### 117TH CONGRESS 2D SESSION

# H. R. 8741

To amend the Internal Revenue Code of 1986 to impose a tax on the total revenue of manufacturers and importers of semi-automatic assault weapons.

## IN THE HOUSE OF REPRESENTATIVES

August 23, 2022

Mrs. Carolyn B. Maloney of New York introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

# A BILL

To amend the Internal Revenue Code of 1986 to impose a tax on the total revenue of manufacturers and importers of semi-automatic assault weapons.

- 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; FINDINGS.
- 4 (a) SHORT TITLE.—This Act may be cited as the
- 5 "Firearm Industry Fairness Act".
- 6 (b) FINDINGS.—Congress finds the following:
- 7 (1) AR–15s are abnormally dangerous weapons
- 8 meant for the battlefield. AR–15-style rifles have

- been the weapon of choice for the killers responsible for the deadliest mass shootings in American history, including the recent mass murders in Buffalo,
- 4 New York, Uvalde, Texas, and Highland Park, Illi-
- 5 nois.

- (2) Major gun manufacturers have been enjoying record-breaking sales and profits from AR–15-style rifles, even as gun deaths and mass shootings have risen in the United States. Studies have shown that gun violence and the human and economic toll associated with the more than 40,000 annual firearm deaths in America are strongly correlated with the availability of firearms.
  - (3) Large capacity magazines have been shown to lead to increasingly deadly mass shootings because they allow the shooter to continue firing for longer periods of time and reduce the opportunities for law enforcement or other bystanders to intervene to stop the killing.
  - (4) Despite widespread diversion of weapons from major manufacturers to unlawful use, the firearm industry has failed to monitor the downstream distribution of their weapons to distributors or other sellers, with the result that an inordinate number of

- guns used in crimes of violence are funneled through a small number of dealers.
- 3 (5) An investigation into the gun industry's 4 practices and profits by the Committee on Oversight 5 and Reform found that five leading gun manufactur-6 er's collected more than \$1,000,000,000 from the
- 7 sale of AR–15-style weapons in the last decade.

#### 8 SEC. 2. TAX ON TOTAL REVENUE OF MANUFACTURERS AND

- 9 IMPORTERS OF SEMI-AUTOMATIC ASSAULT
- WEAPONS.
- 11 (a) IN GENERAL.—Subtitle A of the Internal Rev-
- 12 enue Code of 1986 is amended by inserting after chapter
- 13 6 the following new chapter:
- 14 "CHAPTER 7—MANUFACTURERS AND IM-
- 15 **PORTERS OF SEMI-AUTOMATIC AS-**
- 16 **SAULT WEAPONS**

"Sec. 1571. Imposition of tax on total revenue.

- 17 "SEC. 1571. IMPOSITION OF TAX ON TOTAL REVENUE.
- 18 "(a) IN GENERAL.—There is hereby imposed (in ad-
- 19 dition to any other tax imposed by this title) for each tax-
- 20 able year a tax equal to 20 percent of the total revenue
- 21 of each semi-automatic assault weapons manufacturer or
- 22 importer.

- 1 "(b) Total Revenue.—For purposes of this section,
- 2 the term 'total revenue' means total gross receipts reduced
- 3 by the cost of goods sold.
- 4 "(c) Semi-Automatic Assault Weapons Manu-
- 5 FACTURER OR IMPORTER.—For purposes of this section—
- 6 "(1) IN GENERAL.—The term 'semi-automatic
- 7 assault weapons manufacturer or importer' means,
- 8 with respect to any taxable year, any manufacturer,
- 9 producer, or importer (within the meaning of section
- 10 4181) of any semi-automatic assault weapon or large
- capacity ammunition feeding device, and any person
- related to any such manufacturer, producer, or im-
- porter, if the aggregate number of semi-automatic
- assault weapons and large capacity ammunition
- 15 feeding devices manufactured, produced, or imported
- by such manufacturer, producer, or importer (and
- all persons related to such manufacturer, produce,
- or importer) during such taxable year exceeds 100.
- 19 "(2) Exception.—For purposes of determining
- 20 under paragraph (1) the number of such weapons
- and devices manufactured, produced, or imported by
- any person, there shall not be taken into account
- any such weapon or device manufactured, produced,
- or imported solely for use by the United States Gov-
- ernment, any State or local government, or any de-

