

**RULES COMMITTEE PRINT 119–18**  
**TEXT OF H.R. 2189, LAW-ENFORCEMENT**  
**INNOVATE TO DE-ESCALATE ACT**

[Showing the text of H.R. 2189 as reported by the Committee  
on the Judiciary and H.R. 4242, as reported by the Com-  
mittee on Ways and Means.]

1     **TITLE I—LAW-ENFORCEMENT**  
2     **INNOVATE TO DE-ESCALATE**

3     **SEC. 101. SHORT TITLE.**

4         This title may be cited as the “Law-Enforcement In-  
5 novate to De-Escalate Act”.

6     **SEC. 102. EXEMPTION OF CERTAIN LESS-THAN-LETHAL**  
7             **PROJECTILE DEVICES FROM RESTRICTIONS**  
8             **UNDER TITLE 18, UNITED STATES CODE.**

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

11             (1) in the second sentence of paragraph (3), by  
12             inserting “or a less-than-lethal projectile device” be-  
13             fore the period; and

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

15             “(39)(A) The term ‘less-than-lethal projectile device’  
16 means a device that—

1           “(i) is not designed or intended to expel and  
2           may not be readily converted to accept and dis-  
3           charge—

4           “(I) ammunition commonly used in hand-  
5           guns, rifles, or shotguns; or

6           “(II) any other projectile at a velocity ex-  
7           ceeding 500 feet per second;

8           “(ii) is designed and intended to be used in a  
9           manner that is not likely to cause death or serious  
10          bodily injury; and

11          “(iii) does not accept, and is not able to be  
12          readily modified to accept, an ammunition feeding  
13          device—

14          “(I) loaded through the inside of a pistol  
15          grip; or

16          “(II) commonly used in semiautomatic  
17          firearms.

18          “(B) If a person requests that the Attorney General  
19          determine whether a device satisfies the definition of ‘less-  
20          than-lethal projectile device’ under subparagraph (A), the  
21          Attorney General shall make the determination not later  
22          than 90 days after the date on which the Attorney General  
23          receives the device pursuant to the request.”.

1 **TITLE II—INNOVATE LESS LE-**  
2 **THAL TO DE-ESCALATE TAX**  
3 **MODERNIZATION**

4 **SEC. 201. SHORT TITLE.**

5 This title may be cited as the “Innovate Less Lethal  
6 to De-Escalate Tax Modernization Act”.

7 **SEC. 202. EXEMPTION OF CERTAIN LESS-THAN-LETHAL**  
8 **PROJECTILE DEVICES FROM FIREARMS AND**  
9 **AMMUNITION TAX.**

10 (a) IN GENERAL.—Section 4182 of the Internal Rev-  
11 enue Code of 1986 is amended—

12 (1) by redesignating subsection (d) as sub-  
13 section (e), and

14 (2) by inserting after subsection (c) the fol-  
15 lowing new subsection:

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

17 “(1) IN GENERAL.—The tax imposed by section  
18 4181 shall not apply to—

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

20 “(B) any device contained on the most re-  
21 cent list made available by the Secretary under  
22 paragraph (4)(B), and

23 “(C) any shell or cartridge that meets the  
24 requirement of paragraph (2)(B) and is de-

1 signed for use in a device referred to in sub-  
2 paragraph (A) or (B).

3 “(2) LESS-THAN-LETHAL PROJECTILE DE-  
4 VICE.—The term ‘less-than-lethal projectile device’  
5 means a device that—

6 “(A) is not designed or intended to expel,  
7 and may not be readily converted to accept and  
8 discharge—

9 “(i) ammunition commonly used in  
10 handguns, rifles, or shotguns, or

11 “(ii) any other projectile at a velocity  
12 exceeding 500 feet per second,

13 “(B) is designed and intended to be used  
14 in a manner that is not likely to cause death or  
15 serious bodily injury, and

16 “(C) does not accept, and is not able to be  
17 readily modified to accept, ammunition feeding  
18 devices—

19 “(i) loaded through the inside of a  
20 pistol grip, or

21 “(ii) commonly used in semiautomatic  
22 firearms.

23 “(3) REQUEST FOR CLASSIFICATION.—Pursu-  
24 ant to a request made by the manufacturer, pro-  
25 ducer, or importer of a device for a determination as

1 to whether such device satisfies the requirements  
2 under paragraph (2), the Secretary shall make such  
3 determination not later than 90 days after the date  
4 of receipt of such request.

5 “(4) ANNUAL REVIEW OF NEW AND EMERGING  
6 TECHNOLOGIES.—

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

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

16 “(i) IN GENERAL.—The Secretary  
17 shall—

18 “(I) make publicly available a list  
19 of devices that the Secretary has de-  
20 termined are not described in para-  
21 graph (2) but would be so described if  
22 such paragraph were applied without  
23 regard to subparagraph (A)(ii) there-  
24 of, and

1 “(II) update such list annually to  
2 take into account new devices.

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.—

15 (1) IN GENERAL.—Except as otherwise pro-  
16 vided in this subsection, the amendments made by  
17 this section shall apply to articles sold by the manu-  
18 facturer, producer, or importer after the date of the  
19 enactment of this Act.

20 (2) REQUESTS FOR DETERMINATIONS.—Section  
21 4182(d)(3) of the Internal Revenue Code of 1986  
22 (as added by this section) shall apply to requests re-  
23 ceived after the date of the enactment of this Act,  
24 except that any request under such section which is  
25 received during the 180-day period beginning on the

1 date of the enactment of this Act shall be treated for  
2 purposes of such section as received as of the close  
3 of such period.

4 **SEC. 203. EXEMPTION OF CERTAIN LESS-THAN-LETHAL**  
5 **PROJECTILE DEVICES FROM NATIONAL FIRE-**  
6 **ARMS ACT.**

7 Section 5845(a) of the Internal Revenue Code of  
8 1986 is amended by striking “an antique firearm or” and  
9 inserting “any antique firearm, any less-than-lethal pro-  
10 jectile device (as defined in section 4182(d)(2)), any device  
11 referred to in section 4182(d)(1)(B), or”.

