



November 6, 2025

The Honorable John Thune
Senate Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

The Honorable Charles Schumer
Senate Minority Leader
United States Senate
Washington, DC 20510

The Honorable Hakeem Jeffries
Democratic Leader
U.S. House of Representatives
Washington, DC 20515

To Majority Leader Thune, Minority Leader Schumer, Speaker Johnson, and Leader Jeffries,

We write to express our strong opposition to [H.R. 2189/S. 1283](#), the Law Enforcement Innovate to De-Escalate Act,¹ and [H.R. 4242](#), the Innovate Less Lethal to De-Escalate Tax Modernization Act.² While the stated intent of these pieces of legislation is to promote the use of “new less-than-lethal technologies, such as long-range tasers”³ by law enforcement in lieu of traditional firearms, they do not reference law enforcement at all, and are unnecessary, reckless, and would have far broader implications for public safety. These bills would create a loophole for firearm access by prohibited individuals by effectively creating a new legal market for untraceable weapons. Additionally, they will upend the Bureau of Alcohol, Tobacco, Firearms and Explosives’ (ATF) enforcement of firearm laws, allow for the development and sale of weapons that are properly prohibited by law, and make “less-than-lethal” devices that employ explosive propellant available to the public, including individuals convicted of serious violent crimes, without *any federal regulation*. Furthermore, while both bills present their own independent public safety concerns, in tandem, there are effectively no limits to what kinds of “less-than-lethal” weapon systems the gun industry may develop. Even more troubling, the legislation contains no prohibition or limitations on modifications that could turn these devices into lethal weapons. While we applaud bipartisan efforts to decrease the risk of lethality in law enforcement encounters and commend Congress’ commitment to encourage de-escalation tactics, we oppose H.R. 2189/S. 1283 and H.R. 4242 as written and urge members of Congress to oppose these bills in their current form.

¹ S.1283 is identical to H.R. 2189, though titled “Innovate to De-Escalate Act”

² A Senate companion has yet to be filed.

³ Press Release, “Hagerty, Gallego Reintroduce Bipartisan Legislation Supporting Increased Use of Non-Lethal Weapons for Law Enforcement” Available at

<https://www.hagerty.senate.gov/press-releases/2025/04/03/hagerty-gallego-reintroduce-bipartisan-legislation-supporting-increased-use-of-non-lethal-weapons-for-law-enforcement/>

Unnecessary for Law Enforcement

The sponsors of these pieces of legislation contend that their purpose is to increase access to and limit liability for law enforcement use of certain less-than-lethal devices, including specific types of TASERs, which are classified as firearms because they use explosive propellant as opposed to compressed gas. *The text of these bills does not mention law enforcement, either directly or by virtue of statutory changes, in any capacity.* Thus, the changes to the federal code included in these bills will apply equally to all persons, including individuals convicted of serious violent crimes.

Furthermore, state and local governments, along with their accompanying law enforcement agencies, already procure and deploy vast numbers of firearms, including less-than-lethal devices classified as firearms. In fact, many of the civilian requirements for firearms purchases are waived for agencies and even individual officers purchasing weapons for service, including background checks and prohibitions on purchasing firearms across state lines. Such purchases are even exempted from federal excise taxes on firearms and ammunition. Thus, there is no federal constraint on law enforcement's procurement of TASERs or other less-than-lethal devices that are classified as firearms.

Proponents of these bills suggest that state and local law enforcement are restrained from deploying firearm-classified less-than-lethal devices, including TASERs that fall under the definition of firearm, because of concerns about liability, specifically that their use would inherently constitute "deadly force" because of their firearm classification. However, if such constraints exist at all, *they are a function of state or local laws.* In fact, federal regulations and courts have held that the use of less-than-lethal devices, even those classified as firearms, does not constitute deadly force on its own.⁴ Furthermore, deregulating such devices under federal law would not absolve most law enforcement agencies from such liability, *as nearly every single state has a statutory definition of firearm that is functionally equal to that contained in U.S. code.* Therefore, removing these less-than-lethal devices from the federal definition of "firearm" would not resolve this issue.

The Law Enforcement Innovate to De-Escalate Act (H.R. 2189/S. 1283)

At its core, H.R. 2189/S. 1283 would deregulate "less-than-lethal projectile devices" currently classified as firearms under federal law and, therefore, subject to important and long-standing public safety protections. In doing so, these high-powered "less-than-lethal" devices would become available to the general public and prohibited persons alike without these protections all because this legislation would no longer treat them as "firearms." In addition, because H.R. 2189/S. 1283 do not prohibit modification, there is nothing to prohibit a convicted felon, domestic abuser, or anyone else for that matter, in possession of such a "less-than-lethal" device from turning it into a fully lethal weapon. At the same time, this legislation would provide the firearms industry with a roadmap to innovate "less-than-lethal" weapons that, but-for H.R. 2189/S. 1283 would be considered "firearms," to make an end-run around existing federal law, which would effectively establish a new, legal ghost gun market. H.R. 2189/S. 1283 radically alters the definition of "firearm" under the Gun Control Act of 1968 (GCA).

