

AMENDMENT TO H.R. 1280
OFFERED BY MR. GRAVES OF LOUISIANA

Page 99, insert after line 19 the following (and conform the table of contents accordingly):

1 **SEC. 367. PROGRAMS TO PROMOTE THE USE OF LESS THAN**
2 **LETHAL FORCE BY LAW ENFORCEMENT OFFI-**
3 **CERS.**

4 (a) IN GENERAL.—The Attorney General is author-
5 ized to make grants to States, Territories, units of local
6 government, and Indian tribes to—

7 (1) identify and develop a program to promote
8 the use of less than lethal force technologies and de-
9 escalation techniques by law enforcement officers in
10 carrying out their duties;

11 (2) provide specialized training or certification
12 to law enforcement officers and command staff on
13 the de-escalation of conflicts and the use of less than
14 lethal force technologies, and de-escalation tech-
15 niques, including the best circumstances for their
16 use; and

17 (3) acquire less than lethal force technologies
18 for use by State, local, territorial, and tribal law en-
19 forcement officers and State and local court officers.

1 (b) DEFINITIONS.—For the purposes of this section,
2 the term “less than lethal force device” means any device
3 that is not intended to cause death and instead is designed
4 for the purpose of incapacitating, immobilizing, or stun-
5 ning a human being through the inflection of any impair-
6 ment of physical condition, function, or senses, including
7 physical pain or discomfort. To qualify as a “less than
8 lethal force device”, the device, when properly used, should
9 not leave any lasting or permanent incapacitation, discom-
10 fort, pain, or other injury or disability. The term—

11 (1) includes the frame or receiver of any device
12 that is designed to or that has been converted to
13 expel or propel less lethal ammunition by any action,
14 mechanism, or process; but

15 (2) does not include any of the following unless
16 the part or device has been converted as described
17 this section:

18 (A) Pistol, revolver, rifle, shotgun, or other
19 firearm.

20 (B) When used as designed or intended by
21 the manufacturer, any weapon that is com-
22 monly regarded as a toy gun, and that as a toy
23 gun is incapable of inflicting any impairment of
24 physical condition, function, or senses.

25 (C) A destructive device.

1 (D) A tear gas weapon.

2 (E) A bow or crossbow designed to shoot
3 arrows.

4 (F) A device commonly known as a sling-
5 shot.

6 (G) A device designed for the firing of stud
7 cartridges, explosive rivets, or similar industrial
8 ammunition.

9 (H) A device designed for signaling, illu-
10 mination, or safety.

11 (c) USES OF FUNDS.—Grants awarded under this
12 section shall be—

13 (1) distributed directly to the State, unit of
14 local government, territorial government, or Indian
15 tribe by the Bureau of Justice Assistance; and

16 (2) used for the identification, acquisition, or
17 training in less than lethal force technology for law
18 enforcement officers in the jurisdiction of the grant-
19 ee.

20 (d) APPLICATION.—The chief executive officer of an
21 eligible entity seeking a grant under this section shall sub-
22 mit to the Bureau an application at such time, in such
23 manner, and containing such additional information as the
24 Office may reasonably require.

1 (e) PREFERENTIAL CONSIDERATION.—In awarding
2 grants under this section, the Attorney General may give
3 preferential consideration, if feasible, to an application
4 from a jurisdiction that—

5 (1) has the greatest need for less than lethal
6 force technology, as determined by the Attorney
7 General and published in public guidance;

8 (2) has, or will institute, a mandatory policy
9 that requires on-duty law enforcement officers to
10 carry less than lethal force technology with them
11 whenever feasible; and

12 (3) has, or will institute, a mandatory less than
13 lethal force technology deployment training policy
14 for all law enforcement command staff.

15 (f) MINIMUM AMOUNT.—Unless all eligible applica-
16 tions submitted by any State or unit of local government
17 within such State for a grant under this section have been
18 funded, such State, together with grantees within the
19 State (other than Indian tribes), shall be allocated in each
20 fiscal year under this section not less than 0.50 percent
21 of the total amount appropriated in the fiscal year for
22 grants pursuant to this section, except that the United
23 States Virgin Islands, American Samoa, Guam, and the
24 Northern Mariana Islands shall each be allocated .25 per-
25 cent.

