

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3269
OFFERED BY MR. SMITH OF MISSOURI**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Law Enforcement In-
3 novate to De-Escalate Act”.

**4 SEC. 2. EXEMPTION OF CERTAIN LESS-THAN-LETHAL PRO-
5 JECTILE DEVICES FROM RESTRICTIONS
6 UNDER TITLE 18, UNITED STATES CODE.**

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

9 (1) in the 2nd sentence of paragraph (3), by in-
10 sserting “or a less-than-lethal projectile device” be-
11 fore the period; and

12 (2) by adding at the end the following:

13 “(38) The term ‘less-than-lethal projectile device’
14 means a device with a bore or multiple bores, that—

15 “(A) is not designed or intended to expel a pro-
16 jectile at a velocity exceeding 500 feet per second by
17 any means; and

1 “(B) is designed or intended to be used in a
2 manner that is not likely to cause death or serious
3 bodily injury.”.

4 **SEC. 3. EXEMPTION OF CERTAIN LESS-THAN-LETHAL PRO-**
5 **JECTILE DEVICES FROM FIREARMS AND AM-**
6 **MUNITION TAX.**

7 (a) IN GENERAL.—Section 4182 of the Internal Rev-
8 enue Code of 1986 is amended by redesignating subsection
9 (d) as subsection (e) and by inserting after subsection (c)
10 the following new subsection:

11 “(d) LESS-THAN-LETHAL PROJECTILE DEVICES.—

12 “(1) IN GENERAL.—The tax imposed by section
13 4181 shall not apply to—

14 “(A) any less-than-lethal projectile device,

15 “(B) any device contained on the most re-
16 cent list made available by the Secretary under
17 paragraph (3)(B), and

18 “(C) any shell or cartridge that meets the
19 requirement of paragraph (2)(B) and is de-
20 signed for use in a device referred to in sub-
21 paragraph (A) or (B).

22 “(2) LESS-THAN-LETHAL PROJECTILE DE-
23 VICE.—The term ‘less-than-lethal projectile device’
24 means a device with a bore or multiple bores, that—

1 “(A) is not designed or intended to expel
2 a projectile at a velocity exceeding 500 feet per
3 second by any means, and

4 “(B) is designed or intended to be used in
5 a manner that is not likely to cause death or
6 serious bodily injury.

7 “(3) ANNUAL REVIEW OF NEW AND EMERGING
8 TECHNOLOGIES.—

9 “(A) LIST OF LESS-THAN-LETHAL PROJEC-
10 TILE DEVICES.—The Secretary shall make pub-
11 licly available a list of devices that the Sec-
12 retary has determined are described in para-
13 graph (2) and shall update such list annually to
14 take into account new devices.

15 “(B) LIST OF NON-LETHAL DEVICES THE
16 PROJECTILES OF WHICH EXCEED 500 FEET PER
17 SECOND.—

18 “(i) IN GENERAL.—The Secretary
19 shall make publicly available a list of de-
20 vices that the Secretary has determined
21 are not described in paragraph (2) but
22 would be so described if such paragraph
23 were applied without regard to subpara-
24 graph (A) thereof, and shall update such

1 list annually to take into account new de-
2 vices.

3 “(ii) REPORT TO CONGRESS.—The
4 Secretary shall annually submit a written
5 report to the Committee on Ways and
6 Means of the House of Representatives
7 and the Committee on Finance of the Sen-
8 ate regarding the annual list of devices de-
9 scribed in clause (i), including a copy of
10 such list, a description of the devices that
11 were considered for inclusion on such list,
12 and the reasons for including or excluding
13 such devices from such list.”.

14 (b) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to articles sold by the manufac-
16 turer, producer, or importer after the date of the enact-
17 ment of this Act.

18 **SEC. 4. EXEMPTION OF CERTAIN LESS-THAN-LETHAL PRO-**
19 **JECTILE DEVICES FROM NATIONAL FIRE-**
20 **ARMS ACT.**

21 Section 5845(a) of the Internal Revenue Code of
22 1986 is amended by striking “an antique firearm or” and
23 inserting “any antique firearm, any less-than-lethal pro-

- 1 jectile device (as defined in section 4182(d)(2)), any device
- 2 referred to in section 4182(d)(1)(B), or”.

