

117TH CONGRESS  
1ST SESSION

# H. R. 4020

To reform United States drug policy, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 2021

Mrs. WATSON COLEMAN (for herself, Ms. BUSH, Ms. MOORE of Wisconsin, Mr. THOMPSON of Mississippi, Ms. PRESSLEY, Ms. OCASIO-CORTEZ, Mr. ESPAILLAT, Ms. LEE of California, Ms. OMAR, Mr. BOWMAN, and Ms. TLAIB) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Oversight and Reform, Financial Services, Transportation and Infrastructure, House Administration, Armed Services, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To reform United States drug policy, 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 “Drug Policy Reform  
5       Act of 2021” or as the “DPR Act of 2021”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

1           (1) For most of the past century the United  
2 States has adopted increasingly punitive policies to-  
3 ward the possession, use, and distribution of drugs.  
4 Particularly in the last 50 years, the United States  
5 has built a massive regime to enforce those policies.

6           (2) Congress and State legislatures have adopt-  
7 ed increasingly harsh sentencing schemes such as  
8 mandatory minimums, established far-reaching and  
9 oppressive civil sanctions and collateral con-  
10 sequences, approved policies weakening the Fourth  
11 Amendment for drug searches and seizures, and fos-  
12 tered incentives for aggressive and militarized polic-  
13 ing in the alleged pursuit of drugs.

14           (3) Every year, there are more than 1.4 million  
15 arrests in the United States for drug-related of-  
16 fenses. In over 85 percent of those arrests, drug pos-  
17 session was the most serious offense. Drug arrests  
18 disproportionately impact people of color and more  
19 commonly occur in historically overpoliced, low-in-  
20 come communities. A criminal record, even for an  
21 arrest that did not result in a conviction, has a pro-  
22 found impact on individuals, often interrupting em-  
23 ployment, housing, family relationships, child cus-  
24 tody, and education.

1           (4) A health-based approach to drug use and  
2 overdose is more effective, humane and cost-effective  
3 than criminal punishments. Subjecting people to  
4 criminal penalties, stigma, and other lasting collat-  
5 eral consequences because they use drugs is expen-  
6 sive, ruins lives, and can make access to treatment  
7 and recovery more difficult.

8           (5) Despite high numbers of arrests and incar-  
9 ceration in the United States for drug possession,  
10 the number and rate of drug-involved overdose  
11 deaths has skyrocketed for over 20 years and con-  
12 tinues at epidemic levels. In 2019, 70,630 people  
13 died by drug overdose in the United States.

14           (6) Harm reduction services and voluntary, on-  
15 demand access to evidence-based substance use dis-  
16 order treatment have proven highly effective in re-  
17 ducing overdose and the spread of communicable  
18 diseases like HIV and Hepatitis C, preventing drug-  
19 related injury, and improving health outcomes for  
20 people who use drugs. These services should be  
21 available on demand to anyone who requests it.

22           (7) Far too many people who desire treatment  
23 face challenges that prevent them from accessing the  
24 services they want, including cost barriers, lack of  
25 providers, and long wait-lists. On-demand access to

1 evidence-based treatment saves lives, reduces crime,  
2 and saves money. Barriers to treatment should be  
3 removed or minimized.

4 (8) Criminalizing drug use and possession re-  
5 duces the amount of resources available for harm re-  
6 duction and treatment services and deters people  
7 from accessing available services due to fear of ar-  
8 rest.

9 (9) Punitive policies have achieved no reduction  
10 in supplies or prices, but instead have created un-  
11 necessarily risky and harmful conditions for people  
12 who use drugs.

13 (10) Punitive policies have led to militarized  
14 tactics that thwart the spirit of the constitution and  
15 have led to the deaths of countless Black and Brown  
16 people. Additionally, the drug war apparatus has  
17 cost the Federal Government hundreds of billions of  
18 dollars in direct enforcement and incarceration costs,  
19 and collateral impacts on the lives of those caught  
20 in its path.

21 (11) While drug decriminalization cannot fully  
22 repair our broken and oppressive criminal legal sys-  
23 tem or the harms of an unregulated drug market,  
24 shifting from absolute prohibition to drug decrimi-  
25 nalization helps restore individual liberty, protect

1 against some police abuses, better assist those in  
2 need, and save tax dollars.

3 (12) This concept is neither new nor radical.  
4 Other nations, including Portugal, have successfully  
5 decriminalized personal use quantities of drugs and  
6 achieved meaningful improvements in treating prob-  
7 lematic drug use and reducing the harms of policing  
8 drugs.

9 (13) In June 2021, the United States will mark  
10 the 50th anniversary of Congress' enactment of the  
11 Controlled Substances Act (21 U.S.C. 801 et seq.),  
12 which authorized and launched the harsh drug war  
13 policies sought by the Nixon Administration. In this  
14 moment, Congress must recognize the failed experi-  
15 ment in prohibition and move the country in a new  
16 direction.

17 **SEC. 3. SENSE OF CONGRESS.**

18 It is the sense of Congress that the United States  
19 should—

20 (1) refocus its strategies for addressing sub-  
21 stance use disorder and dangerous drug use from  
22 strategies focused on controlling and punishing un-  
23 authorized drug possession to a system that is  
24 health focused, evidence-based, and respectful of  
25 self-determination;

1           (2) invest in harm-reduction services and sub-  
2           stance use disorder treatment to help prevent over-  
3           dose and other health risks, and strengthen connec-  
4           tions to services that provide foundational social and  
5           economic support; and

6           (3) pursue international treaties that expand  
7           flexibility for signatories to enact non-punitive strat-  
8           egies to address the health and safety of people who  
9           use drugs, including the decriminalization of the  
10          possession, purchase, or cultivation of personal use  
11          quantities of drugs.

12 **SEC. 4. SHIFT REGULATORY AUTHORITY.**

13          (a) **AUTHORITY AND CRITERIA FOR CLASSIFICATION**  
14 **OF SUBSTANCES.**—Section 201 of the Controlled Sub-  
15 stances Act (21 U.S.C. 811) is amended by striking “At-  
16 torney General” and inserting “Secretary of Health and  
17 Human Services” each place it appears.

18          (b) **REMOVAL OF EXEMPTION OF CERTAIN DRUGS.**—  
19 Section 204 of the Controlled Substances Act (21 U.S.C.  
20 814) is amended by striking “Attorney General” and in-  
21 serting “Secretary of Health and Human Services” each  
22 place it appears.

23          (c) **TRANSFER PLAN.**—

24               (1) **REPORT TO CONGRESS.**—Not later than  
25               180 days after the date of the enactment of this Act,

1 the Attorney General and the Secretary of Health  
2 and Human Services shall jointly develop and sub-  
3 mit to the Congress a plan for transferring informa-  
4 tion necessary to effect the transfer of classification  
5 responsibility required under this section.

6 (2) REPORT TO GENERAL SERVICES ADMINIS-  
7 TRATION.—Not later than 180 days after the date  
8 of the enactment of this Act, the Attorney General  
9 shall transmit to the Administrator of the General  
10 Services Administration a report that specifies the  
11 property that is specific to the functions to be trans-  
12 ferred to the Secretary of Health and Human Serv-  
13 ices pursuant to this section.

14 **SEC. 5. ELIMINATE CRIMINAL PENALTIES FOR PERSONAL**  
15 **USE POSSESSION.**

16 (a) IN GENERAL.—Section 404 of the Controlled  
17 Substances Act (21 U.S.C. 844) is amended by adding at  
18 the end the following new subsection:

19 “(b) PERSONAL USE EXCEPTION.—(1) A person pos-  
20 sessing or using a controlled substance in an amount no  
21 greater than the benchmark amount (determined by the  
22 Commission on Substance Use, Health, and Safety estab-  
23 lished by the Drug Policy Reform Act of 2021) shall not  
24 be subject to a criminal or civil penalty under this section.