1 (g) MAXIMUM AMOUNT.—A qualifying State, unit of
2 local government, territory, or Indian tribe may not re-
3 ceive more than 5 percent of the total amount appro-
4 priated in each fiscal year for grants under this section,
5 except that a State, together with the grantees within the
6 State, may not receive more than 20 percent of the total
7 amount appropriated in each fiscal year for grants under
8 this section.

9 (h) MATCHING FUNDS.—

10 (1) IN GENERAL.—The portion of the costs of
11 a program provided by a grant under subsection (a)
12 may not exceed 75 percent, except as described
13 under paragraph (4).

14 (2) INDIAN ASSISTANCE.—Any funds appro-
15 priated by Congress for the activities of any agency
16 of an Indian tribal government or the Bureau of In-
17 dian Affairs performing law enforcement functions
18 on any Indian lands may be used to provide the non-
19 Federal share of a matching requirement funded
20 under this subsection.

21 (3) LIMITATION ON MATCHING FUNDS.—A
22 State, unit of local government, territory, or Indian
23 tribe may not use funding received under any other
24 Federal grant program to pay or defer the cost, in

1 whole or in part, of the matching requirement under
2 paragraph (1).

3 (4) WAIVER.—The Attorney General may
4 waive, in whole or in part, the match requirement of
5 paragraph (1) in the case of exceptional fiscal hard-
6 ship, as determined by the Attorney General and
7 published in public guidance.

8 (i) ALLOCATION OF FUNDS.—Funds available under
9 this section shall be awarded to each qualifying unit of
10 State, local, territorial, or tribal government who has com-
11 pleted a training or certification in the proper use the less
12 than lethal force technology through the Community Ori-
13 ented Policing Services (COPS) Office, as described in
14 section (j). Any remaining funds available under this sec-
15 tion shall be awarded to other qualifying applicants.

16 (j) TRAINING.—The Attorney General, acting
17 through the Community Oriented Policing Services
18 (COPS) Office—

19 (1) shall develop and carry out projects for the
20 purpose of training law enforcement officers, includ-
21 ing leadership and command staff, and State and
22 local court officers, in the proper use and deploy-
23 ment of less than lethal force technologies and de-
24 escalation techniques; and

1 (2) may make grants to and contracts with
2 public and private agencies, institutions, and organi-
3 zations for the purpose of training representatives
4 and personnel of public and private agencies to re-
5 search, develop, and promote the use of less than le-
6 thal force technologies and de-escalation techniques
7 by law enforcement officers.

8 (k) TECHNICAL ASSISTANCE.—The Attorney Gen-
9 eral, acting through the Community Oriented Policing
10 Services (COPS) Office—

11 (1) shall develop and implement projects
12 through the Community Oriented Policing Services
13 (COPS) Office for the purpose of providing technical
14 assistance to State, local, territorial, and tribal gov-
15 ernments in the establishment, implementation, and
16 operation of programs, projects, and activities for
17 which financial assistance is provided to promote the
18 use of less than lethal force by law enforcement offi-
19 cers; and

20 (2) may make grants to and contracts with
21 public and private agencies, institutions and organi-
22 zations, for the purpose of providing technical assist-
23 ance to personnel of public and private agencies in
24 the establishment, implementation, and operation of
25 programs, projects, and activities for which financial

1 assistance is provided to promote the use of less
2 than lethal force by law enforcement officers.

3 (l) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this section—

5 (1) \$250,000,000 for fiscal year 2022;

6 (2) \$200,000,000 for each of fiscal years 2023
7 through 2025; and

8 (3) \$225,000,000 for fiscal year 2026.

9 (m) EXPIRATION OF APPROPRIATED FUNDS.—

10 (1) DEFINITION.—In this subsection, the term
11 “appropriated funds” means any amounts that are
12 appropriated for any of fiscal years 2022 through
13 2026 to carry out this section.

14 (2) EXPIRATION.—All appropriated funds that
15 are not obligated on or before December 31, 2028
16 shall be transferred to the General Fund of the
17 Treasury not later than January 31, 2029.

