

Calendar No. 23

113TH CONGRESS
1ST SESSION

S. 54

To increase public safety by punishing and deterring firearms trafficking.

IN THE SENATE OF THE UNITED STATES

JANUARY 22 (legislative day, JANUARY 3), 2013

Mr. LEAHY (for himself, Mr. DURBIN, Mr. BLUMENTHAL, and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

MARCH 11, 2013

Reported by Mr. LEAHY, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To increase public safety by punishing and deterring firearms trafficking.

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 “Stop Illegal Trafficking
5 in Firearms Act of 2013”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
 Sec. 2. Table of contents.
 Sec. 3. Punishing and deterring straw purchasing of firearms.
 Sec. 4. Amendments to section 922(a)(6).
 Sec. 5. Amendments to section 922(d).
 Sec. 6. Amendments to section 924(h).
 Sec. 7. Amendments to section 924(k).

1 **SEC. 3. PUNISHING AND DETERRING STRAW PURCHASING**
 2 **OF FIREARMS.**

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) Any person (other than a licensed importer, li-
 8 censed manufacturer, or licensed dealer) who knowingly
 9 purchases any firearm for, on behalf of, or with intent to
 10 transfer it to, any other person, if that firearm has moved
 11 in or otherwise affected interstate or foreign commerce,
 12 or attempts or conspires to do so, shall be fined under
 13 this title, imprisoned not more than 20 years or both. For
 14 purposes of this section, the term ‘purchases’ includes the
 15 receipt of any firearm from pawn or on consignment by
 16 a person who does not own the firearm.

17 “(b) Subsection (a) shall not apply to any firearm
 18 that is lawfully purchased by a person—

19 “(1) to be given as a bona fide gift to a recipi-
 20 ent who provided no service or tangible thing of
 21 value to acquire the firearm, unless the person
 22 knows or has reason to believe such recipient is pro-

1 hibited by Federal, State, or local law from pos-
2 sessing, receiving, selling, shipping, transporting,
3 transferring, or otherwise disposing of the firearm;
4 or

5 “(2) to be given to a bona fide winner of an or-
6 ganized raffle, contest, or auction conducted in ac-
7 cordance with law and sponsored by a national,
8 State, or local organization or association, unless the
9 person knows or has reason to believe such recipient
10 is prohibited by Federal, State, or local law from
11 possessing, purchasing, receiving, selling, shipping,
12 transporting, transferring, or otherwise disposing of
13 the firearm.

14 “(e) If any violation of subsection (a) is committed
15 knowing or with reasonable cause to believe that any fire-
16 arm involved will be used to commit a crime of violence,
17 the person shall be sentenced to a term of imprisonment
18 of not more than 30 years.

19 **“§ 933. Forfeiture and fines**

20 “(a)(1) Any person convicted of a violation of this
21 chapter shall forfeit to the United States, irrespective of
22 any provision of State law—

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

1 “(B) any of the person’s property used, or in-
 2 tended to be used, in any manner or part, to com-
 3 mit, or to facilitate the commission of, such viola-
 4 tion.

5 “(2) The court, in imposing sentence on a person con-
 6 victed of a violation of this chapter, shall order, in addition
 7 to any other sentence imposed pursuant to this chapter,
 8 that the person forfeit to the United States all property
 9 described in paragraph (1).

10 “(b) A defendant who derives profits or other pro-
 11 ceeds from an offense under this chapter may be fined
 12 not more than the greater of—

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

15 “(2) the amount equal to twice the gross profits
 16 or other proceeds of the offense under this chap-
 17 ter.”.

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

21 (c) RACKETEERING AMENDMENT.—Section
 22 1961(1)(B) of title 18, United States Code, is amended
 23 by adding at the end the following: “section 932 (relating
 24 to trafficking in firearms),”.

1 (d) MONEY LAUNDERING AMENDMENT.—Section
2 1956(e)(7)(D) of title 18, United States Code, is amended
3 by striking “section 924(n)” and inserting “sections
4 924(n) and 932”.

