

116TH CONGRESS
2D SESSION

S. 4220

To limit the use of Federal law enforcement officers for crowd control,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 20, 2020

Mr. MERKLEY (for himself, Mr. WYDEN, Mr. MURPHY, Mr. SANDERS, Mr. VAN HOLLEN, Mr. MARKEY, Ms. HARRIS, Mr. BLUMENTHAL, Mr. BOOKER, Mrs. MURRAY, Mr. BROWN, Mr. DURBIN, Ms. CANTWELL, Ms. BALDWIN, Mr. KING, Ms. HIRONO, Mr. HEINRICH, Ms. KLOBUCHAR, Ms. WARREN, Ms. DUCKWORTH, and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To limit the use of Federal law enforcement officers for
crowd control, 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 “Preventing Authori-
5 tarian Policing Tactics on America’s Streets Act”.

6 **SEC. 2. LIMITATION ON USE OF FEDERAL LAW ENFORCE-**
7 **MENT OFFICERS FOR CROWD CONTROL.**

8 (a) DEFINITIONS.—In this section—

1 (1) the term “Federal law enforcement officer”
2 means—

3 (A) an employee or officer in a position in
4 the executive, legislative, or judicial branch of
5 the Federal Government who is authorized by
6 law to engage in or supervise a law enforcement
7 function; or

8 (B) an employee or officer of a contractor
9 or subcontractor (at any tier) of an agency in
10 the executive, legislative, or judicial branch of
11 the Federal Government who is authorized by
12 law or under the contract with the agency to
13 engage in or supervise a law enforcement func-
14 tion;

15 (2) the term “law enforcement function” means
16 the prevention, detection, or investigation of, or the
17 prosecution or incarceration of any person for, any
18 violation of law; and

19 (3) the term “member of an armed force”
20 means a member of any of the armed forces, as de-
21 fined in section 101(a)(4) of title 10, United States
22 Code, or a member of the National Guard, as de-
23 fined in section 101(3) of title 32, United States
24 Code.

25 (b) REQUIRED IDENTIFICATION.—

1 (1) IN GENERAL.—Each Federal law enforce-
2 ment officer or member of an armed force who is en-
3 gaged in any form of crowd control, riot control, or
4 arrest or detainment of individuals engaged in an
5 act of civil disobedience, demonstration, protest, or
6 riot in the United States shall at all times display
7 identifying information in a clearly visible fashion,
8 which shall include the Federal agency and the last
9 name or unique identifier of the Federal law enforce-
10 ment officer or for a member of an armed force, the
11 last name or unique identifier and rank of the mem-
12 ber.

13 (2) SPECIFIC PROHIBITIONS.—

14 (A) COVERING OF IDENTIFYING INFORMA-
15 TION.—A Federal law enforcement officer or
16 member of an armed force may not tape over
17 or otherwise obscure or conceal the identifying
18 information required under paragraph (1) while
19 the officer or member is engaged in any form
20 of law enforcement activity described in para-
21 graph (1).

22 (B) USE OF UNMARKED VEHICLES.—A
23 Federal law enforcement officer or member of
24 an armed force may not use an unmarked vehi-
25 cle for the apprehension, detention, or arrest of

1 civilians while the officer or member is engaged
2 in any form of law enforcement activity de-
3 scribed in paragraph (1).

4 (c) LIMITATION ON CROWD CONTROL AUTHORITY.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2), a Federal law enforcement officer or
7 member of an armed force may only be authorized
8 to perform any form of crowd control, riot control,
9 or arrest or detainment of individuals engaged in an
10 act of civil disobedience, demonstration, protest, or
11 riot on Federal property or in the immediate vicinity
12 thereof, which shall include the sidewalk and the
13 public street immediately adjacent to any Federal
14 building or property.

15 (2) EXCEPTIONS.—

16 (A) STATE AND LOCAL REQUEST FOR AS-
17 SISTANCE.—Paragraph (1) shall not apply to a
18 Federal law enforcement officer or member of
19 an armed force if the Governor of a State and
20 the head of a unit of local government jointly
21 request, in writing, Federal law enforcement
22 support.

23 (B) INSURRECTION ACT.—If chapter 13 of
24 title 10, United States Code (commonly known

1 as the “Insurrection Act of 1807”) is invoked,
2 paragraph (1) shall not apply.

3 (d) LIMITATION ON ARREST AUTHORITY.—It shall be
4 unlawful for a Federal law enforcement officer or member
5 of an armed force to arrest an individual in the United
6 States if the Federal law enforcement officer or member
7 of an armed force is conducting a law enforcement func-
8 tion in violation of subsection (b) or (c).

9 (e) NOTICE TO THE PUBLIC.—Not later than 24
10 hours after deployment of a Federal law enforcement offi-
11 cer or member of an armed force in response to any crowd
12 control incident, riot, or public disturbance, the Federal
13 agency or armed force responsible for such deployment
14 shall publish prominent public notice on that public facing
15 website of the agency or armed force that includes the fol-
16 lowing information:

17 (1) The date of deployment of personnel for
18 crowd control purposes.

19 (2) The number of Federal law enforcement of-
20 ficers of the agency or members of the armed force
21 in each city, town, or locality functioning in a law
22 enforcement capacity.

23 (3) A description of the specific nature of the
24 mission.

1 (4) The location of any civilians being detained
2 by the Federal law enforcement officers or members
3 of the armed force deployed, and under whose cus-
4 tody the civilians are being held.

5 (5) A copy of a written request for assistance
6 described in subsection (c)(2)(A), if such request
7 was made.

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