

THE DUNCAN-CARTER HEARING PROTECTION ACT OF 2017

A Summary by Armed Alabama, LLC

If this bill becomes law, it will simply remove silencers or suppressors from coverage under the National Firearms Act of 1934, which requires approval of the sheriff of your county, payment of a \$200 transfer tax, plus another background check, plus the cost of the silencer, all of which might be accomplished in 90 to 180 days. Then, these devices would be treated just like long guns. When purchased from a FFL an instant NICS check would be run and then you walk out of the store with your purchase.

H.B. 367 follow its progress: <https://www.congress.gov/bill/115th-congress/house-bill/367/actions>

S.B. 59 follow its progress: <https://www.congress.gov/bill/115th-congress/senate-bill/59/actions>

Suppressors are simply mufflers for firearms, which function by trapping the expanding gasses at the muzzle, allowing them to slowly cool in a controlled environment. On average, suppressors reduce the noise of a gunshot by 20-35 decibels (dB), roughly the same sound reduction as earplugs or earmuffs. In addition to hearing protection, suppressors also mitigate noise complaints from those who live near shooting ranges and hunting lands. They will not reduce the noise of a 9mm semi-auto pistol to that which is depicted on television, allowing a killer to shoot you in bed and not wake your wife up. This sound reduction, depending on the firearm, is in the range of 30% to 40%. However, when a bullet breaks the sound barrier [depending on your altitude, humidity, wind shear] which averages 1,125 feet per second, it makes a crack or mini-sonic boom which can never be eliminated, except by using subsonic ammunition which is not available in all calibers. For example, a 9mm 115 grain, fmj fired from a semi-auto with a 4-inch barrel will produce a bullet with a speed of 1,180 at the barrel, just over the speed of sound. But, take an AR-15 with a 20-inch barrel firing Federal American Eagle AE223 (55 grain) will have a velocity of 3,200 feet per second out of the barrel.

The write ups claim that anyone who paid the transfer tax after October 22, 2015 will get a refund but I don't see that in the bill.

PRESS RELEASE

Rep. Jeff Duncan and Rep. John Carter release the Duncan-Carter Hearing Protection Act

Jan 9, 2017 Issues: Constitutional Issues

Washington, D.C. – Today Rep. Jeff Duncan (SC-03) along with Rep. John Carter (TX-31) introduced a bill to cut through the red tape on owning firearm suppressors. The Duncan-Carter Hearing Protection Act will remove suppressors from the scope of the National Firearms Act (NFA), replacing the outdated federal transfer process with an instantaneous National Instant Criminal Background Check (NICS). The bill also includes a provision to refund the \$200 transfer tax to applicants who purchase a suppressor after October 22, 2015, which was the original date of introduction. In stark contrast, many countries in Europe place no regulations on their purchase, possession, or use.

“This legislation is about safety – plain and simple,” Congressman Duncan said after dropping the Duncan-Carter Hearing Protection Act on Monday. “I’m very active in sport shooting and hunting, and I can’t tell you how better off the shooting sports enthusiasts would be if we had easier access to suppressors to help protect our hearing.

“I’ve been shooting since I was a young child - beginning with plinking with a .22 rifle and dove hunting with my Dad. My hearing has been damaged because of gun noise. Had I had access to a suppressor, it may have protected me, as well as millions of other Americans, from this sort of hearing loss. This is a health issue even recognized in Europe. It just doesn’t make any sense to regulate suppressors the way we do presently. I think it certainly is questionable from a constitutional standpoint. It’s striking that even Britain, which has some of the strictest gun laws in the world, has no restrictions on suppressors.”

Rep. John Carter said, “Suppressors do not make guns silent or dangerous, they are simply a form of hearing protection, both for the shooter and their hunting dogs. The Duncan-Carter Hearing Protection Act is common sense legislation that increases safety while shooting, allowing people to easily hear and react to range safety officers and fellow hunters. I am proud to be an original sponsor of this important legislation, and to work with my colleague Rep. Duncan to increase the availability of suppressors to sportsmen.”