1           “(2) The suspected possession or use of a controlled  
2 substance in an amount no greater than the benchmark  
3 amount (determined by the Commission on Substance  
4 Use, Health, and Safety established by the Drug Policy  
5 Reform Act of 2021) shall not constitute a basis for de-  
6 taining, searching, arresting, questioning or surveilling  
7 any person, or seizing property including, controlled sub-  
8 stances and any items used for the ingestion, consump-  
9 tion, preparation, packaging, or storage of a controlled  
10 substance.

11           “(3) The suspected possession or use of a controlled  
12 substance in an amount no greater than the benchmark  
13 amount shall not constitute a basis for any referral to any  
14 immigration enforcement agency, U.S. Citizenship and  
15 Immigration Services, U.S. Immigration and Customs En-  
16 forcement, and U.S. Customs and Border Protection.”.

17           (b) EFFECTIVE DATE.—The amendment made by  
18 subsection (a) shall take effect on the date that is 180  
19 days after the date of the enactment of this Act.

20           (c) REPEAL.—Section 405 of the Controlled Sub-  
21 stances Act (21 U.S.C. 844a) is repealed.

22 **SEC. 6. COMMISSION ON SUBSTANCE USE, HEALTH, AND**  
23 **SAFETY.**

24           (a) ESTABLISHMENT.—Not later than 180 days after  
25 the date of the enactment of this Act, the Secretary of



1 Health and Human Services shall establish a “Commis-  
2 sion on Substance Use, Health, and Safety” (hereinafter  
3 known as the “Commission”).

4 (b) PURPOSE.—

5 (1) BENCHMARKS.—

6 (A) IN GENERAL.—The Commission under  
7 paragraph (1) shall determine a benchmark  
8 amount for a controlled substance. The Com-  
9 mission shall consist of people with current or  
10 past substance use needs and qualified persons  
11 in the fields of general and behavioral  
12 healthcare, harm reduction, and substance use  
13 disorder treatment. Priority shall be given to  
14 people who have lived experience with substance  
15 use needs the quantity of drug commonly pos-  
16 sessed by an individual benchmark personal use  
17 supply, for controlled substances.

18 (B) DUTIES.—The Commission shall con-  
19 sider the following in developing the bench-  
20 marks under subparagraph (A)—

21 (i) common patterns of use by typical  
22 consumers of the drug;

23 (ii) differences in commonly possessed  
24 quantities resulting from factors relating  
25 to geography, income, employment, and

1 other related demographic characteristics;  
2 and  
3 (iii) differences in commonly pos-  
4 sessed quantities resulting from varying  
5 modes of use.

6 (2) REDUCED CRIMINALIZATION.—Benchmarks  
7 advised by the Commission under subparagraph (A)  
8 shall be developed consistent with the intent of this  
9 Act to reduce criminalization of personal drug use.

10 (c) MEMBERSHIP.—The Commission under sub-  
11 section (a) shall be composed of at least 18 members and  
12 shall include:

13 (1) VOTING MEMBERS.—

14 (A) Four individuals who have either used  
15 controlled substances or are using controlled  
16 substances on the date of the enactment of this  
17 Act.

18 (B) Two members of communities that  
19 have been disproportionately impacted by ar-  
20 rests, prosecution or sentencing for drug of-  
21 fenses.

22 (C) One peer support specialist.

23 (D) A harm reduction service provider.

1 (E) A person specializing in housing serv-  
2 ices for people with substance use needs or  
3 mental health needs.

4 (F) A physician specializing in addiction  
5 medicine and with expertise in the treatment of  
6 opioid use disorders with methadone or  
7 buprenorphine.

8 (G) A provider of evidence-based substance  
9 use disorder treatment.

10 (H) A provider of evidence-based services  
11 for people with co-occurring mental health and  
12 substance use needs.

13 (I) A licensed clinical social worker with  
14 expertise in providing intensive case manage-  
15 ment to people with substance use needs.

16 (J) A person who works for a nonprofit or-  
17 ganization that advocates for persons with sub-  
18 stance use needs.

19 (K) An expert on legal reform who is not  
20 a law enforcement officer.

21 (L) An academic researcher specializing in  
22 drug use or drug policy.

23 (M) A person who represents the needs of  
24 and concerns of Indigenous communities.

1           (2) NON-VOTING MEMBER.—A designee of a  
2           State Health Agency shall serve on the Commission  
3           as a non-voting member.

4           (d) TERMS.—A member of the Commission shall  
5           serve for a term of three years and may be reappointed  
6           by the Secretary for additional terms thereafter.

7           (e) MEETINGS.—Not later than 180 days after the  
8           date of the enactment of this Act, and at minimum four  
9           times per calendar year thereafter, the Commission shall  
10          convene to establish and review the benchmarks estab-  
11          lished under paragraph (2) and make any necessary  
12          amendments or further guidance with respect to the re-  
13          sponsibilities of the Commission.

14          (f) REPORTING.—

15                (1) PERSONAL USE GUIDELINES.—Not later  
16                than 18 months after the date of the enactment of  
17                this Act, the Secretary shall publish online on the  
18                internet website of the Department of Health and  
19                Human Services a report on personal use guidelines,  
20                including—

21                    (A) guidelines for the benchmark personal  
22                    use supply for each drug; and

23                    (B) recommendations for preventing the  
24                    prosecution of individuals possessing, distrib-  
25                    uting, or dispensing personal use quantities of

1           each drug for purposes of subsistence distribu-  
2           tion.

3           (2) REPORT TO DEPARTMENT OF JUSTICE.—

4           Not later than one year after the date of the enact-  
5           ment of this Act, the report on personal use guide-  
6           lines published under paragraph (1) shall be trans-  
7           mitted to the Attorney General.

8           (3) REPORT TO CONGRESS.—Not later than one

9           year after the date of the enactment of this Act the  
10          report on personal use guidelines published under  
11          paragraph (1) shall be transmitted to the Attorney  
12          General.

13          (4) REPORT TO THE FEDERAL COURTS.—Not

14          later than one year after the date of the enactment  
15          of this Act, the report on personal use guidelines  
16          published under paragraph (1) shall be transmitted  
17          to each Federal district court.

18          (5) REPORT TO THE CHIEF LAW ENFORCEMENT

19          OFFICER OF EACH STATE.—Not later than one year  
20          after the date of the enactment of this Act, the re-  
21          port on personal use guidelines published under  
22          paragraph (1) shall be transmitted to each chief law  
23          enforcement officer of each State.

24          (g) DEFINITIONS.—In this subsection:

1           (1) BENCHMARK PERSONAL USE SUPPLY.—The  
2 term “benchmark personal use supply” means the  
3 amount of a drug commonly possessed for consump-  
4 tion by an individual for any therapeutic, medicinal,  
5 recreational purpose.

6           (2) CONTROLLED SUBSTANCE.—The term  
7 “controlled substance” shall have the same meaning  
8 given such term in section 102 of the Controlled  
9 Substances Act (21 U.S.C. 802).

10          (3) SUBSISTENCE DISTRIBUTION.—The term  
11 “subsistence distribution” means the unlawful dis-  
12 tribution or dispensing of a drug by a person in  
13 quantities consistent with supporting that person’s  
14 drug addiction or ensuring basic food and shelter  
15 necessary to support life, and possession of no more  
16 than a benchmark personal use supply.

17          (4) HARM REDUCTION SERVICES.—The term  
18 “harm reduction services” means services and poli-  
19 cies that lessen the adverse consequences of drug use  
20 and protect public health, including but not limited  
21 to overdose prevention education, access to naloxone  
22 hydrochloride and sterile syringes, and stimulant-  
23 specific drug education and outreach.

1 **SEC. 7. EXPUNGEMENT AND SEALING OF RECORDS.**

2 (a) **AUTOMATIC SEALING CERTAIN RECORDS.**—Not  
3 later than one year after the date of the enactment of this  
4 Act, each Federal district court shall conduct a com-  
5 prehensive review to identify individuals eligible to have  
6 a record of conviction or adjudication of juvenile delin-  
7 quency that may be sealed pursuant to this Act and shall  
8 issue an order expunging each conviction or adjudication  
9 for a Federal offense entered by each Federal court in the  
10 district for a conviction of possession of a controlled sub-  
11 stance in an amount equal to or less than the benchmark  
12 amount established under this Act.

