

115TH CONGRESS
2D SESSION

H. R. 5103

To amend the Internal Revenue Code of 1986 to increase the excise tax and special occupational tax in respect of firearms and to increase the transfer tax on any other weapon, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2018

Mr. DANNY K. DAVIS of Illinois (for himself, Mr. PASCRELL, Mr. JOHNSON of Georgia, Ms. KELLY of Illinois, Mr. LANGEVIN, Mr. BLUMENAUER, Ms. BASS, Ms. NORTON, Mr. COHEN, and Mr. LYNCH) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Natural Resources, the Judiciary, Education and the Workforce, and Energy and Commerce, 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 increase the excise tax and special occupational tax in respect of firearms and to increase the transfer tax on any other weapon, and for other purposes.

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 “Gun Violence Preven-
5 tion and Safe Communities Act of 2018”.

1 **SEC. 2. INCREASE IN EXCISE TAXES RELATING TO FIRE-**
2 **ARMS.**

3 (a) IN GENERAL.—Section 4181 of the Internal Rev-
4 enue Code of 1986 is amended to read as follows:

5 **“SEC. 4181. IMPOSITION OF TAX.**

6 “There is hereby imposed upon the sale by the manu-
7 facturer, producer, or importer of the following articles a
8 tax equivalent to the specified percent of the price for
9 which so sold:

10 “(1) Articles taxable at 20 percent:

11 “(A) Pistols.

12 “(B) Revolvers.

13 “(C) Firearms (other than pistols and re-
14 volvers).

15 “(D) Any lower frame or receiver for a
16 firearm, whether for a semiautomatic pistol,
17 rifle, or shotgun that is designed to accommo-
18 date interchangeable upper receivers.

19 “(2) Articles taxable at 50 percent: Shells and
20 cartridges.”.

21 (b) EXEMPTION FOR UNITED STATES.—Subsection
22 (b) of section 4182 of the Internal Revenue Code of 1986
23 is amended to read as follows:

24 “(b) SALES TO UNITED STATES.—No firearms, pis-
25 tols, revolvers, lower frame or receiver for a firearm,
26 shells, and cartridges purchased with funds appropriated

1 for any department, agency, or instrumentality of the
2 United States shall be subject to any tax imposed on the
3 sale or transfer of such articles.”.

4 (c) AVAILABILITY OF FUNDS FROM INCREASED
5 TAXES.—

6 (1) ALLOCATION.—Amounts in the general
7 fund of the Treasury by reason of section 3(a) of the
8 Pittman-Robertson Wildlife Restoration Act (as
9 amended by paragraph (2) of this subsection) are
10 hereby appropriated and shall be available, as fol-
11 lows:

12 (A) Thirty-five percent of such amounts
13 shall be available for community-oriented polic-
14 ing services grants for the hiring and rehiring
15 of additional career law enforcement officers
16 under section 1701(b) of title I of the Omnibus
17 Crime Control and Safe Streets Act of 1968
18 (42 U.S.C. 3796dd(b)). States using funds for
19 school resource officers shall include training,
20 protections, and monitoring to ensure that
21 school resource officers are used to improve
22 school safety and climate, and promote positive
23 reform in student suspensions, expulsions, and
24 referrals to the juvenile or criminal justice sys-
25 tems.

1 (B) Thirty-five percent of such amounts
2 shall be available for the Project Safe Neighbor-
3 hoods, as authorized by the Consolidated Ap-
4 propriations Act, 2017 (Public Law 115–31),
5 131 Stat. 135, 203.

6 (C) Ten percent of such amounts shall be
7 available for the Centers for Disease Control
8 National Center for Injury Prevention and Con-
9 trol for purposes of research on gun violence
10 and its prevention.

11 (D) Five percent of such amounts shall be
12 available for the National Criminal History Im-
13 provement Program authorized under section
14 302(c) of title I of the Omnibus Crime Control
15 and Safe Streets Act of 1968 (42 U.S.C.
16 3732(c)).

17 (E) Five percent of such amounts shall be
18 available for the NICS Act Record Improve-
19 ment Program authorized under section 301 of
20 the NICS Improvement Amendments Act of
21 2007 (18 U.S.C. 922 note).

22 (F) Five percent for the Community-Based
23 Violence Prevention Field-Initiated Research
24 and Evaluation Program of the Department of
25 Justice.

1 (G) Five percent of such amounts shall be
2 available for the Secretary of Education to pro-
3 vide directed grants and technical assistance to
4 schools eligible for or receiving grants under
5 part A of title I of the Elementary and Sec-
6 ondary Education Act of 1965 to develop and
7 implement comprehensive, evidence-based local
8 or regional strategies (such as positive behavior
9 interventions and supports, social and emotional
10 learning, and restorative justice programs) to
11 improve school climate, reduce the use of exclu-
12 sionary school discipline, and decrease the num-
13 ber of youth entering the juvenile and criminal
14 justice systems.

