

Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46;

(2) the term “Federal crime of terrorism” has the meaning given that term in section 2332b(g)(5); and

(3) the term “felony” means any offense under Federal or State law punishable by imprisonment for a term exceeding 1 year.

(b) VIOLATION.—It shall be unlawful for any person to knowingly purchase, or conspire to purchase, any firearm in or otherwise affecting interstate or foreign commerce for, on behalf of, or at the request or demand of any other person, knowing or having reasonable cause to believe that such other person—

(1) meets the criteria of 1 or more paragraphs of section 922(d);

(2) intends to use, carry, possess, or sell or otherwise dispose of the firearm in furtherance of a felony, a Federal crime of terrorism, or a drug trafficking crime; or

(3) intends to sell or otherwise dispose of the firearm to a person described in paragraph (1) or (2).

(c) PENALTY.—

(1) IN GENERAL.—Except as provided in paragraph (2), any person who violates subsection (b) shall be fined under this title, imprisoned for not more than 15 years, or both.

(2) USE IN FELONIES, CRIMES OF TERRORISM, OR DRUG TRAFFICKING CRIMES.—If a violation of subsection (b) is committed knowing or with reasonable cause to believe that any firearm involved will be used to commit a felony, a Federal crime of terrorism, or a drug trafficking crime, the person shall be sentenced to a term of imprisonment of not more than 25 years.

(Added Pub. L. 117-159, div. A, title II, § 12004(a)(1), June 25, 2022, 136 Stat. 1326.)

Editorial Notes

REFERENCES IN TEXT

The Controlled Substances Act, referred to in subsec. (a)(1)(B), is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, which is classified principally to subchapter I (§ 801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

The Controlled Substances Import and Export Act, referred to in subsec. (a)(1)(B), is title III of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1285, which is classified principally to subchapter II (§ 951 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of the Act to the Code, see Short Title note set out under section 951 of Title 21 and Tables.

Statutory Notes and Related Subsidiaries

RULE OF CONSTRUCTION

Nothing in section 12004(a)(1) of Pub. L. 117-159, which enacted this section, to be construed to allow the establishment of a Federal system of registration of firearms, firearms owners, or firearms transactions or dispositions, see section 12004(k) of Pub. L. 117-159, set out as a note under section 922 of this title.

§ 933. Trafficking in firearms

(a) IN GENERAL.—It shall be unlawful for any person to—

(1) ship, transport, transfer, cause to be transported, or otherwise dispose of any firearm to another person in or otherwise affecting interstate or foreign commerce, if such person knows or has reasonable cause to believe that the use, carrying, or possession of a firearm by the recipient would constitute a felony (as defined in section 932(a));

(2) receive from another person any firearm in or otherwise affecting interstate or foreign commerce, if the recipient knows or has reasonable cause to believe that such receipt would constitute a felony; or

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

(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title, imprisoned for not more than 15 years, or both.

(Added Pub. L. 117-159, div. A, title II, § 12004(a)(1), June 25, 2022, 136 Stat. 1327.)

Statutory Notes and Related Subsidiaries

RULE OF CONSTRUCTION

Nothing in section 12004(a)(1) of Pub. L. 117-159, which enacted this section, to be construed to allow the establishment of a Federal system of registration of firearms, firearms owners, or firearms transactions or dispositions, see section 12004(k) of Pub. L. 117-159, set out as a note under section 922 of this title.

§ 934. Forfeiture and fines

(a) FORFEITURE.—

(1) IN GENERAL.—Any person convicted of a violation of section 932 or 933 shall forfeit to the United States, irrespective of any provision of State law—

(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

(B) any of the person’s property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation, except that for any forfeiture of any firearm or ammunition pursuant to this section, section 924(d) shall apply.

(2) IMPOSITION.—The court, in imposing sentence on a person convicted of a violation of section 932 or 933, shall order, in addition to any other sentence imposed pursuant to section 932 or 933, that the person forfeit to the United States all property described in paragraph (1).

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

(1) the fine otherwise authorized by this part; or

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

(Added Pub. L. 117-159, div. A, title II, § 12004(a)(1), June 25, 2022, 136 Stat. 1327.)

Statutory Notes and Related Subsidiaries

RULE OF CONSTRUCTION

Nothing in section 12004(a)(1) of Pub. L. 117-159, which enacted this section, to be construed to allow the es-

tabishment of a Federal system of registration of firearms, firearms owners, or firearms transactions or dispositions, see section 12004(k) of Pub. L. 117-159, set out as a note under section 922 of this title.

