

7 “(B) violates any law of a State relating to any
8 controlled substance (as defined in section 102 of
9 the Controlled Substances Act, 21 U.S.C. 802); or

10 “(C) constitutes a crime of violence (as defined
11 in subsection (c)(3)),

12 smuggles or knowingly brings into the United States, a
13 firearm or ammunition, or attempts or conspires to do so,
14 shall be imprisoned not more than 15 years, fined under
15 this title, or both.

16 “(2) A person who, with intent to engage in or to
17 promote conduct that—

18 “(A) would be punishable under the Controlled
19 Substances Act (21 U.S.C. 801 et seq.), the Con-
20 trolled Substances Import and Export Act (21
21 U.S.C. 951 et seq.), or chapter 705 of title 46, if the
22 conduct had occurred within the United States; or

23 “(B) would constitute a crime of violence (as
24 defined in subsection (c)(3)) for which the person
25 may be prosecuted in a court of the United States,

1 if the conduct had occurred within the United
2 States,
3 smuggles or knowingly takes out of the United States, a
4 firearm or ammunition, or attempts or conspires to do so,
5 shall be imprisoned not more than 15 years, fined under
6 this title, or both.”.