⁴ Attorney General October 17, 1995 Memorandum on Resolution 14, available at <https://www.justice.gov/archives/ag/attorney-general-october-17-1995-memorandum-resolution-14-attachment-1>; see also Fifth Circuit Court of Appeals on *Cloud v. Stone*, summary available at <https://law.justia.com/cases/federal/appellate-courts/ca5/20-30052/20-30052-2021-04-06.html>; see also Ninth Circuit Court of Appeals on *Bryan v. McPherson*, summary available at <https://caselaw.findlaw.com/court/us-9th-circuit/1498993.html>

Under the GCA, a “firearm” includes “any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive,” as well as “the frame or receiver of any such weapon,” which houses the critical fire control components and is the only part of a firearm that is regulated under federal law on its own.⁵

H.R. 2189/S. 1283 changes this definition to create a new class of weapons, “less-than-lethal projectile devices,” that are exempted from all federal regulation under the GCA and would no longer require serialization of their frames or receivers, background checks when they are transferred, or paperwork for their manufacture, distribution, or sale.

Exempting these devices from basic public safety requirements creates a dangerous loophole for prohibited persons—such as individuals with felony or domestic violence convictions—to access deadly weapons, creating a new legal market for untraceable weapons. While H.R. 2189/S. 1283 does stipulate that devices would need to be designed and intended to be used in a manner not likely to cause death or serious bodily harm, and that they may not be *readily* convertible to fire ammunition commonly used in most other firearms, *the bill neither prohibits nor penalizes the modification of these devices for such purposes, effectively deregulating firearm access even for prohibited individuals.*

Given the long history of modifying weapons to make them even more dangerous, it is not hard to imagine scenarios where unscrupulous gun industry actors would seize on this dangerous definitional change to produce their own “less-than-lethal projectile devices” that could later be more easily modified to be fully lethal. For the last decade, the gun industry used ambiguity in the existing regulation of firearms to create a market for unfinished frames and receivers, as well as kits to finish assembling them, which were the basis for the ghost gun market before the ATF promulgated a rule to regulate them as firearms. Aside from frames or receivers, all other firearm components are entirely unregulated under federal law, making it inevitable that kits and parts to modify these “less-than-lethal projectile devices” will become commercially available, and schematics for 3D-printed conversion components will also become available online.

More importantly, a change in the definition of “firearm” may upend all ATF enforcement of the law with regard to firearms. The Supreme Court recently ruled in *VanDerStok* that ATF’s regulation entitled “Definition of ‘Frame or Receiver’ and Identification of Firearms”⁶ was properly conceived and implemented — that “the GCA embraces, and thus permits ATF to regulate, some weapon parts kits and unfinished frames or receivers.”⁷ Changing the definition of “firearm” such that an entire class of weapons (and their attending frames and receivers) are no longer “firearms” would create new opportunities for the industry to challenge and evade firearm regulations. The Supreme Court’s recent case law in *VanDerStok* and *Cargill*, where the court ruled that bump stocks did not satisfy the definition of “machinegun,” shows the importance of carefully crafted, thorough definitions in firearms statutes.⁸

⁵ 18 U.S.C. § 921(a)(3).

⁶ ATF Final Rule 2021R-05F

⁷ 23-852 *Bondi v. Vanderstok* (03/26/25), available at https://www.supremecourt.gov/opinions/24pdf/23-852_c07d.pdf

⁸ 22-976 *Garland v. Cargill* (06/14/2024), available at https://www.supremecourt.gov/opinions/23pdf/22-976_e29g.pdf

While the legislation says that the device cannot be “designed and intended and may not be readily converted to accept and discharge...projectile[s] at a velocity exceeding 500 feet per second,” it ignores the fact that such devices, as with all firearms, do not by themselves determine the velocity of the projectiles they fire, but it is the ammunition which is the determinant of velocity.⁹

Further, while the bill prohibits manufactured devices from being able to accept ammunition “commonly used in handguns, rifles, and shotguns,” the frame or receiver of a firearm often does not determine the type of ammunition that it can fire on its own. Often, it is the other, unregulated components of the firearm that determine that factor.

