

115TH CONGRESS  
1ST SESSION

# H. R. 367

To provide that silencers be treated the same as long guns.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2017

Mr. DUNCAN of South Carolina (for himself, Mr. CARTER of Texas, Mr. GENE GREEN of Texas, Mr. AUSTIN SCOTT of Georgia, Mr. BIGGS, Mr. GOSAR, Mr. HUDSON, Mr. LAMALFA, Mr. HARRIS, Mr. WESTERMAN, Mr. OLSON, Mr. CHAFFETZ, Mr. HENSARLING, Mr. CARTER of Georgia, Mr. LABRADOR, Mr. BROOKS of Alabama, Mr. SMITH of Texas, Mr. BISHOP of Utah, Mr. BRAT, Mr. ABRAHAM, Mr. PALMER, Mrs. LOVE, Mr. BRIDENSTINE, Mr. STEWART, Mr. MARSHALL, Mr. EMMER, Mr. RATCLIFFE, Mr. JODY B. HICE of Georgia, Mr. BUCK, Mr. WEBER of Texas, Mr. MESSER, Mr. MOONEY of West Virginia, Mr. DESANTIS, Mr. NEWHOUSE, Mr. SMITH of Missouri, Mr. GRAVES of Georgia, Mr. LAMBORN, Mr. WENSTRUP, Mr. ROGERS of Alabama, Mr. DESJARLAIS, Mr. MASSIE, Mr. KING of Iowa, Mr. GOHMERT, and Mr. YODER) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, 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

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## A BILL

To provide that silencers be treated the same as long guns.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Hearing Protection  
3 Act of 2017”.

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

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

9 (b) EFFECTIVE DATE.—

10 (1) IN GENERAL.—Except as otherwise pro-  
11 vided in this subsection, the amendment made by  
12 this section shall take effect on the date of the en-  
13 actment of this Act.

14 (2) TRANSFERS.—In the case of the tax im-  
15 posed by section 5811 of such Code, the amendment  
16 made by this section shall apply with respect to  
17 transfers after October 22, 2015.

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

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

21 “(f) FIREARM SILENCERS.—A person acquiring or  
22 possessing a firearm silencer in accordance with Chapter  
23 44 of title 18, United States Code, shall be treated as  
24 meeting any registration and licensing requirements of the  
25 National Firearms Act (as in effect on the day before the

1 date of the enactment of this subsection) with respect to  
2 such silencer.”.

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

5 Section 927 of title 18, United States Code, is  
6 amended by adding at the end the following: “Notwith-  
7 standing the preceding sentence, a law of a State or a  
8 political subdivision of a State that, as a condition of law-  
9 fully making, transferring, using, possessing, or trans-  
10 porting a firearm silencer in or affecting interstate or for-  
11 eign commerce, imposes a tax on any such conduct, or a  
12 marking, recordkeeping or registration requirement with  
13 respect to the firearm silencer, shall have no force or ef-  
14 fect.”.

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