13 (b) **ARRESTS.**—The Federal court shall issue an  
14 order expunging any arrest by a Federal law enforcement  
15 agency with respect to an expunged conviction or adjudica-  
16 tion of juvenile delinquency under subsection (a).

17 (c) **EFFECT OF EXPUNGEMENT.**—An individual who  
18 has had an arrest, conviction, or adjudication of juvenile  
19 delinquency expunged under this section—

20 (1) may treat the arrest, conviction, or adju-  
21 dication as if it never occurred; and

22 (2) shall be immune from any civil or criminal  
23 penalties related to perjury, false swearing, or false  
24 statements, for a failure to disclose such arrest, con-  
25 viction, or adjudication.

1 (d) NOTIFICATION.—To the extent practicable, each  
2 Federal district court shall notify each individual whose  
3 arrest, conviction, or adjudication of juvenile delinquency  
4 has been expunged under this section and the effect of  
5 such expungement.

6 (e) RIGHT TO PETITION FOR SEALING.—After the  
7 date of the enactment of this Act, an individual with a  
8 conviction or adjudication of juvenile delinquency for an  
9 eligible offense not sealed pursuant to subsection (a) may  
10 file a motion for expungement. If the expungement of such  
11 a conviction or adjudication of juvenile delinquency is re-  
12 quired pursuant to this Act, the court shall expunge the  
13 conviction or adjudication, and any associated arrests. If  
14 the individual is indigent, counsel shall be appointed to  
15 represent the individual in any proceedings under this sub-  
16 section.

17 (f) FEES PROHIBITED.—No fee shall be imposed for  
18 filing a petition or any proceeding provided for under this  
19 section.

20 (g) EXPUNGE DEFINED.—In this subsection, the  
21 term “expunge” means, with respect to an arrest, a con-  
22 viction, or adjudication of juvenile delinquency, the re-  
23 moval of the record of such arrest, conviction, or adjudica-  
24 tion from each official index and public record.



1 **SEC. 8. RELIEF FOR INDIVIDUALS INCARCERATED OR ON**  
2 **SUPERVISION FOR CERTAIN DRUG CONVIC-**  
3 **TIONS.**

4 (a) IN GENERAL.—Not later than 30 days after the  
5 date of the enactment of this Act, an individual under a  
6 criminal justice sentence for an eligible offense, the court  
7 that imposed the sentence shall conduct a sentencing re-  
8 view hearing.

9 (b) RESULTS OF A SENTENCING HEARING.—Fol-  
10 lowing a sentencing review hearing under subsection (a),  
11 a court shall:

12 (1) Vacate the existing sentence or disposition  
13 of juvenile delinquency for any eligible offense.

14 (2) Order that all records related to a convic-  
15 tion or adjudication of juvenile delinquency that has  
16 been vacated be sealed and only be made available  
17 by further order of the court.

18 (c) INDIGENT REPRESENTATION.—If the individual  
19 is indigent, counsel shall be appointed to represent the in-  
20 dividual in any sentencing review proceedings under this  
21 section.

22 **SEC. 9. ELIMINATING COLLATERAL CONSEQUENCES OF**  
23 **DRUG POSSESSION CONVICTIONS.**

24 (a) DRUG TESTING FOR FEDERAL BENEFITS.—No  
25 person shall be denied access to or prohibited from receiv-  
26 ing any Federal benefit, program, or supportive service

1 otherwise available on the basis of having been previously  
2 convicted of or having a pending criminal case involving  
3 the possession of a controlled substance.

4 (b) FOOD BENEFITS AND FAMILY ASSISTANCE.—  
5 Section 421a of the Controlled Substances Act (21 U.S.C.  
6 862a) is repealed.

7 (c) PROHIBITING DENIAL OF HOUSING ASSIST-  
8 ANCE.—

9 (1) IN GENERAL.—Notwithstanding any other  
10 provision of law, an applicant shall be denied assist-  
11 ance, evicted, or considered ineligible for housing as-  
12 sistance under title 8 of the Civil Rights Act of 1968  
13 by reason of possession of a controlled substance.

14 (2) REPEAL.—Section 6(t) of the United States  
15 Housing Act of 1937 (42 U.S.C. 1437d(t)) is re-  
16 pealed.

17 (d) OTHER FEDERAL BENEFITS.—Section 421(b) of  
18 the Controlled Substances Act (21 U.S.C. 862(b)) is re-  
19 pealed.

20 (e) ELIMINATE IMMIGRATION AND REMOVAL CON-  
21 SEQUENCES.—Section 101(a)(43) of the Immigration and  
22 Nationality Act (8 U.S.C. 1101(a)(43)) is amended by  
23 striking paragraph (43) and inserting the following new  
24 paragraph:

1           “(43) AGGRAVATED FELONY.—The term ‘ag-  
2           gravated felony’ means—

3                   “(A) murder, rape, or sexual abuse of a  
4           minor;

5                   “(B) illicit trafficking in a controlled sub-  
6           stance (as defined in section 102 of the Con-  
7           trolled Substances Act (21 U.S.C. 802)), in-  
8           cluding a drug trafficking crime (as defined in  
9           section 924(c) of title 18).

10          “‘except that no applicant shall be denied assist-  
11          ance, evicted, or deemed ineligible under this title by  
12          reason of conviction for possessing a controlled sub-  
13          stance for personal use.’”.

14          (f) DRIVERS’ LICENSES OF INDIVIDUALS CONVICTED  
15          OF DRUG OFFENSES.—Section 159 of title 23, United  
16          States Code, is repealed.

17          **SEC. 10. PROTECT VOTING RIGHTS.**

18          (a) FINDINGS.—Congress makes the following find-  
19          ings:

20                   (1) The right to vote is the most basic constitu-  
21          tive act of citizenship. Regaining the right to vote  
22          reintegrates individuals with criminal convictions  
23          into free society, helping to enhance public safety.

24                   (2) Article I, section 4, of the Constitution  
25          grants Congress ultimate supervisory power over

1 Federal elections, an authority which has repeatedly  
2 been upheld by the Supreme Court.

3 (3) Basic constitutional principles of fairness  
4 and equal protection require an equal opportunity  
5 for citizens of the United States to vote in Federal  
6 elections. The right to vote may not be abridged or  
7 denied by the United States or by any State on ac-  
8 count of race, color, gender, or previous condition of  
9 servitude. The 13th, 14th, 15th, 19th, 24th, and  
10 26th Amendments to the Constitution empower Con-  
11 gress to enact measures to protect the right to vote  
12 in Federal elections. The 8th Amendment to the  
13 Constitution provides for no excessive bail to be re-  
14 quired, nor excessive fines imposed, nor cruel and  
15 unusual punishments inflicted.

16 (4) There are 3 areas in which discrepancies in  
17 State laws regarding criminal convictions lead to un-  
18 fairness in Federal elections:

19 (A) The lack of a uniform standard for  
20 voting in Federal elections leads to an unfair  
21 disparity and unequal participation in Federal  
22 elections based solely on where a person lives.

23 (B) Laws governing the restoration of vot-  
24 ing rights after a criminal conviction vary  
25 throughout the country, and persons in some

1 States can easily regain their voting rights  
2 while in other States persons effectively lose  
3 their right to vote permanently.

4 (C) State disenfranchisement laws dis-  
5 proportionately impact racial and ethnic minori-  
6 ties.

7 (5) Two States (Maine and Vermont), the Dis-  
8 trict of Columbia, and the Commonwealth of Puerto  
9 Rico do not disenfranchise individuals with criminal  
10 convictions at all, but 48 States have laws that deny  
11 convicted individuals the right to vote while they are  
12 in prison.

