

104TH CONGRESS
1ST SESSION

S. 1161

To amend the Internal Revenue Code of 1986 to exempt small manufacturers, producers, and importers from the firearms excise tax.

IN THE SENATE OF THE UNITED STATES

AUGUST 10 (legislative day, JULY 10), 1995

Mr. BAUCUS introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Internal Revenue Code of 1986 to exempt small manufacturers, producers, and importers from the firearms excise tax.

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. SMALL MANUFACTURERS EXEMPT FROM FIRE-**
4 **ARMS EXCISE TAX.**

5 (a) IN GENERAL.—Section 4182 of the Internal Rev-
6 enue Code of 1986 (relating to exemptions) is amended
7 by redesignating subsection (c) as subsection (d) and by
8 inserting after subsection (b) the following new subsection:

9 “(c) SMALL MANUFACTURERS, ETC.—

1 “(1) IN GENERAL.—The tax imposed by section
2 4181 shall not apply to any article described in such
3 section if manufactured, produced, or imported by a
4 person who manufactures, produces, and imports
5 less than 50 of such articles during the calendar
6 year.

7 “(2) CONTROLLED GROUPS.—All persons treat-
8 ed as a single employer for purposes of subsection
9 (a) or (b) of section 52 shall be treated as one per-
10 son for purposes of paragraph (1).”

11 (b) EFFECTIVE DATE; REFUNDS.—

12 (1) EFFECTIVE DATE.—The amendments made
13 by this section shall apply to articles sold by the
14 manufacturer, producer, or importer after Septem-
15 ber 30, 1983.

16 (2) WAIVER OF STATUTE OF LIMITATIONS.—In
17 the case of any taxable year ending before the date
18 of the enactment of this Act—

19 (A) the period for claiming a credit or re-
20 fund of any overpayment of tax resulting from
21 the application of the amendments made by this
22 section shall not expire before the date which is
23 1 year after the date of the enactment of this
24 Act, and

1 (B) if, after the application of subpara-
2 graph (A), credit or refund of any overpayment
3 of tax resulting from the application of the
4 amendments made by this section is prevented
5 at any time before the close of such 1-year pe-
6 riod by the operation of any law or rule of law
7 (including *res judicata*), credit or refund of
8 such overpayment (to the extent attributable to
9 the application of the amendments made by this
10 section) may, nevertheless, be made or allowed
11 if claim therefor is filed before the close of such
12 1-year period.

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