1	partment, agency, or political subdivision thereof.
2	The Secretary shall prescribe such regulations and
3	other guidance as is necessary to prevent avoidance
4	of the purposes of this paragraph.
5	"(3) Related Persons.—A person shall be
6	treated as related to another person if such person
7	is in the same controlled group (within the meaning
8	of section 1563(a), applied by substituting 'more
9	than 50 percent' for 'at least 80 percent' each place
10	it appears therein) as such other person. Under reg-
11	ulations or other guidance prescribed by the Sec-
12	retary, principles similar to the principles of the pre-
13	ceding sentence shall apply to a group of persons
14	under common control where 1 or more of such per-
15	sons is not a corporation.
16	"(d) Semi-Automatic Assault Weapons; Large
17	CAPACITY AMMUNITION FEEDING DEVICE.—For pur-
18	poses of this section—
19	"(1) Semi-automatic assault weapon.—The
20	term 'semi-automatic assault weapon' means any of
21	the following, regardless of country of manufacture
22	or caliber of ammunition accepted:
23	"(A) A semiautomatic rifle that—
24	"(i) has the capacity to accept a de-
25	tachable ammunition feeding device: and

1	"(ii) has any 1 of the following:
2	"(I) A pistol grip.
3	"(II) A forward grip.
4	"(III) A folding, telescoping, or
5	detachable stock, or a stock that is
6	otherwise foldable or adjustable in a
7	manner that operates to reduce the
8	length, size, or any other dimension,
9	or otherwise enhances the
10	concealability, of the weapon.
11	"(IV) A grenade launcher.
12	"(V) A barrel shroud.
13	"(VI) A threaded barrel.
14	"(B) A semiautomatic rifle that has a
15	fixed ammunition feeding device with the capac-
16	ity to accept more than 15 rounds, except for
17	an attached tubular device designed to accept,
18	and capable of operating only with, .22 caliber
19	rimfire ammunition.
20	"(C) Any part, combination of parts, com-
21	ponent, device, attachment, or accessory that is
22	designed or functions to accelerate the rate of
23	fire of a semiautomatic firearm but not convert
24	the semiautomatic firearm into a machinegun.
25	"(D) A semiautomatic pistol that—

1	"(i) has an ammunition feeding device
2	that is not a fixed ammunition feeding de-
3	vice; and
4	"(ii) has any 1 of the following:
5	"(I) A threaded barrel.
6	$(\Pi)$ A second pistol grip.
7	"(III) A barrel shroud.
8	"(IV) The capacity to accept a
9	detachable ammunition feeding device
10	at some location outside of the pistol
11	grip.
12	"(V) A semiautomatic version of
13	an automatic firearm.
14	"(VI) A manufactured weight of
15	50 ounces or more when unloaded.
16	"(VII) A buffer tube, stabilizing
17	brace or similar component that pro-
18	trudes horizontally behind the pistol
19	grip, and is designed or redesigned to
20	allow or facilitate a firearm to be fired
21	from the shoulder.
22	"(E) A semiautomatic pistol with a fixed
23	ammunition feeding device that has the capac-
24	ity to accept more than 15 rounds.
25	"(F) A semiautomatic shotgun that—

1	"(i) has the capacity to accept a de-
2	tachable ammunition feeding device or a
3	fixed ammunition feeding device that has
4	the capacity to accept more than 5 rounds;
5	and
6	"(ii) has any 1 of the following:
7	"(I) A folding, telescoping, or de-
8	tachable stock.
9	"(II) A pistol grip or bird's head
10	grip.
11	"(III) A forward grip.
12	"(IV) A grenade launcher.
13	"(G) Any shotgun with a revolving cyl-
14	inder.
15	"(H) All of the following rifles, copies, du-
16	plicates, variants, or altered facsimiles with the
17	capability of any such weapon thereof:
18	"(i) All AK types, including the fol-
19	lowing:
20	"(I) AK, AK47, AK47S, AK–74,
21	AKM, AKS, ARM, MAK90, MISR,
22	NHM90, NHM91, Rock River Arms
23	LAR-47, SA85, SA93, Vector Arms
24	AK-47, VEPR, WASR-10, and
25	WUM.