13 (6) In some States disenfranchisement results  
14 from varying State laws that restrict voting while in-  
15 dividuals are under the supervision of the criminal  
16 justice system or after they have completed a crimi-  
17 nal sentence. In 30 States, convicted individuals may  
18 not vote while they are on parole and 27 States dis-  
19 enfranchise individuals on felony probation as well.  
20 In 11 States, a conviction can result in lifetime dis-  
21 enfranchisement.

22 (7) Several States deny the right to vote to in-  
23 dividuals convicted of certain misdemeanors.

24 (8) An estimated 5,200,000 citizens of the  
25 United States, or about 1 in 44 adults in the United

1 States, currently cannot vote as a result of a felony  
2 conviction. Of the 5,200,000 citizens barred from  
3 voting, only 24 percent are in prison. By contrast,  
4 75 percent of the disenfranchised reside in their  
5 communities while on probation or parole or after  
6 having completed their sentences. Approximately  
7 2,200,000 citizens who have completed their sen-  
8 tences remain disenfranchised due to restrictive  
9 State laws. In at least 6 States—Alabama, Florida,  
10 Kentucky, Mississippi, Tennessee, and Virginia—  
11 more than 5 percent of the total voting-age popu-  
12 lation is disenfranchised.

13 (9) In those States that disenfranchise individ-  
14 uals post-sentence, the right to vote can be regained  
15 in theory, but in practice this possibility is often  
16 granted in a non-uniform and potentially discrimina-  
17 tory manner. Disenfranchised individuals must ei-  
18 ther obtain a pardon or an order from the Governor  
19 or an action by the parole or pardon board, depend-  
20 ing on the offense and State. Individuals convicted  
21 of a Federal offense often have additional barriers to  
22 regaining voting rights.

23 (10) State disenfranchisement laws dispropor-  
24 tionately impact racial and ethnic minorities. More  
25 than 6 percent of the African-American voting-age

1 population, or 1,800,000 African Americans, are  
2 disenfranchised. Currently, 1 of every 16 voting-age  
3 African Americans are rendered unable to vote be-  
4 cause of felony disenfranchisement, which is a rate  
5 more than 3.7 times greater than non-African Amer-  
6 icans. Over 6 percent of African-American adults are  
7 disenfranchised whereas only 1.7 percent of non-Af-  
8 rican Americans are. In 7 States (Alabama, 16 per-  
9 cent; Florida, 15 percent; Kentucky, 15 percent;  
10 Mississippi, 16 percent; Tennessee, 21 percent; Vir-  
11 ginia, 16 percent; and Wyoming, 36 percent), more  
12 than 1 in 7 African Americans are unable to vote  
13 because of prior convictions, twice the national aver-  
14 age for African Americans.

15 (11) Latino citizens are disproportionately  
16 disenfranchised based upon their disproportionate  
17 representation in the criminal justice system. In re-  
18 cent years, Latinos have been imprisoned at 2.5  
19 times the rate of Whites. More than 2 percent of the  
20 voting-age Latino population, or 560,000 Latinos,  
21 are disenfranchised due to a felony conviction. In 34  
22 states Latinos are disenfranchised at a higher rate  
23 than the general population. In 11 states 4 percent  
24 or more of Latino adults are disenfranchised due to  
25 a felony conviction (Alabama, 4 percent; Arizona, 7

1 percent; Arkansas, 4 percent; Idaho, 4 percent;  
2 Iowa, 4 percent; Kentucky, 6 percent; Minnesota, 4  
3 percent; Mississippi, 5 percent; Nebraska, 6 percent;  
4 Tennessee, 11 percent, Wyoming, 4 percent), twice  
5 the national average for Latinos.

6 (12) Disenfranchising citizens who have been  
7 convicted of a criminal offense and who are living  
8 and working in the community serves no compelling  
9 State interest and hinders their rehabilitation and  
10 reintegration into society.

11 (13) State disenfranchisement laws can sup-  
12 press electoral participation among eligible voters by  
13 discouraging voting among family and community  
14 members of disenfranchised persons. Future elec-  
15 toral participation by the children of disenfranchised  
16 parents may be impacted as well.

17 (14) The United States is the only Western de-  
18 mocracy that permits the permanent denial of voting  
19 rights for individuals with felony convictions.

20 (b) RIGHTS OF CITIZENS.—The right of an individual  
21 who is a citizen of the United States to vote in any election  
22 for Federal office shall not be denied or abridged because  
23 that individual has been convicted of a criminal offense.

24 (c) ENFORCEMENT.—



1           (1) ATTORNEY GENERAL.—The Attorney Gen-  
2           eral may, in a civil action, obtain such declaratory  
3           or injunctive relief as is necessary to remedy a viola-  
4           tion of this section.

5           (2) PRIVATE RIGHT OF ACTION.—

6           (A) IN GENERAL.—A person who is ag-  
7           grieved by a violation of this subsection may  
8           provide written notice of the violation to the  
9           chief election official of the State involved.

10          (B) RELIEF.—Except as provided in clause  
11          (iii), if the violation is not corrected within 90  
12          days after receipt of a notice under clause (i),  
13          or within 20 days after receipt of the notice if  
14          the violation occurred within 120 days before  
15          the date of an election for Federal office, the  
16          aggrieved person may, in a civil action, obtain  
17          declaratory or injunctive relief with respect to  
18          the violation.

19          (C) EXCEPTION.—If the violation occurred  
20          within 30 days before the date of an election for  
21          Federal office, the aggrieved person need not  
22          provide notice to the chief election official of the  
23          State under clause (i) before bringing a civil ac-  
24          tion to obtain declaratory or injunctive relief  
25          with respect to the violation.

1 (d) NOTIFICATION OF RESTORATION OF VOTING  
2 RIGHTS.—

3 (1) STATE NOTIFICATION.—

4 (A) NOTIFICATION.—On the date deter-  
5 mined under clause (ii), each State shall notify  
6 in writing any individual who has been con-  
7 victed of a criminal offense under the law of  
8 that State that such individual has the right to  
9 vote in an election for Federal office pursuant  
10 to the Democracy Restoration Act of 2021 and  
11 may register to vote in any such election and  
12 provide such individual with any materials that  
13 are necessary to register to vote in any such  
14 election.

15 (B) DATE OF NOTIFICATION.—

16 (i) FELONY CONVICTION.—In the case  
17 of such an individual who has been con-  
18 victed of a felony, the notification required  
19 under clause (i) shall be given on the date  
20 on which the individual—

21 (I) is sentenced to serve only a  
22 term of probation; or

23 (II) is released from the custody  
24 of that State (other than to the cus-  
25 tody of another State or the Federal

1 Government to serve a term of impris-  
2 onment for a felony conviction).

3 (C) MISDEMEANOR CONVICTION.—In the  
4 case of such an individual who has been con-  
5 victed of a misdemeanor, the notification re-  
6 quired under clause (ii) shall be given on the  
7 date on which such individual is sentenced by a  
8 State court.

9 (2) FEDERAL NOTIFICATION.—

10 (A) NOTIFICATION.—Any individual who  
11 has been convicted of a criminal offense under  
12 Federal law shall be notified in accordance with  
13 clause (ii) that such individual has the right to  
14 vote in an election for Federal office pursuant  
15 to the Democracy Restoration Act of 2021 and  
16 may register to vote in any such election and  
17 provide such individual with any materials that  
18 are necessary to register to vote in any such  
19 election.

20 (B) DATE OF NOTIFICATION.—

21 (i) FELONY CONVICTION.—In the case  
22 of such an individual who has been con-  
23 victed of a felony, the notification required  
24 under clause (i) shall be given—

1 (I) in the case of an individual  
2 who is sentenced to serve only a term  
3 of probation, by the Assistant Direc-  
4 tor for the Office of Probation and  
5 Pretrial Services of the Administrative  
6 Office of the United States Courts on  
7 the date on which the individual is  
8 sentenced; or

9 (II) in the case of any individual  
10 committed to the custody of the Bu-  
11 reau of Prisons, by the Director of the  
12 Bureau of Prisons, during the period  
13 beginning on the date that is 6  
14 months before such individual is re-  
15 leased and ending on the date such in-  
16 dividual is released from the custody  
17 of the Bureau of Prisons.

