

117TH CONGRESS
1ST SESSION

S. 1131

To regulate firearm silencers and firearm mufflers.

IN THE SENATE OF THE UNITED STATES

APRIL 15, 2021

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

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 2021” or the “HEAR Act”.

6 **SEC. 2. DEFINITIONS.**

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

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

1 (2) by inserting after paragraph (29) the fol-
2 lowing:

3 “(30) The term ‘qualified law enforcement officer’
4 has the meaning given the term in section 926B.”.

5 **SEC. 3. RESTRICTIONS ON FIREARM SILENCERS AND FIRE-**
6 **ARM MUFFLERS.**

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

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

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

15 “(A) the importation for, manufacture for, sale
16 to, transfer to, or possession by the United States
17 or a department or agency of the United States or
18 a State or a department, agency, or political subdivi-
19 sion of a State, or a sale or transfer to or possession
20 by a qualified law enforcement officer employed by
21 the United States or a department or agency of the
22 United States or a State or a department, agency,
23 or political subdivision of a State for purposes of law
24 enforcement (whether on or off-duty), or a sale or
25 transfer to or possession by a campus law enforce-

1 ment officer for purposes of law enforcement (wheth-
2 er on or off-duty);

3 “(B) the importation for, or sale or transfer to
4 a licensee under title I of the Atomic Energy Act of
5 1954 (42 U.S.C. 2011 et seq.) for purposes of estab-
6 lishing and maintaining an on-site physical protec-
7 tion system and security organization required by
8 Federal law, or possession by an employee or con-
9 tractor of such licensee on-site for such purposes or
10 off-site for purposes of licensee-authorized training
11 or transportation of nuclear materials; or

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

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

20 “(A) employed by a private institution of higher
21 education that is eligible for funding under title IV
22 of the Higher Education Act of 1965 (20 U.S.C.
23 1070 et seq.);

24 “(B) responsible for the prevention or investiga-
25 tion of crime involving injury to persons or property,

1 including apprehension or detention of persons for
2 such crimes;

3 “(C) authorized by Federal, State, or local law
4 to carry a firearm, execute search warrants, and
5 make arrests; and

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

8 (b) SEIZURE AND FORFEITURE OF FIREARM SILENC-
9 ERS AND FIREARM MUFFLERS.—Section 924(d) of title
10 18, United States Code, is amended—

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

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

15 **SEC. 4. PENALTIES.**

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

19 **SEC. 5. USE OF BYRNE GRANTS FOR BUY-BACK PROGRAMS**
20 **FOR FIREARM SILENCERS AND FIREARM**
21 **MUFFLERS.**

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

1 “(I) Compensation for surrendered firearm
2 silencers and firearm mufflers, as those terms
3 are defined in section 921 of title 18, United
4 States Code, under the buy-back program for
5 firearm silencers and firearm mufflers required
6 under section 5(b) of the Help Empower Ameri-
7 cans to Respond Act of 2021.”.

8 (b) **REQUIREMENT.**—During the 90-day period de-
9 scribed in section 6, the Attorney General shall establish
10 and implement a buy-back program, to be carried out
11 across the United States, to purchase firearm silencers
12 and firearm mufflers (as defined in section 921(a) of title
13 18, United States Code) from individuals seeking to com-
14 ply with the requirements of this Act and the amendments
15 made by this Act.

16 **SEC. 6. EFFECTIVE DATE.**

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

20 **SEC. 7. SEVERABILITY.**

21 If any provision of this Act, an amendment made by
22 this Act, or the application of such provision or amend-
23 ment to any person or circumstance is held to be unconsti-
24 tutional, the remainder of this Act, the amendments made
25 by this Act, and the application of such provision or

1 amendment to any person or circumstance shall not be af-
2 fected thereby.

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