5 (e) DIRECTIVE TO SENTENCING COMMISSION.—Pur-
6 suant to its authority under section 994 of title 28, United
7 States Code, and in accordance with this section, the
8 United States Sentencing Commission shall review and
9 amend its guidelines and policy statements to ensure that
10 persons convicted of an offense under section 932 of title
11 18, United States Code and other offenses applicable to
12 the straw purchases of firearms are subject to increased
13 penalties in comparison to those currently provided by the
14 guidelines and policy statements for such straw pur-
15 chasing offenses. In carrying out this subsection, the Com-
16 mission shall ensure that the sentencing guidelines and
17 policy statements reflect Congress’ intent that the applica-
18 ble guideline penalties be increased and the guidelines and
19 policy statements reflect the extremely serious nature of
20 the offenses described in the amendment made by sub-
21 section (a), the incidence of such offenses, and the need
22 for an effective deterrent and appropriate punishment to
23 prevent such offenses.

24 (f) TECHNICAL AND CONFORMING AMENDMENT.—
25 The table of sections of chapter 44 of title 18, United

1 States Code, is amended by adding at the end the fol-
 2 lowing:

“932. Straw purchasing of firearms.
 “933. Forfeiture and fines.”.

3 **SEC. 4. AMENDMENTS TO SECTION 922(A)(6).**

4 Section 922(a) of title 18, United States Code, is
 5 amended by adding at the end the following:

6 “For purposes of paragraph (6), in addition to the eligi-
 7 bility of a person to ship, transport, receive, or possess
 8 any firearm or ammunition, information concerning the
 9 identity, age, place of residence (to include address), and
 10 citizenship or immigration status of a person shall be con-
 11 sidered material to the lawfulness of the sale or other dis-
 12 position of a firearm or ammunition”.

13 **SEC. 5. AMENDMENTS TO SECTION 922(D).**

14 Section 922(d) of title 18, United States Code, is
 15 amended—

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

18 (2) in paragraph (9), by striking the period at
 19 the end and inserting “;”;

20 (3) by striking the matter following paragraph
 21 (9) and inserting the following:

22 “(10) is prohibited by State or local law from
 23 possessing, receiving, selling, shipping, transporting,

1 transferring, or otherwise disposing of the firearm or
2 ammunition;

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

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

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

17 **SEC. 6. AMENDMENTS TO SECTION 924(H).**

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

21 “(h)(1) Whoever knowingly receives or transfers a
22 firearm or ammunition, or attempts or conspires to do so,
23 knowing or having reasonable cause to believe that such
24 firearm or ammunition will be used to commit a crime of
25 violence (as defined in subsection (c)(3)), a drug traf-

1 ficking crime (as defined in subsection (c)(2)), or a crime
 2 under the Arms Export Control Act (22 U.S.C. 2751 et
 3 seq.); the International Emergency Economic Powers Act
 4 (50 U.S.C. 1701 et seq.); the Foreign Narcotics Kingpin
 5 Designation Act (21 U.S.C. 1901 et seq.); or section
 6 212(a)(2)(C) of the Immigration and Nationality Act (8
 7 U.S.C. 1182(a)(2)(C)) shall be imprisoned not more than
 8 30 years, fined in accordance with this title, or both.

9 “(2) No term of imprisonment imposed on a person
 10 under this subsection shall run concurrently with any term
 11 of imprisonment imposed on the person under section
 12 932.”

13 **SEC. 7. AMENDMENTS TO SECTION 924(K).**

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

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

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

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

1 “(C) constitutes a crime of violence (as defined
2 in subsection (e)(3));
3 smuggles or knowingly brings into the United States, a
4 firearm or ammunition, or attempts or conspires to do so,
5 shall be imprisoned not more than 10 years, fined under
6 this title, or both.