18 (ii) MISDEMEANOR CONVICTION.—In  
19 the case of such an individual who has  
20 been convicted of a misdemeanor, the noti-  
21 fication required under clause (i) shall be  
22 given on the date on which such individual  
23 is sentenced by a court established by an  
24 Act of Congress.

25 (e) RELATION TO OTHER LAWS.—

1           (1) STATE LAWS RELATING TO VOTING  
2 RIGHTS.—Nothing in this section shall be construed  
3 to prohibit the States from enacting any State law  
4 which affords the right to vote in any election for  
5 Federal office on terms less restrictive than those es-  
6 tablished by this section.

7           (2) CERTAIN FEDERAL ACTS.—The rights and  
8 remedies established by this section are in addition  
9 to all other rights and remedies provided by law, and  
10 neither rights and remedies established by this Act  
11 shall supersede, restrict, or limit the application of  
12 the Voting Rights Act of 1965 (52 U.S.C. 10301 et  
13 seq.) or the National Voter Registration Act of 1993  
14 (52 U.S.C. 20501 et seq.).

15           (3) FEDERAL PRISON FUNDS.—No State, unit  
16 of local government, or other person may receive or  
17 use, to construct or otherwise improve a prison, jail,  
18 or other place of incarceration, any Federal funds  
19 unless that person has in effect a program under  
20 which each individual incarcerated in that person’s  
21 jurisdiction who is a citizen of the United States is  
22 notified, upon release from such incarceration, of  
23 that individual’s rights under section 1403.

24           (f) PROHIBITION ON CIVIL ASSET FORFEITURES.—  
25 Section 413(a) of the Controlled Substances Act (21

1 U.S.C. 853(a)) is amended by striking “one year” and in-  
2 serting “one year, except a person possessing a quantity  
3 of controlled substance solely for personal consumption,”.

4 **SEC. 11. REINVEST FUNDS IN SUPPORTIVE PROGRAMS.**

5 (a) DRUG SAFETY GRANT PROGRAM.—

6 (1) ESTABLISHMENT.—Not later than one year  
7 after the date of the enactment of this Act, the Sec-  
8 retary of Health and Human Services shall establish  
9 a grant program to support State and local efforts  
10 to expand access to substance abuse treatment, sup-  
11 port harm-reduction services, and reduce the crim-  
12 inalization of individuals who use drugs by sup-  
13 porting the development or expansion of pre-arrest  
14 diversion programs.

15 (2) DUTIES.—The grant program shall enhance  
16 programs that expand access to substance use treat-  
17 ment, enhance the safety of individuals who use  
18 drugs, and reduce the entry of individuals who use  
19 drugs into the criminal legal system.

20 (3) ELIGIBLE ENTITIES.—

21 (A) IN GENERAL.—An eligible entity for a  
22 grant under this paragraph shall be an existing  
23 agency or organization, whether government or  
24 community-based that are engaged in activities  
25 designed to promote the health and welfare of

1 people who use drugs, facilitate the voluntary  
2 treatment of individuals with substance use dis-  
3 order, provide assistance to individuals as an al-  
4 ternative to criminal prosecution, or provide al-  
5 ternatives to law enforcement first response  
6 services.

7 (B) EXCEPTION.—A law enforcement enti-  
8 ty or program that is led principally by a law  
9 enforcement entity are not eligible for grants  
10 provided by the program.

11 (4) USE OF FUNDS.—An eligible entity under  
12 this paragraph may use grant funds for purposes of  
13 increasing access to—

14 (A) low barrier substance use disorder  
15 treatment that is evidence-informed, trauma-in-  
16 formed, culturally responsive, patient-centered,  
17 and non-judgmental (including medication as-  
18 sisted treatment);

19 (B) harm reduction programs and systems  
20 for connecting individuals to harm reduction  
21 interventions, including but not limited to over-  
22 dose prevention education, access to naloxone  
23 hydrochloride and sterile syringes, stimulant-  
24 specific drug education and outreach, drug-  
25 checking services;

- 1 (C) peer support and recovery services;
- 2 (D) non-police crisis-intervention and  
3 emergency response programs;
- 4 (E) pre-arrest diversion programs; and
- 5 (F) transitional, supportive, and perma-  
6 nent housing for persons with substance use  
7 disorder.

8 (b) FINDINGS AND INTENT.—Section 101 of the Con-  
9 trolled Substances Act (21 U.S.C. 801) is amended by  
10 striking paragraphs (1), (2), (3), (4), (5), (6), and (7) and  
11 inserting the following new paragraphs:

12 “(1) Evidence-based regulations and education  
13 focused on protecting the health and safety of indi-  
14 viduals who use controlled substances are necessary  
15 to ensure the general welfare of American people.

16 “(2) Since the enactment of the Comprehensive  
17 Drug Abuse Prevention and Control Act of 1970 the  
18 United States has expended substantial sums of  
19 funding on controlling personal consumption of con-  
20 trolled substances while prohibiting many services  
21 that could help ensure the safety of the consumer  
22 drug products in common use and safer conditions  
23 for individuals who use drugs. The United States  
24 has spent over \$1 trillion on drug control since en-



1 actment of the Act and continues to spend over \$47  
2 million annually.

3 “(3) Drug offenses are the leading cause of ar-  
4 rest in the United States, remaining largely un-  
5 changed from 2010–2019, during which time over  
6 10 million arrests were made for drug possession.  
7 Black individuals are arrested at rates far higher  
8 than their representation in the population and in  
9 far greater numbers than individuals in other demo-  
10 graphic groups.

11 “(4) Drug arrests have significant collateral  
12 consequences, interfering or denying access to edu-  
13 cation, employment, housing, child custody, immi-  
14 gration, and public benefits.

15 “(5) Drug control strategies focused on crim-  
16 inalizing personal use of drugs have not achieved re-  
17 ductions in the availability, prevalence of use, prices,  
18 or incidence of drug overdose.

19 “(6) The criminalization of people who use  
20 drugs reduces the availability of resources for evi-  
21 dence-based compassionate drug education, addiction  
22 health services, including substance abuse treatment  
23 and medication assisted treatment, and other serv-  
24 ices focused on the health and safety of consumers.

1           “(7) Federal regulation of controlled substances  
2           pursuant to this subchapter shall promote the  
3           health, safety and welfare of individuals who use  
4           drugs and seek to prevent the harms of criminalizing  
5           individual users of drugs.”.

6   **SEC. 12. EVIDENCE-BASED DRUG EDUCATION.**

7           (a) **IN GENERAL.**—Notwithstanding any other provi-  
8           sion of law, and not later than 180 days after the date  
9           of the enactment of this Act, the Attorney General shall  
10          transfer certain programs to the Secretary of Health and  
11          Human Services.

12          (b) **FEDERAL FUNDS PROHIBITION.**—Notwith-  
13          standing any other provision of law, no Federal funds may  
14          be used by the Attorney General for drug education pro-  
15          gramming, including public education related to drug use,  
16          unless that the Attorney General or designee may provide  
17          information to the Secretary of Health and Human Serv-  
18          ices in support of the Secretary’s responsibilities pursuant  
19          to this section.

20          (c) **PERSONNEL AND EQUIPMENT.**—Notwithstanding  
21          any provision of law, a transfer pursuant to paragraph (1)  
22          shall include any personnel and equipment exclusively re-  
23          sponsible for the administration of the certain programs.

