

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To provide that silencers be treated the same as firearms accessories.

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IN THE SENATE OF THE UNITED STATES

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Mr. LEE introduced the following bill; which was read twice and referred to  
the Committee on \_\_\_\_\_

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**A BILL**

To provide that silencers be treated the same as firearms  
accessories.

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 “Silencers Help Us Save  
5 Hearing Act” or the “SHUSH Act”.

6 **SEC. 2. EQUAL TREATMENT OF SILENCERS AND FIREARMS.**

7 (a) IN GENERAL.—Section 5845(a) of the Internal  
8 Revenue Code of 1986 is amended by striking “(7) any  
9 silencer” and all that follows through “; and (8)” and in-  
10 serting “and (7)”.

11 (b) EFFECTIVE DATE.—

1           (1) IN GENERAL.—Except as provided in para-  
2           graph (2), the amendments made by this section  
3           shall take effect on the date of enactment of this  
4           Act.

5           (2) TRANSFERS.—In the case of the tax im-  
6           posed by section 5811 of the Internal Revenue Code  
7           of 1986, the amendments made by this section shall  
8           apply with respect to transfers after the date which  
9           is 2 years prior to the date of enactment of this Act.

10 **SEC. 3. TREATMENT OF CERTAIN SILENCERS.**

11           Section 5841 of the Internal Revenue Code of 1986  
12           is amended by adding at the end the following:

13           “(f) FIREARM SILENCERS.—A person acquiring or  
14           possessing a firearm silencer in accordance with chapter  
15           44 of title 18, United States Code, shall be treated as  
16           meeting any registration and licensing requirements of the  
17           National Firearms Act (as in effect on the day before the  
18           date of the enactment of this subsection) with respect to  
19           such silencer.”.

20 **SEC. 4. PREEMPTION OF CERTAIN STATE LAWS IN RELA-**  
21 **TION TO FIREARM SILENCERS.**

22           Section 927 of title 18, United States Code, is  
23           amended by adding at the end the following: “Notwith-  
24           standing the preceding sentence, a law of a State or a  
25           political subdivision of a State that, as a condition of law-

1 fully making, transferring, using, possessing, or trans-  
2 porting a firearm silencer in interstate or foreign com-  
3 merce, imposes a tax on any such conduct, or a marking,  
4 recordkeeping, or registration requirement with respect to  
5 the firearm silencer, shall have no force or effect.”.

6 **SEC. 5. SILENCERS AND MUFFLERS NOT TO BE FEDERALLY**  
7 **REGULATED.**

8 (a) DEFINITIONS.—Section 921(a) of title 18, United  
9 States Code, is amended—

10 (1) in paragraph (3), by striking “(C) any fire-  
11 arm muffler or firearm silencer; or (D)” and insert-  
12 ing “or (C)”; and

13 (2) by striking paragraph (25).

14 (b) PENALTIES.—Section 924 of title 18, United  
15 States Code, is amended—

16 (1) in subsection (c)(1)—

17 (A) in subparagraph (B)(ii), by striking “,  
18 or is equipped with a firearm silencer or fire-  
19 arm muffler”; and

20 (B) in subparagraph (C)(ii), by striking  
21 “or is equipped with a firearm silencer or fire-  
22 arm muffler,”; and

23 (2) in subsection (o), by striking “or is  
24 equipped with a firearm silencer or muffler,”.

1 (c) CARRYING OF CONCEALED FIREARMS BY QUALI-  
2 FIED LAW ENFORCEMENT OFFICERS.—Section  
3 926B(e)(3) of title 18, United States Code, is amended—

4 (1) in subparagraph (A), by adding “and” at  
5 the end;

6 (2) by striking subparagraph (B); and

7 (3) by redesignating subparagraph (C) as sub-  
8 paragraph (B).

9 (d) CARRYING OF CONCEALED FIREARMS BY QUALI-  
10 FIED RETIRED LAW ENFORCEMENT OFFICERS.—Section  
11 926C(e)(1)(C) of title 18, United States Code, is amend-  
12 ed—

13 (1) in clause (i), by adding “and” at the end;

14 (2) by striking clause (ii); and

15 (3) by redesignating clause (iii) as clause (ii).

16 **SEC. 6. EXCEPTING SILENCERS FROM REGULATION BY THE**  
17 **CONSUMER PRODUCT SAFETY COMMISSION.**

18 Section 3(5) of the Consumer Product Safety Act (15  
19 U.S.C. 2052(a)(5)) is amended—

20 (1) in subparagraph (H), by striking “or” at  
21 the end;

22 (2) in subparagraph (I), by striking “Act.”  
23 and inserting “; or”; and

24 (3) by adding at the end the following:

1           “(J) any firearm muffler or firearm si-  
2           lencer (as such term is defined in section  
3           5841(f) of the Internal Revenue Code of  
4           1986).”.