1	"(II) IZHMASH Saiga AK.
2	"(III) MAADI AK47 and ARM.
3	"(IV) Norinco 56S, 56S2, 84S,
4	and 86S.
5	"(V) Poly Technologies AK47
6	and AKS.
7	"(VI) SKS with a detachable am-
8	munition feeding device.
9	"(ii) All AR types, including the fol-
10	lowing:
11	"(I) AR–10.
12	"(II) AR–15.
13	"(III) Alexander Arms Over-
14	match Plus 16.
15	"(IV) Armalite M15 22LR Car-
16	bine.
17	"(V) Armalite M15–T.
18	"(VI) Barrett REC7.
19	"(VII) Beretta AR–70.
20	"(VIII) Black Rain Ordnance
21	Recon Scout.
22	"(IX) Bushmaster ACR.
23	"(X) Bushmaster Carbon 15.
24	"(XI) Bushmaster MOE series.
25	"(XII) Bushmaster XM15.

1	"(XIII) Chiappa Firearms
2	MFour rifles.
3	"(XIV) Colt Match Target rifles.
4	"(XV) CORE Rifle Systems
5	CORE15 rifles.
6	"(XVI) Daniel Defense M4A1 ri-
7	fles.
8	"(XVII) Devil Dog Arms 15 Se-
9	ries rifles.
10	"(XVIII) Diamondback DB15 ri-
11	fles.
12	"(XIX) DoubleStar AR rifles.
13	"(XX) DPMS Tactical rifles.
14	"(XXI) DSA Inc. ZM-4 Carbine.
15	"(XXII) Heckler & Koch MR556.
16	"(XXIII) High Standard HSA-
17	15 rifles.
18	"(XXIV) Jesse James Nomad
19	AR-15 rifle.
20	"(XXV) Knight's Armament SR-
21	15.
22	"(XXVI) Lancer L15 rifles.
23	"(XXVII) MGI Hydra Series ri-
24	fles.

1	"(XXVIII) Mossberg MMR Tac-
2	tical rifles.
3	"(XXIX) Noreen Firearms BN
4	36 rifle.
5	"(XXX) Olympic Arms.
6	"(XXXI) POF USA P415.
7	"(XXXII) Precision Firearms
8	AR rifles.
9	"(XXXIII) Remington R–15 ri-
10	fles.
11	"(XXXIV) Rhino Arms AR ri-
12	fles.
13	"(XXXV) Rock River Arms
14	LAR-15.
15	"(XXXVI) Sig Sauer SIG516 ri-
16	fles and MCX rifles.
17	"(XXXVII) Smith & Wesson
18	M&P15 rifles.
19	"(XXXVIII) Stag Arms AR ri-
20	fles.
21	"(XXXIX) Sturm, Ruger & Co.
22	SR556 and AR–556 rifles.
23	"(XL) Uselton Arms Air-Lite M-

1	"(XLI) Windham Weaponry AR
2	rifles.
3	"(XLII) WMD Guns Big Beast.
4	"(XLIII) Yankee Hill Machine
5	Company, Inc. YHM-15 rifles.
6	"(iii) Barrett M107A1.
7	"(iv) Barrett M82A1.
8	"(v) Beretta CX4 Storm.
9	"(vi) Calico Liberty Series.
10	"(vii) CETME Sporter.
11	"(viii) Daewoo K–1, K–2, Max 1, Max
12	2, AR 100, and AR 110C.
13	"(ix) Fabrique Nationale/FN Herstal
14	FAL, LAR, 22 FNC, 308 Match, L1A1
15	Sporter, PS90, SCAR, and FS2000.
16	"(x) Feather Industries AT-9.
17	"(xi) Galil Model AR and Model
18	ARM.
19	"(xii) Hi-Point Carbine.
20	"(xiii) HK-91, HK-93, HK-94, HK-
21	PSG-1, and HK USC.
22	"(xiv) IWI TAVOR, Galil ACE rifle.
23	"(xv) Kel-Tec Sub-2000, SU-16, and
24	RFB.