24          (d) **CERTAIN PROGRAM DEFINED.**—The term “cer-  
25          tain program” means Federal programs including:

- 1 (1) Access to recovery programs.
- 2 (2) Block grants for prevention and treatment  
3 of substance abuse.
- 4 (3) Community transformation grants.
- 5 (4) Drug abuse and addiction research pro-  
6 grams.
- 7 (5) Enhance the safety of children affected by  
8 parental methamphetamine or other substance  
9 abuse.
- 10 (6) Family connection grants.
- 11 (7) Using family group decision-making to build  
12 protective factors for children and families.
- 13 (8) Health improvement for reentering ex-of-  
14 fenders initiative.
- 15 (9) Healthy start initiative.
- 16 (10) HIV prevention activities nongovernmental  
17 organization based in the United States.
- 18 (11) Maternal, infant and early childhood home  
19 visiting program.
- 20 (12) Mentoring children of prisoners.
- 21 (13) National all schedules prescription elec-  
22 tronic reporting grant.
- 23 (14) Project for assistance in transition from  
24 homelessness.
- 25 (15) Promoting safe and stable homes.

1           (16) Strategic prevention framework.

2           (17) Substance abuse and mental health serv-  
3           ices projects of regional and national significance.

4           (18) Urban Indian Health Services.

5           (e) PUBLIC EDUCATION REGARDING DRUGS AND  
6 DRUG USE.—Notwithstanding any other provision of law,  
7 any Federal funds used for designing, administering, or  
8 supporting programs to provide education regarding drugs  
9 or drug use shall provide scientifically-accurate, culturally  
10 and gender competent, trauma-informed, and evidence-  
11 based information about drug use and effects that can  
12 help persons participating in such a program make healthy  
13 choices about substance use and develop personal and so-  
14 cial strategies to manage the risks, benefits, and potential  
15 harms of substance use.

16          (f) IMPROVE RESEARCH ON IMPACTS OF DRUG CRIM-  
17 INALIZATION AND ENFORCEMENT.—Notwithstanding any  
18 other provision of law, and not later than one year after  
19 the date of the enactment of this Act, the Attorney Gen-  
20 eral shall transfer programs with respect to drugs and  
21 crime to the Administrator of the Substance Abuse and  
22 Mental Health Services Administration to expand research  
23 on harms of criminalization and to study the effectiveness  
24 of non-prohibitionist models of ensuring the health and  
25 safety of individuals who use drugs.

1 **SEC. 13. DATA COLLECTION AND TRANSPARENCY.**

2 (a) LOCALITY DATA.—Not later than one year after  
3 the date of the enactment of this Act, the Director of the  
4 Federal Bureau of Investigation make publicly available  
5 all available data, on a quarterly basis, regarding local en-  
6 forcement of drug laws, including local arrests for drug  
7 possession and distribution offenses, possession of drug  
8 paraphernalia, public use or intoxication, loitering, and all  
9 other drug-related violations.

10 (b) NATIONAL INCIDENT-BASED REPORTING SYS-  
11 TEM.—Not later than one year after the date of the enact-  
12 ment of this Act, the Director of the Federal Bureau of  
13 Investigation shall make available on the internet website  
14 of the Federal Bureau of Investigation any data provided  
15 by localities to the National Incident-Based Reporting  
16 System, including any aggregate data reported regarding  
17 the alleged substances and quantities recovered, and de-  
18 mographic data for persons arrested.

19 (c) DEPARTMENT OF JUSTICE REPORTING.—Not  
20 later than one year after the date of the enactment of this  
21 Act, and annually thereafter, the Attorney General shall  
22 collect and make publicly available on the internet website  
23 of the Department of Justice information from any unit  
24 of local government that receives any Federal funding  
25 identifying expenditures on drug offense enforcement.

1 **SEC. 14. LIMITATION OF ELIGIBILITY FOR FUNDS.**

2 Beginning in the first fiscal year that begins after  
 3 the date that is one year after the date of enactment of  
 4 this Act, a State or unit of local government may not re-  
 5 ceive funds under subpart 1 of part E of title I of the  
 6 Omnibus Crime Control and Safe Streets Act of 1968 (34  
 7 U.S.C. 10151 et seq.) or the under section 1701 of title  
 8 I of the Omnibus Crime Control and Safe Streets Act of  
 9 1968 (34 U.S.C. 10381) for a fiscal year if, on the day  
 10 before the first day of the fiscal year, the State or unit  
 11 of local government has a law in effect that establishes  
 12 criminal penalties for the possession of an amount of a  
 13 controlled substance consistent with personal use.

14 **SEC. 15. PROHIBITION ON CRIMINAL HISTORY INQUIRIES**  
 15 **PRIOR TO CONDITIONAL OFFER FOR FED-**  
 16 **ERAL EMPLOYMENT.**

17 (a) IN GENERAL.—Subpart H of part III of title 5,  
 18 United States Code, is amended by adding at the end the  
 19 following:

20 **“CHAPTER 92—PROHIBITION ON CRIMI-**  
 21 **NAL HISTORY INQUIRIES PRIOR TO**  
 22 **CONDITIONAL OFFER**

“Sec.

“9201. Definitions.

“9202. Limitations on requests for criminal history record information.

“9203. Agency policies; complaint procedures.

“9204. Adverse action.

“9205. Procedures.

“9206. Rules of construction.

1 **“§ 9201. Definitions**

2 “In this chapter—

3 “(1) the term ‘agency’ means ‘Executive agen-  
4 cy’ as such term is defined in section 105 and in-  
5 cludes—

6 “(A) the United States Postal Service and  
7 the Postal Regulatory Commission; and

8 “(B) the Executive Office of the President;

9 “(2) the term ‘appointing authority’ means an  
10 employee in the executive branch of the Government  
11 of the United States that has authority to make ap-  
12 pointments to positions in the civil service;

13 “(3) the term ‘conditional offer’ means an offer  
14 of employment in a position in the civil service that  
15 is conditioned upon the results of a criminal history  
16 inquiry;

17 “(4) the term ‘criminal history record informa-  
18 tion’—

19 “(A) except as provided in subparagraphs  
20 (B) and (C), has the meaning given the term in  
21 section 9101(a);

22 “(B) includes any information described in  
23 the first sentence of section 9101(a)(2) that has  
24 been sealed or expunged pursuant to law; and

25 “(C) includes information collected by a  
26 criminal justice agency, relating to an act or al-

1           leged act of juvenile delinquency, that is analo-  
2           gous to criminal history record information (in-  
3           cluding such information that has been sealed  
4           or expunged pursuant to law); and

5           “(5) the term ‘suspension’ has the meaning  
6           given the term in section 7501.

7   **“§ 9202. Limitations on requests for criminal history**  
8           **record information**

9           “(a) INQUIRIES PRIOR TO CONDITIONAL OFFER.—  
10          Except as provided in subsections (b) and (c), an employee  
11          of an agency may not request, in oral or written form (in-  
12          cluding through the Declaration for Federal Employment  
13          (Office of Personnel Management Optional Form 306) or  
14          any similar successor form, the USAJOBS internet  
15          website, or any other electronic means) that an applicant  
16          for an appointment to a position in the civil service dis-  
17          close criminal history record information regarding the ap-  
18          plicant before the appointing authority extends a condi-  
19          tional offer to the applicant.

20          “(b) OTHERWISE REQUIRED BY LAW.—The prohibi-  
21          tion under subsection (a) shall not apply with respect to  
22          an applicant for a position in the civil service if consider-  
23          ation of criminal history record information prior to a con-  
24          ditional offer with respect to the position is otherwise re-  
25          quired by law.



1 “(c) EXCEPTION FOR CERTAIN POSITIONS.—

2 “(1) IN GENERAL.—The prohibition under sub-  
3 section (a) shall not apply with respect to an appli-  
4 cant for an appointment to a position—

5 “(A) that requires a determination of eligi-  
6 bility described in clause (i), (ii), or (iii) of sec-  
7 tion 9101(b)(1)(A);

8 “(B) as a Federal law enforcement officer  
9 (as defined in section 115(c) of title 18); or

10 “(C) identified by the Director of the Of-  
11 fice of Personnel Management in the regula-  
12 tions issued under paragraph (2).

13 “(2) REGULATIONS.—

14 “(A) ISSUANCE.—The Director of the Of-  
15 fice of Personnel Management shall issue regu-  
16 lations identifying additional positions with re-  
17 spect to which the prohibition under subsection  
18 (a) shall not apply, giving due consideration to  
19 positions that involve interaction with minors,  
20 access to sensitive information, or managing fi-  
21 nancial transactions.

