AMENDMENT TO DIVISION B OF RULES
COMMITTEE PRINT 116-60
OFFERED BY MR. BRENDAN F. BOYLE OF PENNSYLVANIA

At the end of division B (before the short title), insert the following:

SEC. ___.(a) PROHIBITION ON USE BY FEDERAL OFFICERS.—A Federal law enforcement officer may not use a nonlethal round in any crowd control situation, or in response to passive resistance by a person to any order given by that officer. On each occasion that a Federal law enforcement officer uses a nonlethal round, the agency employing such officer shall submit notice to the Attorney General and to the Congressional committee with jurisdiction over that agency. In any case where a law enforcement officer uses a nonlethal round in violation of this subsection, any person injured by such use may bring a civil action for appropriate relief.

(b) DISCOURAGING USE BY STATE AND LOCAL OFFICERS.—

(1) LIMITING USE OF NONLETHAL ROUNDS REQUIREMENT.—For each fiscal year after the expiration of the period specified in paragraph (2) in
which a State or unit of local government receives
a grant under part E of title I of the Omnibus
Crime Control and Safe Streets Act of 1968 (34
U.S.C. 3750 et seq.) or part Q of such title, the
State or unit of local government shall conform its
laws with the following:

(A) A law enforcement officer of that State
or unit of local government may not use a non-
lethal round in a crowd control situation, or in
response to passive resistance by a person to
any order given by that officer.

(B) On any occasion a law enforcement of-
icer of that State or unit of local government
uses a nonlethal round, that State or unit of
local government shall submit a report to the
Attorney General.

(C) In any case where a law enforcement
officer uses a nonlethal round in violation of
subparagraph (A), any person injured by such
use may bring a civil action for appropriate re-
lief against the agency employing the law en-
forcement officer.

(2) COMPLIANCE AND INELIGIBILITY.—

(A) COMPLIANCE DATE.—Beginning on
the first full fiscal year after the date of en-
actment of this Act], each State or unit of local
government referred to in paragraph (1) receiv-
ing a grant shall comply with paragraph (1),
except that the Attorney General may grant an
additional 180 days to a State or unit of local
government that is making good faith efforts to
comply with such paragraph.

(B) INELIGIBILITY FOR FUNDS.—For any
fiscal year after the expiration of the period
specified in subparagraph (A), a State or unit
of local government that fails to comply with
paragraph (1), shall, at the discretion of the At-
torney General, be subject to a reduction of not
more than 15 percent of the funds that would
otherwise be allocated for that fiscal year to the
State or unit of local government under—

(i) subpart 1 of part E of title I of the
Omnibus Crime Control and Safe Streets
Act of 1968 (34 U.S.C. 10151 et seq.),
whether characterized as the Edward
Byrne Memorial State and Local Law En-
forcement Assistance Programs, the Local
Government Law Enforcement Block
Grants Program, the Edward Byrne Me-
memorial Justice Assistance Grant Program,
or otherwise; and

(ii) part Q of such title (34 U.S.C. 10381 et seq.).

(3) REALLOCATION.—Amounts not allocated under a program referred to in paragraph (2)(B)(i) to a State for failure to fully comply with paragraph (1) shall be reallocated under that program to States that have not failed to comply with such paragraph.

(e) INVESTIGATION.—The Attorney General shall investi
gate and publish a report on the results of such inves
tigation in the case of any use of nonlethal rounds by a Federal, State, or local law enforcement officer.

(d) DEFINITIONS.—

(1) IN GENERAL.—Terms used in this Act have the meanings given such terms in section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

(2) FEDERAL LAW ENFORCEMENT OFFICER.— The term “Federal law enforcement officer” means any individual that acts under the power of a federal agency or Federal branch entity.

[NOTE: any officer or employee of the Federal gov
gernment acting under color of law to enforce a Federal law.]
(3) NONLETHAL ROUND.—The term “nonlethal round” means a projectile fired from a gun, gun-like, or other apparatus used with the intention to apply nonlethal force, or for an intention other than killing the intended or unintended target, and includes—

(A) rubber bullets

(B) plastic bullets;

(C) bullets with metal core or metal external shell;

(D) bullets made with hardened foam;

(E) beanbag bullets; and

(F) sponge bullets.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed as permitting or encouraging law enforcement to use any other type of bullet in crowd control situations.