

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

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

6 (2) Major gun manufacturers have been enjoy-
7 ing record-breaking sales and profits from AR-15-
8 style rifles, even as gun deaths and mass shootings
9 have risen in the United States. Studies have shown
10 that gun violence and the human and economic toll
11 associated with the more than 40,000 annual fire-
12 arm deaths in America are strongly correlated with
13 the availability of firearms.

14 (3) Large capacity magazines have been shown
15 to lead to increasingly deadly mass shootings be-
16 cause they allow the shooter to continue firing for
17 longer periods of time and reduce the opportunities
18 for law enforcement or other bystanders to intervene
19 to stop the killing.

20 (4) Despite widespread diversion of weapons
21 from major manufacturers to unlawful use, the fire-
22 arm industry has failed to monitor the downstream
23 distribution of their weapons to distributors or other
24 sellers, with the result that an inordinate number of

1 guns used in crimes of violence are funneled through
2 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 manufacturer's
6 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**
10 **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
11 capacity ammunition feeding device, and any person
12 related to any such manufacturer, producer, or im-
13 porter, if the aggregate number of semi-automatic
14 assault weapons and large capacity ammunition
15 feeding devices manufactured, produced, or imported
16 by such manufacturer, producer, or importer (and
17 all persons related to such manufacturer, produce,
18 or importer) during such taxable year exceeds 100.

19 “(2) EXCEPTION.—For purposes of determining
20 under paragraph (1) the number of such weapons
21 and devices manufactured, produced, or imported by
22 any person, there shall not be taken into account
23 any such weapon or device manufactured, produced,
24 or imported solely for use by the United States Gov-
25 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 “(II) 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-
24 4 rifles.

- 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 Scorpion, TEC-9, and TEC-DC9.
- 6 “(viii) IWI Galil Ace pistol, UZI PRO
- 7 pistol.
- 8 “(ix) Kel-Tec PLR 16 pistol.
- 9 “(x) All MAC types, including the following:
- 10 “(I) MAC-10.
- 11 “(II) MAC-11.
- 12 “(III) Masterpiece Arms MPA A930 Mini Pistol, MPA460 Pistol, MPA Tactical Pistol, and MPA Mini Tactical Pistol.
- 13 “(IV) Military Armament Corp. Ingram M-11.
- 14 “(V) Velocity Arms VMAC.
- 15 “(xi) Sig Sauer P556 pistol.
- 16 “(xii) Sites Spectre.
- 17 “(xiii) All Thompson types, including the following:
- 18 “(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-
25 ger that functions as a pistol grip.

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.”.