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

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

14 “(B) would constitute a crime of violence (as
15 defined in subsection (e)(3)) for which the person
16 may be prosecuted in a court of the United States,
17 if the conduct had occurred within the United
18 States,

19 smuggles or knowingly takes out of the United States, a
20 firearm or ammunition, or attempts or conspires to do so,
21 shall be imprisoned not more than 10 years, fined under
22 this title, or both.”

23 **SECTION 1. SHORT TITLE.**

24 *This Act may be cited as the “Stop Illegal Trafficking*
25 *in Firearms Act of 2013”.*

1 **SEC. 2. TABLE OF CONTENTS.**

2 *The table of contents for this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Hadiya Pendleton and Nyasia Pryear-Yard anti-straw purchasing and firearms trafficking amendments.

Sec. 4. Amendments to section 922(d).

Sec. 5. Amendments to section 924(a).

Sec. 6. Amendments to section 924(h).

Sec. 7. Amendments to section 924(k).

Sec. 8. Limitation on operations by the Department of Justice.

3 **SEC. 3. HADIYA PENDLETON AND NYASIA PRYEAR-YARD**
 4 **ANTI-STRAW PURCHASING AND FIREARMS**
 5 **TRAFFICKING AMENDMENTS.**

6 *(a) IN GENERAL.—Chapter 44 of title 18, United*
 7 *States Code, is amended by adding at the end the following:*

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

9 *“(a) For purposes of this section—*

10 *“(1) the term ‘crime of violence’ has the meaning*
 11 *given that term in section 924(c)(3);*

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

14 *“(3) the term ‘purchase’ includes the receipt of*
 15 *any firearm by a person who does not own the fire-*
 16 *arm—*

17 *“(A) by way of pledge or pawn as security*
 18 *for the payment or repayment of money; or*

19 *“(B) on consignment.*

20 *“(b) It shall be unlawful for any person (other than*
 21 *a licensed importer, licensed manufacturer, licensed col-*

1 *lector, or licensed dealer) to knowingly purchase, or attempt*
2 *or conspire to purchase, any firearm in or otherwise affect-*
3 *ing interstate or foreign commerce—*

4 “(1) *from a licensed importer, licensed manufac-*
5 *turer, licensed collector, or licensed dealer for, on be-*
6 *half of, or at the request or demand of any other per-*
7 *son, known or unknown; or*

8 “(2) *from any person who is not a licensed im-*
9 *porter, licensed manufacturer, licensed collector, or li-*
10 *icensed dealer for, on behalf of, or at the request or de-*
11 *mand of any other person, known or unknown, know-*
12 *ing or having reasonable cause to believe that such*
13 *other person—*

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

17 “(B) *is a fugitive from justice;*

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

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

25 “(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 the
7 Immigration and Nationality Act (8 U.S.C.
8 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 sub-
20 paragraph 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 of
7 physical force against such intimate part-
8 ner or child that would reasonably be ex-
9 pected 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 other-
14 wise dispose of the firearm or ammunition
15 in furtherance of a crime of violence or drug
16 trafficking crime; or

17 “(ii) export the firearm or ammunition
18 in violation of law;

19 “(K)(i) does not reside in any State; and

20 “(ii) is not a citizen of the United States;

21 or

22 “(L) intends to sell or otherwise dispose of
23 the firearm or ammunition to a person described
24 in any of subparagraphs (A) through (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 know-*
5 *ing or with reasonable cause to believe that any firearm*
6 *involved will be used to commit a crime of violence, the*
7 *person shall be sentenced to a term of imprisonment of not*
8 *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 recipient*
12 *who provided no service or tangible thing of value to*
13 *acquire the firearm, unless the person knows or has*
14 *reasonable cause to believe such recipient is prohibited*
15 *by Federal law from possessing, receiving, selling,*
16 *shipping, transporting, transferring, or otherwise dis-*
17 *posing 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 *sessing, 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 trans-*
6 *ported, or otherwise dispose of 2 or more firearms to*
7 *another person in or otherwise affecting interstate or*
8 *foreign commerce, if the transferor knows or has rea-*
9 *sonable cause to believe that the use, carrying, or pos-*
10 *session of a firearm by the transferee would be in vio-*
11 *lation of, or would result in a violation of, any Fed-*
12 *eral law punishable by a term of imprisonment ex-*
13 *ceeding 1 year;*