1	"(xvi) SIG AMT, SIG PE-57, Sig
2	Sauer SG 550, Sig Sauer SG 551, and
3	SIG MCX.
4	"(xvii) Springfield Armory SAR-48.
5	"(xviii) Steyr AUG.
6	"(xix) Sturm, Ruger & Co. Mini-14
7	Tactical Rifle M-14/20CF.
8	"(xx) All Thompson rifles, including
9	the following:
10	"(I) Thompson M1SB.
11	"(II) Thompson T1100D.
12	"(III) Thompson T150D.
13	"(IV) Thompson T1B.
14	"(V) Thompson T1B100D.
15	"(VI) Thompson T1B50D.
16	"(VII) Thompson T1BSB.
17	"(VIII) Thompson T1–C.
18	"(IX) Thompson T1D.
19	"(X) Thompson T1SB.
20	"(XI) Thompson T5.
21	"(XII) Thompson T5100D.
22	"(XIII) Thompson TM1.
23	"(XIV) Thompson TM1C.
24	"(xxi) UMAREX UZI rifle.

1	"(xxii) UZI Mini Carbine, UZI Model
2	A Carbine, and UZI Model B Carbine.
3	"(xxiii) Valmet M62S, M71S, and
4	M78.
5	"(xxiv) Vector Arms UZI Type.
6	"(xxv) Weaver Arms Nighthawk.
7	"(xxvi) Wilkinson Arms Linda Car-
8	bine.
9	"(I) All of the following pistols, copies, du-
10	plicates, variants, or altered facsimiles with the
11	capability of any such weapon thereof:
12	"(i) All AK types, including the fol-
13	lowing:
14	"(I) Centurion 39 AK pistol.
15	"(II) CZ Scorpion pistol.
16	"(III) Draco AK-47 pistol.
17	"(IV) HCR AK-47 pistol.
18	"(V) IO Inc. Hellpup AK-47 pis-
19	tol.
20	"(VI) Krinkov pistol.
21	"(VII) Mini Draco AK-47 pistol.
22	"(VIII) PAP M92 pistol.
23	"(IX) Yugo Krebs Krink pistol.
24	"(ii) All AR types, including the fol-
25	lowing:

1	"(I) American Spirit AR-15 pis-
2	tol.
3	"(II) Bushmaster Carbon 15 pis-
4	tol.
5	"(III) Chiappa Firearms M4 Pis-
6	tol GEN II.
7	"(IV) CORE Rifle Systems
8	CORE15 Roscoe pistol.
9	"(V) Daniel Defense MK18 pis-
10	tol.
11	"(VI) DoubleStar Corporation
12	AR pistol.
13	"(VII) DPMS AR–15 pistol.
14	"(VIII) Jesse James Nomad AR—
15	15 pistol.
16	"(IX) Olympic Arms AR–15 pis-
17	tol.
18	"(X) Osprey Armament MK–18
19	pistol.
20	"(XI) POF USA AR pistols.
21	"(XII) Rock River Arms LAR 15
22	pistol.
23	"(XIII) Uselton Arms Air-Lite
24	M-4 pistol.
25	"(iii) Calico pistols.

