

119TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. LEE (for himself, Mr. SCOTT of Florida, Mr. RICKETTS, Mr. CURTIS, and Mr. MARSHALL) introduced the following bill; which was read twice and referred to the Committee on _____

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)”.

1 (b) EFFECTIVE DATE.—

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

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

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

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

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

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

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

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

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

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

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

14 (2) by striking paragraph (25).

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

17 (1) in subsection (c)(1)—

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

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

24 (2) in subsection (o), by striking “or is
25 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).”.