15 (2) CONFORMING AMENDMENT.—Section 3(a)
16 of the Pittman-Robertson Wildlife Restoration Act
17 (16 U.S.C. 669b(a)) is amended by adding at the
18 end the following new sentence: “There shall not be
19 covered into the fund the portion of the tax imposed
20 by such section 4181 that is attributable to any in-
21 crease in amounts received in the Treasury under
22 such section by reason of the amendments made by
23 section 2 of the Gun Violence Prevention and Safe
24 Communities Act of 2018, as estimated by the Sec-
25 retary.”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to sales after Decem-
3 ber 31, 2018.

4 **SEC. 3. SPECIAL TAX AND LICENSING RELATING TO FIRE-**
5 **ARMS.**

6 (a) INCREASE IN TAX.—

7 (1) GENERAL RULE.—Subsection (a) of section
8 5801 of the Internal Revenue Code of 1986 is
9 amended—

10 (A) in paragraph (1) by striking “\$1,000”
11 and inserting “\$2,000”; and

12 (B) in paragraph (2) by striking “\$500”
13 and inserting “50 percent of the dollar amount
14 applicable under paragraph (1) for the taxable
15 year”.

16 (2) SMALL IMPORTERS AND MANUFACTUR-
17 ERS.—Paragraph (1) of section 5801(b) of such
18 Code is amended by striking “substituting ‘\$500’ for
19 ‘\$1,000’” and inserting “substituting ‘50 percent of
20 the dollar amount applicable under such paragraph
21 for the taxable year’ for ‘\$2,000’”.

22 (3) ADJUSTMENT FOR INFLATION.—Section
23 5801 of the Internal Revenue Code of 1986 is
24 amended by adding at the end the following new
25 subsection:

1 “(c) ADJUSTMENT FOR INFLATION.—In the case of
2 any taxable year beginning in a calendar year after 2019,
3 the dollar amount in subsection (a)(1) shall be increased
4 by an amount equal to—

5 “(1) such dollar amount, multiplied by

6 “(2) the cost-of-living adjustment determined
7 under section 1(f)(3) for the calendar year in which
8 the taxable year begins, determined by substituting
9 ‘calendar year 2018’ for ‘calendar year 2016’ in sub-
10 paragraph (A)(ii) thereof.

11 If any increase under paragraph (1) is not a multiple of
12 \$10, such increase shall be rounded to the next lowest
13 multiple of \$10.”.

14 (b) INCREASE IN TRANSFER TAX ON FIREARMS.—

15 (1) IN GENERAL.—Subsection (a) of section
16 5811 of the Internal Revenue Code of 1986 is
17 amended—

18 (A) by striking “\$200” and inserting
19 “\$500”; and

20 (B) by striking “\$5” and inserting
21 “\$100”.

22 (2) ADJUSTMENT FOR INFLATION.—Section
23 5811 of the Internal Revenue Code of 1986 is
24 amended by adding at the end the following new
25 subsection:

1 “(d) ADJUSTMENT FOR INFLATION.—In the case of
2 any taxable year beginning in a calendar year after 2019,
3 each dollar amount in subsection (a) shall be increased
4 by an amount equal to—

5 “(1) such dollar amount, multiplied by
6 “(2) the cost-of-living adjustment determined
7 under section 1(f)(3) for the calendar year in which
8 the taxable year begins, determined by substituting
9 ‘calendar year 2018’ for ‘calendar year 2016’ in sub-
10 paragraph (A)(ii) thereof.

11 If any increase under paragraph (1) is not a multiple of
12 \$5, such increase shall be rounded to the next lowest mul-
13 tiple of \$5.”.

14 (c) CERTAIN SEMIAUTOMATIC PISTOLS CHAMBERED
15 FOR CARTRIDGES TREATED AS FIREARMS.—The first
16 sentence of section 5845(a) of the Internal Revenue Code
17 of 1986 is amended—

18 (1) by striking “and” before “(8)”;

19 (2) by striking “device.” and inserting “device,
20 and”;

21 (3) by adding at the end the following: “(9) a
22 semiautomatic pistol chambered for cartridges com-
23 monly considered rifle rounds, configured with re-
24 ceivers commonly associated with rifles and capable
25 of accepting detachable magazines.”.

1 (d) EFFECTIVE DATES.—

2 (1) IN GENERAL.—Except as provided by para-
3 graph (2), the amendments made by this section
4 shall take effect on January 1, 2019.

5 (2) IN GENERAL.—The amendments made by
6 subsection (a) shall take effect on July 1, 2019.

7 (3) ALL TAXPAYERS TREATED AS COMMENCING
8 IN BUSINESS ON JULY 1, 2019.—Any person engaged
9 on July 1, 2019, in any trade or business which is
10 subject to an occupational tax by reason of the
11 amendment made by subsection (a) shall be treated
12 for purposes of such tax as having first engaged in
13 a trade or business on such date.

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