1	"(iv) DSA SA58 PKP FAL pistol.
2	"(v) Encom MP-9 and MP-45.
3	"(vi) Heckler & Koch model SP-89
4	pistol.
5	"(vii) Intratec AB-10, TEC-22 Scor-
6	pion, TEC-9, and TEC-DC9.
7	"(viii) IWI Galil Ace pistol, UZI PRO
8	pistol.
9	"(ix) Kel-Tec PLR 16 pistol.
10	"(x) All MAC types, including the fol-
11	lowing:
12	"(I) MAC-10.
13	"(II) MAC-11.
14	"(III) Masterpiece Arms MPA
15	A930 Mini Pistol, MPA460 Pistol,
16	MPA Tactical Pistol, and MPA Mini
17	Tactical Pistol.
18	"(IV) Military Armament Corp.
19	Ingram M-11.
20	"(V) Velocity Arms VMAC.
21	"(xi) Sig Sauer P556 pistol.
22	"(xii) Sites Spectre.
23	"(xiii) All Thompson types, including
24	the following:
25	"(I) Thompson TA510D.

1	"(II) Thompson TA5.
2	"(xiv) All UZI types, including Micro-
3	UZI.
4	"(J) All of the following shotguns, copies,
5	duplicates, variants, or altered facsimiles with
6	the capability of any such weapon thereof:
7	''(i) DERYA Anakon MC–1980,
8	Anakon SD12.
9	"(ii) Doruk Lethal shotguns.
10	"(iii) Franchi LAW-12 and SPAS 12.
11	"(iv) All IZHMASH Saiga 12 types,
12	including the following:
13	"(I) IZHMASH Saiga 12.
14	"(II) IZHMASH Saiga 12S.
15	"(III) IZHMASH Saiga 12S
16	EXP-01.
17	"(IV) IZHMASH Saiga 12K.
18	"(V) IZHMASH Saiga 12K–030.
19	"(VI) IZHMASH Saiga 12K-
20	040 Taktika.
21	"(v) Streetsweeper.
22	"(vi) Striker 12.
23	"(K) All belt-fed semiautomatic firearms,
24	including TNW M2HB and FN M2495.

1	"(L) Any combination of parts from which
2	a firearm described in subparagraphs (A)
3	through (K) can be assembled.
4	"(M) The frame or receiver of a rifle or
5	shotgun described in subparagraph (G), (H)
6	(J), or (K).
7	"(2) Large capacity ammunition feeding
8	DEVICE.—The term 'large capacity ammunition
9	feeding device'—
10	"(A) means a magazine, belt, drum, feed
11	strip, or similar device, including any such de-
12	vice joined or coupled with another in any man-
13	ner, that has an overall capacity of, or that can
14	be readily restored, changed, or converted to ac-
15	cept, more than 15 rounds of ammunition; and
16	"(B) does not include an attached tubular
17	device designed to accept, and capable of oper-
18	ating only with, .22 caliber rimfire ammunition
19	"(3) Other definitions.—
20	"(A) SEMIAUTOMATIC PISTOL.—The term
21	'semiautomatic pistol' means any repeating pis-
22	tol that—
23	"(i) utilizes a portion of the energy of
24	a firing cartridge to extract the fired car-

1	tridge case and chamber the next round;
2	and
3	"(ii) requires a separate pull of the
4	trigger to fire each cartridge.
5	"(B) SEMIAUTOMATIC SHOTGUN.—The
6	term 'semiautomatic shotgun' means any re-
7	peating shotgun that—
8	"(i) utilizes a portion of the energy of
9	a firing shell to extract the fired shell cas-
10	ing and chamber the next round; and
11	"(ii) requires a separate pull of the
12	trigger to fire each shell.
13	"(C) Barrel shroud.—The term 'barrel
14	shroud'—
15	"(i) means a shroud that is attached
16	to, or partially or completely encircles, the
17	barrel of a firearm so that the shroud pro-
18	tects the user of the firearm from heat
19	generated by the barrel; and
20	"(ii) does not include—
21	"(I) a slide that partially or com-
22	pletely encloses the barrel; or
23	"(II) an extension of the stock
24	along the bottom of the barrel which

