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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

To prevent gun trafficking.

IN THE HOUSE OF REPRESENTATIVES

Mrs. CAROLYN B. MALONEY of New York introduced the following bill; which
was referred to the Committee on _____

A BILL

To prevent gun 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 “Hadiya Pendleton and
5 Nyasia Pryear-Yard Gun Trafficking and Crime Preven-
6 tion Act of 2021”.

7 **SEC. 2. FIREARMS TRAFFICKING.**

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

1 **“§ 932. Trafficking in firearms**

2 “(a) OFFENSES.—It shall be unlawful for any person,
3 regardless of whether anything of value is exchanged—

4 “(1) to ship, transport, transfer, or otherwise
5 dispose to a person, 2 or more firearms in or affect-
6 ing interstate or foreign commerce, if the transferor
7 knows or has reasonable cause to believe that such
8 shipping, transportation, transfer, or disposition of
9 the firearm would be in violation of, or would result
10 in a violation of any Federal, State, or local law
11 punishable by a term of imprisonment exceeding 1
12 year;

13 “(2) to receive from a person, 2 or more fire-
14 arms in or affecting interstate or foreign commerce,
15 if the recipient knows or has reasonable cause to be-
16 lieve that such receipt would be in violation of, or
17 would result in a violation of any Federal, State, or
18 local law punishable by a term of imprisonment ex-
19 ceeding 1 year;

20 “(3) to make a statement to a licensed im-
21 porter, licensed manufacturer, or licensed dealer re-
22 lating to the purchase, receipt, or acquisition from
23 a licensed importer, licensed manufacturer, or li-
24 censed dealer of 2 or more firearms that have moved
25 in or affected interstate or foreign commerce that—

26 “(A) is material to—

1 “(i) the identity of the actual buyer of
2 the firearms; or

3 “(ii) the intended trafficking of the
4 firearms; and

5 “(B) the person knows or has reasonable
6 cause to believe is false; or

7 “(4) to direct, promote, or facilitate conduct
8 specified in paragraph (1), (2), or (3).

9 “(b) GIFT EXCEPTIONS.—Subsection (a) shall not
10 apply to a firearm that is—

11 “(1) lawfully acquired by a person to be given
12 as a gift to another person not prohibited from pos-
13 sessing a firearm under Federal or State law; or

14 “(2) lawfully received or otherwise acquired by
15 a court-appointed trustee, receiver, or conservator
16 for, or on behalf of, an estate or creditor, or by a
17 person to carry out a bequest, or an acquisition by
18 intestate succession under the laws of the State of
19 residence of the person.

20 “(c) PENALTIES.—

21 “(1) IN GENERAL.—Any person who violates, or
22 conspires to violate, subsection (a) shall be fined
23 under this title, imprisoned for not more than 20
24 years, or both.

1 “(2) ORGANIZER ENHANCEMENT.—If a viola-
2 tion of subsection (a) is committed by a person in
3 concert with 5 or more other persons with respect to
4 whom such person occupies a position of organizer,
5 a supervisory position, or any other position of man-
6 agement, such person may be sentenced to an addi-
7 tional term of imprisonment of not more than 5 con-
8 secutive years.

9 “(d) DEFINITIONS.—In this section—

10 “(1) the term ‘actual buyer’ means the indi-
11 vidual for whom a firearm is being purchased, re-
12 ceived, or acquired; and

13 “(2) the term ‘term of imprisonment exceeding
14 1 year’ does not include any offense classified by the
15 applicable jurisdiction as a misdemeanor and punish-
16 able by a term of imprisonment of 2 years or less.”.

17 (b) TECHNICAL AND CONFORMING AMENDMENT.—
18 The table of sections for chapter 44 of title 18, United
19 States Code, is amended by adding at the end the fol-
20 lowing:

 “932. Trafficking in firearms.”.

21 (c) DIRECTIVE TO THE SENTENCING COMMISSION.—

22 (1) IN GENERAL.—Pursuant to its authority
23 under section 994(p) of title 28, United States Code,
24 the United States Sentencing Commission shall re-
25 view and, if appropriate, amend the Federal sen-

1 tencing guidelines and policy statements applicable
2 to persons convicted of offenses under section 932 of
3 title 18, United States Code (as added by subsection
4 (a)).

5 (2) REQUIREMENTS.—In carrying out this sec-
6 tion, the Commission shall review the penalty struc-
7 ture that the guidelines currently provide based on
8 the number of firearms involved in the offense and
9 determine whether any changes to that penalty
10 structure are appropriate in order to reflect the in-
11 tent of Congress that such penalties reflect the grav-
12 ity of the offense.