22 “(B) COMPLIANCE WITH CIVIL RIGHTS  
23 LAWS.—The regulations issued under subpara-  
24 graph (A) shall—

1           “(i) be consistent with, and in no way  
2           supersede, restrict, or limit the application  
3           of title VII of the Civil Rights Act of 1964  
4           (42 U.S.C. 2000e et seq.) or other relevant  
5           Federal civil rights laws; and

6           “(ii) ensure that all hiring activities  
7           conducted pursuant to the regulations are  
8           conducted in a manner consistent with rel-  
9           evant Federal civil rights laws.

10 **“§ 9203. Agency policies; complaint procedures**

11         “The Director of the Office of Personnel Manage-  
12         ment shall—

13           “(1) develop, implement, and publish a policy to  
14           assist employees of agencies in complying with sec-  
15           tion 9202 and the regulations issued pursuant to  
16           such section; and

17           “(2) establish and publish procedures under  
18           which an applicant for an appointment to a position  
19           in the civil service may submit a complaint, or any  
20           other information, relating to compliance by an em-  
21           ployee of an agency with section 9202.

22 **“§ 9204. Adverse action**

23         “(a) FIRST VIOLATION.—If the Director of the Office  
24         of Personnel Management determines, after notice and an  
25         opportunity for a hearing on the record, that an employee

1 of an agency has violated section 9202, the Director  
2 shall—

3 “(1) issue to the employee a written warning  
4 that includes a description of the violation and the  
5 additional penalties that may apply for subsequent  
6 violations; and

7 “(2) file such warning in the employee’s official  
8 personnel record file.

9 “(b) SUBSEQUENT VIOLATIONS.—If the Director of  
10 the Office of Personnel Management determines, after no-  
11 tice and an opportunity for a hearing on the record, that  
12 an employee that was subject to subsection (a) has com-  
13 mitted a subsequent violation of section 9202, the Director  
14 may take the following action:

15 “(1) For a second violation, suspension of the  
16 employee for a period of not more than 7 days.

17 “(2) For a third violation, suspension of the  
18 employee for a period of more than 7 days.

19 “(3) For a fourth violation—

20 “(A) suspension of the employee for a pe-  
21 riod of more than 7 days; and

22 “(B) a civil penalty against the employee  
23 in an amount that is not more than \$250.

24 “(4) For a fifth violation—

1           “(A) suspension of the employee for a pe-  
2           riod of more than 7 days; and

3           “(B) a civil penalty against the employee  
4           in an amount that is not more than \$500.

5           “(5) For any subsequent violation—

6           “(A) suspension of the employee for a pe-  
7           riod of more than 7 days; and

8           “(B) a civil penalty against the employee  
9           in an amount that is not more than \$1,000.

10 **“§ 9205. Procedures**

11           “(a) APPEALS.—The Director of the Office of Per-  
12           sonnel Management shall by rule establish procedures pro-  
13           viding for an appeal from any adverse action taken under  
14           section 9204 by not later than 30 days after the date of  
15           the action.

16           “(b) APPLICABILITY OF OTHER LAWS.—An adverse  
17           action taken under section 9204 (including a determina-  
18           tion in an appeal from such an action under subsection  
19           (a) of this section) shall not be subject to—

20           “(1) the procedures under chapter 75; or

21           “(2) except as provided in subsection (a) of this  
22           section, appeal or judicial review.

23 **“§ 9206. Rules of construction**

24           “Nothing in this chapter may be construed to—

1           “(1) authorize any officer or employee of an  
2           agency to request the disclosure of information de-  
3           scribed under subparagraphs (B) and (C) of section  
4           9201(4); or

5           “(2) create a private right of action for any  
6           person.”.

7           (b) REGULATIONS; EFFECTIVE DATE.—

8           (1) REGULATIONS.—Not later than 1 year after  
9           the date of enactment of this Act, the Director of  
10          the Office of Personnel Management shall issue such  
11          regulations as are necessary to carry out chapter 92  
12          of title 5, United States Code (as added by this  
13          Act).

14          (2) EFFECTIVE DATE.—Section 9202 of title 5,  
15          United States Code (as added by this Act), shall  
16          take effect on the date that is 2 years after the date  
17          of enactment of this Act.

18          (c) TECHNICAL AND CONFORMING AMENDMENT.—

19          The table of chapters for part III of title 5, United States  
20          Code, is amended by inserting after the item relating to  
21          chapter 91 the following:

**“92. Prohibition on criminal history inquiries prior to  
          conditional offer ..... 9201”.**

22          (d) APPLICATION TO LEGISLATIVE BRANCH.—

1           (1) IN GENERAL.—The Congressional Account-  
2           ability Act of 1995 (2 U.S.C. 1301 et seq.) is  
3           amended—

4                   (A) in section 102(a) (2 U.S.C. 1302(a)),  
5           by adding at the end the following:

6                   “(12) Section 9202 of title 5, United States  
7           Code.”;

8                   (B) by redesignating section 207 (2 U.S.C.  
9           1317) as section 208; and

10                   (C) by inserting after section 206 (2  
11           U.S.C. 1316) the following new section:

12   **“SEC. 207. RIGHTS AND PROTECTIONS RELATING TO CRIMI-**  
13                   **NAL HISTORY INQUIRIES.**

14           “(a) DEFINITIONS.—In this section, the terms ‘agen-  
15           cy’, ‘criminal history record information’, and ‘suspension’  
16           have the meanings given the terms in section 9201 of title  
17           5, United States Code, except as otherwise modified by  
18           this section.

19           “(b) RESTRICTIONS ON CRIMINAL HISTORY INQUIR-  
20           IES.—

21                   “(1) IN GENERAL.—

22                           “(A) IN GENERAL.—Except as provided in  
23                   subparagraph (B), an employee of an employing  
24                   office may not request that an applicant for em-  
25                   ployment as a covered employee disclose crimi-

1           nal history record information if the request  
2           would be prohibited under section 9202 of title  
3           5, United States Code, if made by an employee  
4           of an agency.

5           “(B) CONDITIONAL OFFER.—For purposes  
6           of applying that section 9202 under subpara-  
7           graph (A), a reference in that section 9202 to  
8           a conditional offer shall be considered to be an  
9           offer of employment as a covered employee that  
10          is conditioned upon the results of a criminal  
11          history inquiry.

12          “(2) RULES OF CONSTRUCTION.—The provi-  
13          sions of section 9206 of title 5, United States Code,  
14          shall apply to employing offices, consistent with reg-  
15          ulations issued under subsection (d).

16          “(c) REMEDY.—

17          “(1) IN GENERAL.—The remedy for a violation  
18          of subsection (b)(1) shall be such remedy as would  
19          be appropriate if awarded under section 9204 of title  
20          5, United States Code, if the violation had been  
21          committed by an employee of an agency, consistent  
22          with regulations issued under subsection (d), except  
23          that the reference in that section to a suspension  
24          shall be considered to be a suspension with the level

1 of compensation provided for a covered employee  
2 who is taking unpaid leave under section 202.

3 “(2) PROCESS FOR OBTAINING RELIEF.—An  
4 applicant for employment as a covered employee who  
5 alleges a violation of subsection (b)(1) may rely on  
6 the provisions of title IV (other than section 407 or  
7 408, or a provision of this title that permits a per-  
8 son to obtain a civil action or judicial review), con-  
9 sistent with regulations issued under subsection (d).

10 “(d) REGULATIONS TO IMPLEMENT SECTION.—

11 “(1) IN GENERAL.—Not later than 18 months  
12 after the date of enactment of the Fair Chance to  
13 Compete for Jobs Act of 2019, the Board shall, pur-  
14 suant to section 304, issue regulations to implement  
15 this section.