CHAPTER 45—FOREIGN RELATIONS

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[968, 969.]	Repealed.]
970.	Protection of property occupied by foreign governments.

Editorial Notes

AMENDMENTS

1996—Pub. L. 104-132, title VII, § 704(b), Apr. 24, 1996, 110 Stat. 1295, substituted “Conspiracy to kill, kidnap, maim, or injure persons or damage property in a foreign country” for “Conspiracy to injure property of foreign government” in item 956.

1990—Pub. L. 101-647, title XII, § 1207(a), title XXXV, § 3530, Nov. 29, 1990, 104 Stat. 4832, 4924, struck out item 968 “Exportation of war materials to certain countries” and item 969 “Exportation of arms, liquors and narcotics to Pacific Islands”.

1972—Pub. L. 92-539, title IV, § 402, Oct. 24, 1972, 86 Stat. 1073, added item 970.

§ 951. Agents of foreign governments

(a) Whoever, other than a diplomatic or consular officer or attaché, acts in the United States as an agent of a foreign government without prior notification to the Attorney General if required in subsection (b), shall be fined under this title or imprisoned not more than ten years, or both.

(b) The Attorney General shall promulgate rules and regulations establishing requirements for notification.

(c) The Attorney General shall, upon receipt, promptly transmit one copy of each notification statement filed under this section to the Secretary of State for such comment and use as the Secretary of State may determine to be appropriate from the point of view of the foreign relations of the United States. Failure of the Attorney General to do so shall not be a bar to prosecution under this section.

(d) For purposes of this section, the term “agent of a foreign government” means an indi-

vidual who agrees to operate within the United States subject to the direction or control of a foreign government or official, except that such term does not include—

(1) a duly accredited diplomatic or consular officer of a foreign government, who is so recognized by the Department of State;

(2) any officially and publicly acknowledged and sponsored official or representative of a foreign government;

(3) any officially and publicly acknowledged and sponsored member of the staff of, or employee of, an officer, official, or representative described in paragraph (1) or (2), who is not a United States citizen; or

(4) any person engaged in a legal commercial transaction.

(e) Notwithstanding paragraph (d)(4), any person engaged in a legal commercial transaction shall be considered to be an agent of a foreign government for purposes of this section if—

(1) such person agrees to operate within the United States subject to the direction or control of a foreign government or official; and

(2) such person—

(A) is an agent of Cuba or any other country that the President determines (and so reports to the Congress) poses a threat to the national security interest of the United States for purposes of this section, unless the Attorney General, after consultation with the Secretary of State, determines and so reports to the Congress that the national security or foreign policy interests of the United States require that the provisions of this section do not apply in specific circumstances to agents of such country; or

(B) has been convicted of, or has entered a plea of nolo contendere with respect to, any offense under section 792 through 799, 831, or 2381 of this title or under section 11¹ of the Export Administration Act of 1979, except that the provisions of this subsection shall not apply to a person described in this clause for a period of more than five years beginning on the date of the conviction or the date of entry of the plea of nolo contendere, as the case may be.

(June 25, 1948, ch. 645, 62 Stat. 743; Pub. L. 97-462, § 6, Jan. 12, 1983, 96 Stat. 2530; Pub. L. 98-473, title II, § 1209, Oct. 12, 1984, 98 Stat. 2164; Pub. L. 99-569, title VII, § 703, Oct. 27, 1986, 100 Stat. 3205; Pub. L. 103-199, title II, § 202, Dec. 17, 1993, 107 Stat. 2321; Pub. L. 103-322, title XXXIII, § 330016(1)(R), Sept. 13, 1994, 108 Stat. 2148.)

HISTORICAL AND REVISION NOTES

Based on section 601 of title 22, U.S.C., 1940 ed., Foreign Relations and Intercourse (June 15, 1917, ch. 30, title VIII, § 3, 40 Stat. 226; Mar. 28, 1940, ch. 72, § 6, 54 Stat. 80).

Mandatory punishment provision was rephrased in the alternative.

Minor changes in phraseology were made.

Editorial Notes

REFERENCES IN TEXT

Section 11 of the Export Administration Act of 1979, referred to in subsec. (e)(2)(B), was classified to section

¹ See References in Text note below.