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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend the Internal Revenue Code of 1986 to remove silencers from
the definition of firearms, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CLYDE introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend the Internal Revenue Code of 1986 to remove
silencers from the definition of firearms, 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 “Constitutional Hearing
5 Protection 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

1 silencer” and all that follows through “; and (8)” and in-
2 serting “and (7)”.

3 (b) **EFFECTIVE DATE.**—The amendment made by
4 this section shall apply to calendar quarters beginning
5 more than 90 days after the date of the enactment of this
6 Act.

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

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

10 “(f) **FIREARM SILENCERS.**—A person acquiring or
11 possessing a firearm silencer in accordance with chapter
12 44 of title 18, United States Code, shall be treated as
13 meeting all registration and licensing requirements of the
14 National Firearms Act with respect to such silencer.”.

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

17 Section 927 of title 18, United States Code, is
18 amended by adding at the end the following: “Notwith-
19 standing the preceding sentence, a law of a State or a
20 political subdivision of a State that imposes a tax, other
21 than a generally applicable sales or use tax, on making,
22 transferring, using, possessing, or transporting a firearm
23 silencer in or affecting interstate or foreign commerce, or
24 imposes a marking, recordkeeping or registration require-

1 ment with respect to such a firearm silencer, shall have
2 no force or effect.”.

3 **SEC. 5. DESTRUCTION OF RECORDS.**

4 Not later than 365 days after the date of the enact-
5 ment of this Act, the Attorney General shall destroy any
6 registration of a silencer maintained in the National Fire-
7 arms Registration and Transfer Record pursuant to sec-
8 tion 5841 of the Internal Revenue Code of 1986, any ap-
9 plication to transfer filed under section 5812 of the Inter-
10 nal Revenue Code of 1986 that identifies the transferee
11 of a silencer, and any application to make filed under sec-
12 tion 5822 of the Internal Revenue Code of 1986 that iden-
13 tifies the maker of a silencer.

14 **SEC. 6. AMENDMENTS TO TITLE 18, UNITED STATES CODE.**

15 Title 18, United States Code, is amended—

16 (1) in section 921(a), by striking paragraph
17 (25) and inserting the following:

18 “(25)(A) The terms ‘firearm silencer’ and ‘fire-
19 arm muffler’ mean any device for silencing, muf-
20 fling, or diminishing the report of a portable fire-
21 arm, including the ‘keystone part’ of such a device.

22 “(B) The term ‘keystone part’ means, with re-
23 spect to a firearm silencer or firearm muffler, a sin-
24 gle externally visible part of a firearm silencer or
25 firearm muffler, without which a device capable of

1 silencing, muffling, or diminishing the report of a
2 portable firearm cannot be assembled, but the term
3 does not include any interchangeable parts designed
4 to mount a firearm silencer or firearm muffler to a
5 portable firearm.”;

6 (2) in section 922(b)—

7 (A) in paragraph (1), by striking “shotgun
8 or rifle” the first place it appears and inserting
9 “shotgun, rifle, firearm silencer or firearm muf-
10 fler”; and

11 (B) in paragraph (3), by striking “rifle or
12 shotgun” and inserting “shotgun, rifle, firearm
13 silencer or firearm muffler”; and

14 (3) in section 923(i)—

15 (A) by striking “Licensed” and inserting
16 the following:

17 “(1) In the case of a firearm other than a fire-
18 arm silencer or firearm muffler, licensed”; and

19 (B) by adding at the end the following:

20 “(2) In the case of a firearm silencer or firearm
21 muffler, licensed importers and licensed manufactur-
22 ers shall identify by means of a serial number en-
23 graved or cast on the single keystone part of the
24 firearm silencer or firearm muffler, in such manner
25 as the Attorney General shall by regulations pre-

1 scribe, each firearm silencer or firearm muffler im-
2 ported or manufactured by such importer or manu-
3 facturer, except that, if a firearm silencer or firearm
4 muffler does not have a clearly identifiable keystone
5 part or has multiple keystone parts, licensed import-
6 ers or licensed manufacturers shall submit a request
7 for a marking variance to the Attorney General. The
8 Attorney General shall grant such a request except
9 on showing good cause that marking the firearm si-
10 lencer or firearm muffler as requested would not
11 further the purposes of this chapter.”.

12 **SEC. 7. RULE OF CONSTRUCTION.**

13 Nothing in this Act, or the amendments made by this
14 Act, shall be construed to place any firearms formerly reg-
15 ulated under chapter 53 of the Internal Revenue Code of
16 1986 (the National Firearms Act) under the jurisdiction
17 of the United States Consumer Product Safety Commis-
18 sion.