



JOINT COMMITTEE ON TAXATION
September 10, 2024
JCX-43-24

**DESCRIPTION OF THE CHAIRMAN’S AMENDMENT
IN THE NATURE OF A SUBSTITUTE TO H.R. 3269,
THE “LAW ENFORCEMENT INNOVATE TO DE-ESCALATE ACT”**

Description of amendment

The Chairman’s amendment in the nature of a substitute (the “AINS”) modifies sections 3 and 4 of H.R. 3269, as introduced.

Exemption of certain less-than-lethal projectile devices from the firearms and ammunition excise tax

The AINS amends the Code to provide that the firearms and ammunition excise tax does not apply to (1) a less-than-lethal projectile device, (2) a device contained on the most recent list that the Secretary of the Treasury (the “Secretary”) makes available (described below), and (3) a shell or cartridge that is designed or intended to be used in a manner that is not likely to cause death or serious bodily injury and is designed for use in a device referred to in (1) or (2). A “less-than-lethal projectile device” is a device with a bore or multiple bores that is not designed or intended to expel a projectile at a velocity exceeding 500 feet per second by any means, and is designed or intended to be used in a manner that is not likely to cause death or serious bodily injury.

The Secretary is directed to produce two lists of devices. First, the Secretary is directed to make publicly available a list of devices that the Secretary has determined are less-than-lethal projectile devices and to update the list annually to take into account new devices. Second, the Secretary is directed to make publicly available a list of devices that the Secretary has determined are designed or intended to be used in a manner that is not likely to cause death or serious bodily injury, but fail to qualify as less-than-lethal projectile devices because the devices are designed or intended to expel a projectile at a velocity exceeding 500 feet per second by any means (the “exempt devices list”). As discussed above, the devices that are included on the exempt devices list are exempt from the firearms and ammunition excise tax. The Secretary is required to update the exempt devices list annually to take into account new devices. Further, the Secretary is directed to submit an annual written report to the House Ways and Means Committee and the Senate Finance Committee regarding the exempt devices list, including a copy of the list, a description of the devices that were considered for inclusion on the list, and the reasons for including or excluding the devices from the list.

Exemption of certain less-than-lethal projectile devices from the National Firearms Act

The AINS modifies the definition of “firearm” for purposes of the National Firearms Act (the “NFA”).¹ The AINS provides that less-than-lethal projectile devices and devices contained on the exempt devices list are not firearms for purposes of the NFA and thus are not subject to the occupational, transfer, or making taxes. The term “less-than-lethal projectile devices” has the same meaning given that term for purposes of the firearms and ammunition excise tax.

Effective date

The AINS is generally effective on the date of enactment. The part of the AINS relating to the exemption of certain devices from the firearms and ammunition excise tax applies to articles sold by the manufacturer, producer, or importer after the date of enactment.

Estimated revenue effects

The AINS is estimated to reduce Federal receipts by less than \$500,000 over the budget window.

¹ Pub. L. No. 73-474, codified as chapter 53 of the Code.