

118TH CONGRESS  
1ST SESSION

# S. 1383

To regulate firearm silencers and firearm mufflers.

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IN THE SENATE OF THE UNITED STATES

APRIL 27, 2023

Mr. MENENDEZ (for himself, Mrs. FEINSTEIN, Mr. MARKEY, Mr. BLUMENTHAL, Mr. KAINE, Mr. PADILLA, Ms. HIRONO, Mr. BOOKER, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To regulate firearm silencers and firearm mufflers.

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 “Help Empower Ameri-  
5 cans to Respond Act of 2023” or the “HEAR Act of  
6 2023”.

7 **SEC. 2. DEFINITIONS.**

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

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

4 (2) by inserting after paragraph (30) the fol-  
5 lowing:

6 “(31) The term ‘qualified law enforcement officer’  
7 has the meaning given the term in section 926B.”.

8 **SEC. 3. RESTRICTIONS ON FIREARM SILENCERS AND FIRE-**  
9 **ARM MUFFLERS.**

10 (a) IN GENERAL.—Section 922 of title 18, United  
11 States Code, is amended by inserting after subsection (u)  
12 the following:

13 “(v)(1) Except as provided in paragraph (2), it shall  
14 be unlawful for a person to import, sell, manufacture,  
15 transfer, or possess, in or affecting interstate or foreign  
16 commerce, a firearm silencer or firearm muffler.

17 “(2) Paragraph (1) shall not apply to—

18 “(A) the importation for, manufacture for, sale  
19 to, transfer to, or possession by the United States  
20 or a department or agency of the United States or  
21 a State or a department, agency, or political subdivi-  
22 sion of a State, or a sale or transfer to or possession  
23 by a qualified law enforcement officer employed by  
24 the United States or a department or agency of the  
25 United States or a State or a department, agency,

1 or political subdivision of a State for purposes of law  
2 enforcement (whether on or off-duty), or a sale or  
3 transfer to or possession by a campus law enforce-  
4 ment officer for purposes of law enforcement (wheth-  
5 er on or off-duty);

6 “(B) the importation for, or sale or transfer to  
7 a licensee under title I of the Atomic Energy Act of  
8 1954 (42 U.S.C. 2011 et seq.) for purposes of estab-  
9 lishing and maintaining an on-site physical protec-  
10 tion system and security organization required by  
11 Federal law, or possession by an employee or con-  
12 tractor of such licensee on-site for such purposes or  
13 off-site for purposes of licensee-authorized training  
14 or transportation of nuclear materials; or

15 “(C) the importation for, manufacture for, sale  
16 to, transfer to, or possession by a licensed manufac-  
17 turer or licensed importer for the purposes of testing  
18 or experimentation authorized by the Attorney Gen-  
19 eral.

20 “(3) For purposes of paragraph (2)(A), the term  
21 ‘campus law enforcement officer’ means an individual who  
22 is—

23 “(A) employed by a private institution of higher  
24 education that is eligible for funding under title IV

1 of the Higher Education Act of 1965 (20 U.S.C.  
2 1070 et seq.);

3 “(B) responsible for the prevention or investiga-  
4 tion of crime involving injury to persons or property,  
5 including apprehension or detention of persons for  
6 such crimes;

7 “(C) authorized by Federal, State, or local law  
8 to carry a firearm, execute search warrants, and  
9 make arrests; and

10 “(D) recognized, commissioned, or certified by  
11 a government entity as a law enforcement officer.”.

12 (b) SEIZURE AND FORFEITURE OF FIREARM SILENC-  
13 ERS AND FIREARM MUFFLERS.—Section 924(d) of title  
14 18, United States Code, is amended—

15 (1) in paragraph (1), by striking “or (k)” and  
16 inserting “(k), or (v)”; and

17 (2) in paragraph (3)(E), by inserting “922(v),”  
18 after “922(n),”.

19 **SEC. 4. PENALTIES.**

20 Section 924(a)(1)(B) of title 18, United States Code,  
21 is amended by striking “or (q)” and inserting “(q), or  
22 (v)”.

1 **SEC. 5. USE OF BYRNE GRANTS FOR BUY-BACK PROGRAMS**  
2 **FOR FIREARM SILENCERS AND FIREARM**  
3 **MUFFLERS.**

4 (a) IN GENERAL.—Section 501(a)(1) of title I of the  
5 Omnibus Crime Control and Safe Streets Act of 1968 (34  
6 U.S.C. 10152(a)(1)) is amended by adding at the end the  
7 following:

8 “(J) Compensation for surrendered fire-  
9 arm silencers and firearm mufflers, as those  
10 terms are defined in section 921 of title 18,  
11 United States Code, under the buy-back pro-  
12 gram for firearm silencers and firearm mufflers  
13 required under section 5(b) of the Help Em-  
14 power Americans to Respond Act of 2023.”.

15 (b) REQUIREMENT.—During the 90-day period de-  
16 scribed in section 6, the Attorney General shall establish  
17 and implement a buy-back program, to be carried out  
18 across the United States, to purchase firearm silencers  
19 and firearm mufflers (as defined in section 921(a) of title  
20 18, United States Code) from individuals seeking to com-  
21 ply with the requirements of this Act and the amendments  
22 made by this Act.

23 **SEC. 6. EFFECTIVE DATE.**

24 The amendments made by sections 2, 3, and 4 shall  
25 take effect on the date that is 90 days after the date of  
26 enactment of this Act.

1 **SEC. 7. SEVERABILITY.**

2       If any provision of this Act, an amendment made by  
3 this Act, or the application of such provision or amend-  
4 ment to any person or circumstance is held to be unconsti-  
5 tutional, the remainder of this Act, the amendments made  
6 by this Act, and the application of such provision or  
7 amendment to any person or circumstance shall not be af-  
8 fected thereby.

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