

115TH CONGRESS
1ST SESSION

H. R. 1692

To address the problem of illegal firearm trafficking to Mexico.

IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 2017

Mrs. TORRES (for herself, Mr. ENGEL, and Ms. CLARKE of New York) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To address the problem of illegal firearm trafficking to
Mexico.

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 “Countering Illegal
5 Firearms Trafficking to Mexico Act”.

1 **SEC. 2. COLLABORATION BETWEEN U.S. IMMIGRATIONS**
2 **AND CUSTOMS ENFORCEMENT AND THE BU-**
3 **REAU OF ALCOHOL, TOBACCO, FIREARMS,**
4 **AND EXPLOSIVES.**

5 The President shall design and implement a strategy
6 to improve collaboration between U.S. Immigrations and
7 Customs Enforcement and the Bureau of Alcohol, To-
8 bacco, Firearms, and Explosives in the investigation of il-
9 legal firearm trafficking to Mexico, including formal moni-
10 toring of the implementation of the 2009 Memorandum
11 of Understanding between the Bureau of Alcohol, To-
12 bacco, Firearms, and Explosives and U.S. Immigrations
13 and Customs Enforcement.

14 **SEC. 3. COMPREHENSIVE INDICATORS TO STEM ARMS**
15 **TRAFFICKING TO MEXICO.**

16 Not later than 120 days after the date of the enact-
17 ment of this Act, the Office of National Drug Control Pol-
18 icy shall establish comprehensive indicators that more ac-
19 curately reflect progress made in efforts to stem arms
20 trafficking to Mexico.

21 **SEC. 4. FIREARMS TRAFFICKING.**

22 (a) IN GENERAL.—Chapter 44 of title 18, United
23 States Code, is amended by adding at the end the fol-
24 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 use, carry, possession, or disposition of the firearm
9 would be in violation of, or would result in a viola-
10 tion of any Federal, State, or local law punishable
11 by a term of imprisonment exceeding 1 year;

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

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

25 “(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) PENALTIES.—

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

14 “(2) ORGANIZER ENHANCEMENT.—If a viola-
15 tion of subsection (a) is committed by a person in
16 concert with 5 or more other persons with respect to
17 whom such person occupies a position of organizer,
18 a supervisory position, or any other position of man-
19 agement, such person may be sentenced to an addi-
20 tional term of imprisonment of not more than 5 con-
21 secutive years.

22 “(c) DEFINITIONS.—In this section—

23 “(1) the term ‘actual buyer’ means the person
24 for whom a firearm is being purchased, received, or
25 acquired; and

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

5 (b) CLERICAL AMENDMENT.—The table of sections
6 for chapter 44 of such title is amended by adding at the
7 end the following:

“932. Trafficking in firearms.”.

8 **SEC. 5. REQUIREMENT THAT FEDERAL FIREARMS LICENS-**
9 **EES REPORT MULTIPLE SALES OF FIREARMS.**

10 Section 923(g)(3)(A) of title 18, United States Code,
11 is amended by striking “pistols, or revolvers, or any com-
12 bination of pistols and revolvers totalling two or more,”
13 and inserting “firearms”.

14 **SEC. 6. PUBLIC AVAILABILITY OF INFORMATION ABOUT**
15 **FIREARMS SEIZED BY MEXICO AND SUB-**
16 **MITTED TO THE BUREAU OF ALCOHOL, TO-**
17 **BACCO, FIREARMS, AND EXPLOSIVES FOR**
18 **TRACING.**

19 Within 30 days after the beginning of each fiscal year
20 that begins more than 120 days after the date of the en-
21 actment of this Act, the Bureau of Alcohol, Tobacco, Fire-
22 arms, and Explosives shall make public detailed informa-
23 tion about the type, make, model, and caliber of each fire-
24 arm seized by authorities of the Government of Mexico
25 and submitted to the Bureau for tracing.

1 **SEC. 7. EFFECTIVE DATE.**

2 This Act and the amendments made by this Act shall
3 take effect on the date that is 30 days after the date of
4 the enactment of this Act.

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