14 “(2) *receive from another person 2 or more fire-*
15 *arms in or otherwise affecting interstate or foreign*
16 *commerce, if the recipient knows or has reasonable*
17 *cause to believe that such receipt would be in viola-*
18 *tion of, or would result in a violation of, any Federal*
19 *law punishable by a term of imprisonment exceeding*
20 *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 re-*
3 *spect to whom such person occupies a position of organizer,*
4 *leader, supervisor, or manager, the person shall be sentenced*
5 *to a term of imprisonment of not more than 25 years.*

6 **“§934. Forfeiture and fines**

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

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

13 “(B) *any of the person’s property used, or in-*
14 *tended to be used, in any manner or part, to commit,*
15 *or to facilitate the commission of, such violation.*

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

21 “(b) *A defendant who derives profits or other proceeds*
22 *from an offense under section 932 or 933 may be fined not*
23 *more than the greater of—*

24 “(1) *the fine otherwise authorized by this part;*
25 *and*

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

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

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

11 (d) *MONEY LAUNDERING AMENDMENT.*—Section
12 1956(c)(7)(D) of title 18, United States Code, is amended
13 by striking “section 924(n)” and inserting “section 924(n),
14 932, or 933”.

15 (e) *DIRECTIVE TO SENTENCING COMMISSION.*—Pursu-
16 ant to its authority under section 994 of title 28, United
17 States Code, and in accordance with this section, the United
18 States Sentencing Commission shall review and amend its
19 guidelines and policy statements to ensure that persons con-
20 victed of an offense under section 932 or 933 of title 18,
21 United States Code and other offenses applicable to the
22 straw purchases and firearms trafficking of firearms are
23 subject to increased penalties in comparison to those cur-
24 rently provided by the guidelines and policy statements for
25 such straw purchasing and firearms trafficking offenses.

1 *The Commission shall also review and amend its guidelines*
 2 *and policy statements to reflect the intent of Congress that*
 3 *a person convicted of an offense under section 932 or 933*
 4 *of title 18, United States Code, who is affiliated with a*
 5 *gang, cartel, organized crime ring, or other such enterprise*
 6 *should be subject to higher penalties than an otherwise unaf-*
 7 *filiated individual.*

8 (f) *TECHNICAL AND CONFORMING AMENDMENT.—The*
 9 *table of sections of chapter 44 of title 18, United States*
 10 *Code, is amended by adding at the end the following:*

“932. Straw purchasing of firearms.

“933. Trafficking in firearms.

“934. Forfeiture and fines.”.

11 **SEC. 4. AMENDMENTS TO SECTION 922(d).**

12 *Section 922(d) of title 18, United States Code, is*
 13 *amended—*

14 (1) *in paragraph (8), by striking “or” at the*
 15 *end;*

16 (2) *in paragraph (9), by striking the period at*
 17 *the end and inserting a semicolon; and*

18 (3) *by striking the matter following paragraph*
 19 *(9) and inserting the following:*

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

23 *“(11) intends to sell or otherwise dispose of the*
 24 *firearm or ammunition in furtherance of a crime of*

1 *violence or drug trafficking offense or to export the*
 2 *firearm or ammunition in violation of law.*

3 *This subsection shall not apply with respect to the sale or*
 4 *disposition of a firearm or ammunition to a licensed im-*
 5 *porter, licensed manufacturer, licensed dealer, or licensed*
 6 *collector who pursuant to subsection (b) of section 925 is*
 7 *not precluded from dealing in firearms or ammunition, or*
 8 *to a person who has been granted relief from disabilities*
 9 *pursuant to subsection (c) of section 925.”.*

