

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.

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## 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

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## 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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