

116TH CONGRESS
2D SESSION

H. R. 7221

To prohibit law enforcement officers from using chemical weapons in the course of policing activities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2020

Ms. OCASIO-CORTEZ (for herself, Mr. GARCÍA of Illinois, Mr. TAKANO, and Ms. JAYAPAL) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To prohibit law enforcement officers from using chemical weapons in the course of policing activities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Prohibiting Law En-
5 forcement Use of Chemical Weapons Act”.

1 **SEC. 2. PROHIBITION ON LAW ENFORCEMENT OFFICER**
2 **USE OF CHEMICAL WEAPONS.**

3 (a) FEDERAL LAW ENFORCEMENT OFFICERS.—No
4 Federal law enforcement officer may use a chemical weap-
5 on in the course of policing activities in the United States.

6 (b) STATE AND LOCAL LAW ENFORCEMENT OFFI-
7 CERS.—Beginning in the first fiscal year that begins after
8 the date of enactment of this Act, in order to be eligible
9 to receive funds under subpart 1 of part E of title 1 of
10 the Omnibus Crime Control and Safe Streets Act of 1968
11 (34 U.S.C. 10151 et seq.) and part Q of title I of such
12 Act (34 U.S.C. 10381 et seq.), a State or unit of local
13 government shall have in place a law or policy, and be
14 in substantial compliance with such law or policy, prohib-
15 iting law enforcement officers in that jurisdiction from
16 using a chemical weapon in the course of policing activi-
17 ties.

18 **SEC. 3. PROPER DISPOSAL.**

19 (a) IN GENERAL.—Not later than one year after the
20 date of enactment of this Act, a Federal, State, or local
21 law enforcement agency that has in its possession a chem-
22 ical weapon that was acquired for a use that, in the case
23 of a Federal law enforcement agency, would violate section
24 2(a), or in the case of a State or local law enforcement
25 agency, would violate the law described in section 2(b),
26 shall surrender such chemical weapon to the Attorney

1 General for disposal in a manner that complies with any
2 applicable environmental and safety regulations related to
3 the disposal of such chemical weapon.

4 (b) INSPECTOR GENERAL OVERSIGHT.—The Inspec-
5 tor General of the Department of Justice shall conduct
6 audits to ensure the appropriate disposal of chemical
7 weapons under subsection (a), and shall, on an annual
8 basis, report the findings of such audits to the Committees
9 on the Judiciary of the House of Representatives and of
10 the Senate.

11 **SEC. 4. DEFINITIONS.**

12 In this Act:

13 (1) The term “chemical weapon” means the fol-
14 lowing, together or separately:

15 (A) A toxic chemical and its precursors.

16 (B) A munition or device, specifically de-
17 signed to cause death or other harm through
18 toxic properties of those toxic chemicals speci-
19 fied in paragraph (1), which would be released
20 as a result of the employment of such munition
21 or device.

22 (C) Any equipment specifically designed
23 for use directly in connection with the employ-
24 ment of munitions or devices specified in para-
25 graph (2).

1 Such term does not include oleoresin capsicum
2 spray, or any munition, device, or equipment related
3 to such spray.

4 (2) The term “law enforcement officer” means
5 any officer of the United States, a State, or unit of
6 local government, who is empowered by law to con-
7 duct investigations of, or make arrests because of,
8 offenses against the United States, the District of
9 Columbia, a State, or a political subdivision of a
10 State, and includes a member of the Armed Forces
11 (including any reserve component) under orders to
12 act in a policing capacity in the United States.

13 (3) The terms “precursor” and “toxic chem-
14 ical” have the meanings given such terms in section
15 229F of title 18, United States Code.

16 (4) The terms “State” and “unit of local gov-
17 ernment” have the meanings given such terms in
18 section 901 of the Omnibus Crime Control and Safe
19 Streets Act of 1968 (34 U.S.C. 10251).

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