10 **SEC. 5. AMENDMENTS TO SECTION 924(a).**

11 *Section 924(a) of title 18, United States Code, is*
 12 *amended—*

13 *(1) in paragraph (2), by striking “(d), (g),”; and*

14 *(2) by adding at the end the following:*

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

18 **SEC. 6. AMENDMENTS TO SECTION 924(h).**

19 *Section 924 of title 18, United States Code, is amended*
 20 *by striking subsection (h) and inserting the following:*

21 *“(h)(1) Whoever knowingly receives or transfers a fire-*
 22 *arm or ammunition, or attempts or conspires to do so,*
 23 *knowing or having reasonable cause to believe that such fire-*
 24 *arm or ammunition will be used to commit a crime of vio-*
 25 *lence (as defined in subsection (c)(3)), a drug trafficking*

1 *crime (as defined in subsection (c)(2)), or a crime under*
 2 *the Arms Export Control Act (22 U.S.C. 2751 et seq.), the*
 3 *International Emergency Economic Powers Act (50 U.S.C.*
 4 *1701 et seq.), the Foreign Narcotics Kingpin Designation*
 5 *Act (21 U.S.C. 1901 et seq.), or section 212(a)(2)(C) of the*
 6 *Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(C))*
 7 *shall be imprisoned not more than 25 years, fined in ac-*
 8 *cordance with this title, or both.*

9 “(2) No term of imprisonment imposed on a person
 10 under this subsection shall run concurrently with any term
 11 of imprisonment imposed on the person under section 932.”.

12 **SEC. 7. AMENDMENTS TO SECTION 924(k).**

13 Section 924 of title 18, United States Code, is amended
 14 by striking subsection (k) and inserting the following:

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

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

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

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

1 *smuggles or knowingly brings into the United States, a fire-*
 2 *arm or ammunition, or attempts or conspires to do so, shall*
 3 *be imprisoned not more than 15 years, fined under this*
 4 *title, or both.*

5 “(2) A person who, with intent to engage in or to pro-
 6 mote conduct that—

7 “(A) would be punishable under the Controlled
 8 Substances Act (21 U.S.C. 801 et seq.), the Controlled
 9 Substances Import and Export Act (21 U.S.C. 951 et
 10 seq.), or chapter 705 of title 46, if the conduct had oc-
 11 curred within the United States; or

12 “(B) would constitute a crime of violence (as de-
 13 fined in subsection (c)(3)) for which the person may
 14 be prosecuted in a court of the United States, if the
 15 conduct had occurred within the United States,

16 *smuggles or knowingly takes out of the United States, a fire-*
 17 *arm or ammunition, or attempts or conspires to do so, shall*
 18 *be imprisoned not more than 15 years, fined under this*
 19 *title, or both.”.*

20 **SEC. 8. LIMITATION ON OPERATIONS BY THE DEPARTMENT**
 21 **OF JUSTICE.**

22 *The Department of Justice, and any of its law enforce-*
 23 *ment coordinate agencies, shall not conduct any operation*
 24 *where a Federal firearms licensee is directed, instructed, en-*
 25 *ticed, or otherwise encouraged by the Department of Justice*

1 *to sell a firearm to an individual if the Department of Jus-*
2 *tice, or a coordinate agency, knows or has reasonable cause*
3 *to believe that such an individual is purchasing on behalf*
4 *of another for an illegal purpose unless the Attorney Gen-*
5 *eral, the Deputy Attorney General, or the Assistant Attor-*
6 *ney General for the Criminal Division personally reviews*
7 *and approves the operation, in writing, and determines*
8 *that the agency has prepared an operational plan that in-*
9 *cludes sufficient safeguards to prevent firearms from being*
10 *transferred to third parties without law enforcement taking*
11 *reasonable steps to lawfully interdict those firearms.*

Calendar No. 23

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1ST Session

S. 54

A BILL

To increase public safety by punishing and
detering firearms trafficking.

MARCH 11, 2013

Reported with an amendment