The Innovate Less Lethal to De-Escalate Tax Modernization Act (H.R. 4242)

This bill would create dangerous exemptions to the definition of “firearm” under the National Firearms Act (NFA).¹⁰ The National Firearms Act covers certain firearms and accessories determined by Congress almost a century ago to be particularly dangerous. In turn, Congress imposed strict regulations on the manufacture and sale of these weapons and accessories, requiring approval from ATF after a background check, the submission of fingerprints and a photograph, registration of the weapon, as well as a tax stamp. These weapons include machine guns, destructive devices such as grenade launchers and large-bore rifles and shotguns (greater than .50 caliber), and firearms that fall under the category of “any other weapon” such as firearms incorporated into other common objects or disguised to be undetectable as firearms, i.e., umbrella or flashlight guns.

If “less-than-lethal” weapons were exempted under the NFA, it would become completely legal to produce and sell to the public “less-than-lethal” machine guns that fire bean bags, rubber bullets, or even TASER projectiles, notwithstanding a 1986 ban on the civilian manufacture of machine guns.¹¹ While such devices may seem inconceivable given the constraints of current law, the enactment of these pieces of legislation would likely make them inevitable. Even a TASER machine gun would not be out of reach as the technology to produce long-range TASER rounds that use explosive propellant and carry their own power supply was developed more than a decade ago.¹²

Additionally, this bill would remove NFA registration requirements and deregulate the private transfer of certain devices that would otherwise be classified as firearms under the NFA. This includes grenade launchers, large-bore (greater than .50 caliber) weapons, and immobility devices classified as “any other weapon,” such as bola devices,¹³ so long as they fell under the definition of a “less than lethal projectile device” — a definition which is both alarmingly easy to satisfy and of which certain elements can be waived at the discretion of the Secretary of the Treasury. While law enforcement agencies have access to such devices, these bills would establish broad unregulated civilian access, even for those with prohibiting criminal convictions.

⁹ Yablon, Alex, “The Simple Physics That Makes Some Bullets Deadlier Than Others,” *The Trace*, June 21, 2017, available at <https://www.thetrace.org/2017/06/physics-deadly-bullets-assault-rifles/>

¹⁰ 26 U.S. Code § 5845

¹¹ 18 U.S. Code § 922(o)

¹² Dyer, Nicole, “How It Works: Taser’s Electrified Shotgun Slug,” *Popular Science*, March 9, 2010, available at <https://www.popsci.com/technology/article/2010-03/shock-bullet/>

¹³ Neitzel, Laura, “BolaWrap and the evolution of less-lethal force,” *Police1*, April 11, 2024, available at <https://www.police1.com/police-products/less-lethal/bolawrap-and-the-evolution-of-less-lethal-force>

Automated and Undetectable Weapons Systems

While both H.R. 2189/S. 1283 and H.R. 4242 present their own independent public safety concerns; in tandem, there are effectively no limits to what kinds of “less-than-lethal” weapon systems the gun industry may develop after their enactment— *which could be sold directly to the public without regulation.*

Alarming, as these devices would no longer qualify as “firearms” under any federal statute, they would no longer be subject to the Undetectable Firearms Act (UFA), recently reauthorized with overwhelming bipartisan and law enforcement support, *paving the way for the incorporation of firearm technology into “less-than-lethal” area denial devices, robotics, and even armed drones.* While some of these weapon systems already exist—such as the TASER Shockwave, effectively a TASER claymore that can shoot dozens, or even hundreds, of projectiles at the same time for crowd control—they rely on compressed gas, making them large and cumbersome to deploy. The incorporation of explosive propellant would create opportunities to miniaturize these systems and deploy them using automated or remote systems.

Finally, these bills would completely undermine the UFA, making it legal to incorporate firearm technology into devices that are *specifically designed to evade all standard security measures*, such as metal detectors and X-ray machines, all available for unregulated civilian use.

Conclusion

Deregulating these “less-than-lethal” devices will put lives at risk, especially the most vulnerable in society. Because these devices would no longer fall under the legal definition of “firearm,” they would be available to all members of the public without a background check and without a prohibition on modification. Even with those safeguards, these bills could open a brand new market for dangerous weapons that are obtainable by anyone, including prohibited persons. Despite the stated intent, these bills are not designed to benefit law enforcement and will instead place them at risk as they encounter these weapons more frequently on the streets. As such, we oppose H.R. 2189/S. 1283 and H.R. 4242 and urge members of Congress not to support them.

Sincerely,

Brady
Community Justice Action Fund
Everytown for Gun Safety
GIFFORDS