1	does not encircle or substantially en-
2	circle the barrel.
3	"(D) Detachable ammunition feeding
4	DEVICE.—The term 'detachable ammunition
5	feeding device' means an ammunition feeding
6	device that can be removed from a firearm
7	without disassembly of the firearm action.
8	"(E) FIXED AMMUNITION FEEDING DE-
9	VICE.—The term 'fixed ammunition feeding de-
10	vice' means an ammunition feeding device that
11	is contained in and not removable from or is
12	permanently fixed to the firearm, but does not
13	include an attached tubular device designed to
14	accept, and capable of operating only with, .22
15	caliber rimfire ammunition.
16	"(F) Folding, telescoping, or de-
17	TACHABLE STOCK.—The term 'folding, tele-
18	scoping, or detachable stock' means a stock
19	that folds, telescopes, detaches or otherwise op-
20	erates to reduce the length, size, or any other
21	dimension, or otherwise enhances the
22	concealability, of a firearm.
23	"(G) FORWARD GRIP.—The term 'forward
24	grip' means a grip located forward of the trig-

ger that functions as a pistol grip.

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1	"(H) Grenade Launcher.—The term
2	'grenade launcher' means an attachment for use
3	on a firearm that is designed to propel a gre-
4	nade or other similar destructive device.
5	"(I) PISTOL GRIP.—The term 'pistol grip'
6	means a grip, a thumbhole stock or Thordsen-
7	type grip or stock, or any other characteristic
8	that can function as a grip.
9	"(J) THREADED BARREL.—The term
10	'threaded barrel' means a feature or char-
11	acteristic that is designed in such a manner to
12	allow for the attachment of a device such as a
13	firearm silencer or a flash suppressor.
14	"(K) Belt-fed semiautomatic fire-
15	ARM.—The term 'belt-fed semiautomatic fire-
16	arm' means any repeating firearm that—
17	"(i) utilizes a portion of the energy of
18	a firing cartridge to extract the fired car-
19	tridge case and chamber the next round;
20	"(ii) requires a separate pull of the
21	trigger to fire each cartridge; and
22	"(iii) has the capacity to accept a belt
23	ammunition feeding device.
24	"(L) Other terms.—Terms used in this
25	subsection which are also used in section 921 of

- 1 title 18, United States Code, shall have the
- 2 same meaning as when used in such section.".
- 3 (b) CLERICAL AMENDMENT.—The table of chapters
- 4 for subtitle A of such Code is amended by inserting after
- 5 the item relating to chapter 6 the following new item:

"Chapter 7. Manufacturers and Importers of Semi-Automatic Assault Weapons.".

- 6 (c) Effective Date.—The amendments made by
- 7 this section shall apply to taxable years beginning after
- 8 the date of the enactment of this Act.
- 9 SEC. 3. FUNDING COMMUNITY VIOLENCE INTERVENTION
- 10 AND PREVENTION.
- 11 (a) Community Violence Intervention and Pre-
- 12 VENTION TRUST FUND.—Subchapter A of chapter 98 is
- 13 amended by adding at the end the following new section:
- 14 "SEC. 9512. COMMUNITY VIOLENCE INTERVENTION AND
- 15 PREVENTION TRUST FUND.
- 16 "(a) Creation of Trust Fund.—There is estab-
- 17 lished in the Treasury of the United States a trust fund
- 18 to be known as the 'Community Violence Intervention and
- 19 Prevention Trust Fund', consisting of such amounts as
- 20 may be appropriated or credit to such Trust Fund as pro-
- 21 vided in this section or section 9602(b).
- 22 "(b) Transfers to Trust Fund.—There are here-
- 23 by appropriated to the Community Violence Intervention

- 1 and Prevention Trust Fund amounts equivalent to taxes
- 2 received in the Treasury under section 1571.
- 3 "(c) Expenditures.—Amounts in the Community
- 4 Violence Intervention and Prevention Trust Fund shall be
- 5 available, as provided by appropriations Acts, for making
- 6 expenditures to carry out the Bureau of Justice Assistance
- 7 Community Violence Intervention and Prevention Initia-
- 8 tive.".
- 9 (b) CLERICAL AMENDMENT.—The table of sections
- 10 for subchapter A of chapter 98 of such Code is amended
- 11 by adding at the end the following new item:

"Sec. 9512. Community Violence Intervention and Prevention Trust Fund.".

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