The Duncan-Carter Hearing Protection Act will fix the flawed federal over-regulation of suppressors, making it easier for hunters and sportsmen to protect their hearing in the 42 states where private suppressor ownership is currently legal, and the 40 states where hunting with a suppressor is legal. This legislation will remove suppressors from the onerous requirements of the NFA, and instead require purchasers to pass an instant NICS check, the same background check that is used to purchase a firearm. In doing so, law-abiding citizens will remain free to purchase suppressors, while prohibited persons will continue to be barred from purchasing or possessing these accessories.

NRA Applauds the Introduction of the Hearing Protection Act, H.R. 367

FAIRFAX, Va. – The National Rifle Association Institute for Legislative Action (NRA-ILA) applauded Congressmen Jeff Duncan (SC) and John Carter (TX-31) on Monday for introducing the Hearing Protection Act, an important bill that gives gun owners and sportsmen the opportunity to better protect their ears and hearing.

“Many gun owners and sportsmen suffer severe hearing loss after years of shooting, and yet the tool necessary to reduce such loss is onerously regulated and taxed. It doesn’t make any sense,” said Chris W. Cox, executive director, NRA-ILA. “The Duncan-Carter Hearing Protection Act would allow people easier access to suppressors, which would help them to better protect their hearing.”

The Hearing Protection Act, H.R. 367, would remove suppressors from regulation under the National Firearms Act, replacing the federal transfer process with a National Instant Criminal Background Check. The bill would reduce the cost of purchasing a suppressor by removing the \$200 transfer tax.

Suppressors are often mischaracterized in Hollywood. They do not “silence” the sound of a firearm. Instead, they act as mufflers and can reduce the noise of a gunshot to hearing safe levels. Not only do suppressors reduce hearing damage for the shooter, they reduce the noise of ranges located near residential areas.

H.R. 367 would make it easier for gun owners and sportsmen to purchase suppressors in the 42 states where they are currently legal. Purchasers would have to pass a background check to buy them, and prohibited people would be denied.

NRA is proud to have partnered with ASA on this important legislation.

“Gun owners and sportsmen should be able to practice their sport with the tools necessary to do so safely. This bill makes it easier for them to do that,” concluded Cox.

115th CONGRESS
1st Session

H. R. 367

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

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

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hearing Protection Act of 2017".

SEC. 2. EQUAL TREATMENT OF SILENCERS AND FIREARMS.

(a) In General.--Section 5845(a) of the Internal Revenue Code of 1986 is amended by striking "(7) any silencer" and all that follows through "; and (8)" and inserting "; and (7)".

(b) Effective Date.--

(1) In general. --Except as otherwise provided in this subsection, the amendment made by this section shall take effect on the date of the enactment of this Act.

(2) Transfers. --In the case of the tax imposed by section 5811 of such Code, the amendment made by this section shall apply with respect to transfers after October 22, 2015.

SEC. 3. TREATMENT OF CERTAIN SILENCERS.

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

"(f) Firearm Silencers. --A person acquiring or possessing a firearm silencer in accordance with Chapter 44 of title 18, United States Code, shall be treated as meeting any registration and licensing requirements of the National Firearms Act (as in effect on the day before the date of the enactment of this subsection) with respect to such silencer."

SEC. 4. PREEMPTION OF CERTAIN STATE LAWS IN RELATION TO FIREARM SILENCERS.

Section 927 of title 18, United States Code, is amended by adding at the end the following: "Notwithstanding the preceding sentence, a law of a State or a political subdivision of a State that, as a condition of lawfully making, transferring, using, possessing, or transporting a firearm silencer in or affecting interstate or foreign commerce, imposes a tax on any such conduct, or a marking,

recordkeeping or registration requirement with respect to the firearm silencer, shall have no force or effect."

115th CONGRESS
1st Session

S. 59

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

IN THE SENATE OF THE UNITED STATES

January 9, 2017

Mr. Crapo (for himself, Mr. Moran, and Mr. Paul) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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This Act may be cited as the "Hearing Protection Act of 2017".

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