16 “(2) PARALLEL WITH AGENCY REGULATIONS.—  
17 The regulations issued under paragraph (1) shall be  
18 the same as substantive regulations issued by the  
19 Director of the Office of Personnel Management  
20 under section 2(b)(1) of the Fair Chance to Com-  
21 pete for Jobs Act of 2019 to implement the statu-  
22 tory provisions referred to in subsections (a) through  
23 (c) except to the extent that the Board may deter-  
24 mine, for good cause shown and stated together with  
25 the regulation, that a modification of such regula-



1 tions would be more effective for the implementation  
2 of the rights and protections under this section.

3 “(e) EFFECTIVE DATE.—Section 102(a)(12) and  
4 subsections (a) through (c) shall take effect on the date  
5 on which section 9202 of title 5, United States Code, ap-  
6 plies with respect to agencies.”.

7 (2) CLERICAL AMENDMENTS.—

8 (A) The table of contents in section 1(b) of  
9 the Congressional Accountability Act of 1995  
10 (Public Law 104–1; 109 Stat. 3) is amended—

11 (i) by redesignating the item relating  
12 to section 207 as the item relating to sec-  
13 tion 208; and

14 (ii) by inserting after the item relating  
15 to section 206 the following new item:

“Sec. 207. Rights and protections relating to criminal history inquiries.”.

16 (B) Section 62(e)(2) of the Internal Rev-  
17 enue Code of 1986 is amended by striking “or  
18 207” and inserting “207, or 208”.

19 (e) APPLICATION TO JUDICIAL BRANCH.—

20 (1) IN GENERAL.—Section 604 of title 28,  
21 United States Code, is amended by adding at the  
22 end the following:

23 “(i) RESTRICTIONS ON CRIMINAL HISTORY INQUIR-  
24 IES.—

25 “(1) DEFINITIONS.—In this subsection—

1           “(A) the terms ‘agency’ and ‘criminal his-  
2           tory record information’ have the meanings  
3           given those terms in section 9201 of title 5;

4           “(B) the term ‘covered employee’ means an  
5           employee of the judicial branch of the United  
6           States Government, other than—

7                   “(i) any judge or justice who is enti-  
8                   tled to hold office during good behavior;

9                   “(ii) a United States magistrate  
10                  judge; or

11                  “(iii) a bankruptcy judge; and

12           “(C) the term ‘employing office’ means any  
13           office or entity of the judicial branch of the  
14           United States Government that employs covered  
15           employees.

16           “(2) RESTRICTION.—A covered employee may  
17           not request that an applicant for employment as a  
18           covered employee disclose criminal history record in-  
19           formation if the request would be prohibited under  
20           section 9202 of title 5 if made by an employee of an  
21           agency.

22           “(3) EMPLOYING OFFICE POLICIES; COMPLAINT  
23           PROCEDURE.—The provisions of sections 9203 and  
24           9206 of title 5 shall apply to employing offices and  
25           to applicants for employment as covered employees,

1 consistent with regulations issued by the Director to  
2 implement this subsection.

3 “(4) ADVERSE ACTION.—

4 “(A) ADVERSE ACTION.—The Director  
5 may take such adverse action with respect to a  
6 covered employee who violates paragraph (2) as  
7 would be appropriate under section 9204 of  
8 title 5 if the violation had been committed by  
9 an employee of an agency.

10 “(B) APPEALS.—The Director shall by  
11 rule establish procedures providing for an ap-  
12 peal from any adverse action taken under sub-  
13 paragraph (A) by not later than 30 days after  
14 the date of the action.

15 “(C) APPLICABILITY OF OTHER LAWS.—  
16 Except as provided in subparagraph (B), an ad-  
17 verse action taken under subparagraph (A) (in-  
18 cluding a determination in an appeal from such  
19 an action under subparagraph (B)) shall not be  
20 subject to appeal or judicial review.

21 “(5) REGULATIONS TO BE ISSUED.—

22 “(A) IN GENERAL.—Not later than 18  
23 months after the date of enactment of the Fair  
24 Chance to Compete for Jobs Act of 2019, the

1 Director shall issue regulations to implement  
2 this subsection.

3 “(B) PARALLEL WITH AGENCY REGULA-  
4 TIONS.—The regulations issued under subpara-  
5 graph (A) shall be the same as substantive reg-  
6 ulations promulgated by the Director of the Of-  
7 fice of Personnel Management under section  
8 2(b)(1) of the Fair Chance to Compete for Jobs  
9 Act of 2019 except to the extent that the Direc-  
10 tor of the Administrative Office of the United  
11 States Courts may determine, for good cause  
12 shown and stated together with the regulation,  
13 that a modification of such regulations would be  
14 more effective for the implementation of the  
15 rights and protections under this subsection.

16 “(6) EFFECTIVE DATE.—Paragraphs (1)  
17 through (4) shall take effect on the date on which  
18 section 9202 of title 5 applies with respect to agen-  
19 cies.”.

20 **SEC. 16. PROHIBITION ON CRIMINAL HISTORY INQUIRIES**  
21 **BY CONTRACTORS PRIOR TO CONDITIONAL**  
22 **OFFER.**

23 (a) CIVILIAN AGENCY CONTRACTS.—

1           (1) IN GENERAL.—Chapter 47 of title 41,  
2           United States Code, is amended by adding at the  
3           end the following new section:

4   **“§ 4714. Prohibition on criminal history inquiries by**  
5                           **contractors prior to conditional offer**

6           “(a) LIMITATION ON CRIMINAL HISTORY INQUIR-  
7           IES.—

8                   “(1) IN GENERAL.—Except as provided in para-  
9                   graphs (2) and (3), an executive agency—

10                           “(A) may not require that an individual or  
11                           sole proprietor who submits a bid for a contract  
12                           to disclose criminal history record information  
13                           regarding that individual or sole proprietor be-  
14                           fore determining the apparent awardee; and

15                           “(B) shall require, as a condition of receiv-  
16                           ing a Federal contract and receiving payments  
17                           under such contract that the contractor may  
18                           not verbally, or through written form, request  
19                           the disclosure of criminal history record infor-  
20                           mation regarding an applicant for a position re-  
21                           lated to work under such contract before the  
22                           contractor extends a conditional offer to the ap-  
23                           plicant.

24                           “(2) OTHERWISE REQUIRED BY LAW.—The  
25                           prohibition under paragraph (1) does not apply with

1 respect to a contract if consideration of criminal his-  
2 tory record information prior to a conditional offer  
3 with respect to the position is otherwise required by  
4 law.

5 “(3) EXCEPTION FOR CERTAIN POSITIONS.—

6 “(A) IN GENERAL.—The prohibition under  
7 paragraph (1) does not apply with respect to—

8 “(i) a contract that requires an indi-  
9 vidual hired under the contract to access  
10 classified information or to have sensitive  
11 law enforcement or national security du-  
12 ties; or

13 “(ii) a position that the Administrator  
14 of General Services identifies under the  
15 regulations issued under subparagraph  
16 (B).

17 “(B) REGULATIONS.—

18 “(i) ISSUANCE.—Not later than 16  
19 months after the date of enactment of the  
20 Fair Chance to Compete for Jobs Act of  
21 2019, the Administrator of General Serv-  
22 ices, in consultation with the Secretary of  
23 Defense, shall issue regulations identifying  
24 additional positions with respect to which  
25 the prohibition under paragraph (1) shall

1 not apply, giving due consideration to posi-  
2 tions that involve interaction with minors,  
3 access to sensitive information, or man-  
4 aging financial transactions.

5 “(ii) COMPLIANCE WITH CIVIL RIGHTS  
6 LAWS.—The regulations issued under  
7 clause (i) shall—

8 “(I) be consistent with, and in no  
9 way supersede, restrict, or limit the  
10 application of title VII of the Civil  
11 Rights Act of 1964 (42 U.S.C. 2000e  
12 et seq.) or other relevant Federal civil  
13 rights laws; and

14 “(II) ensure that all hiring activi-  
15 ties conducted pursuant to the regula-  
16 tions are conducted in a manner con-  
17 sistent with relevant Federal civil  
18 rights laws.

19 “(b) COMPLAINT PROCEDURES.—The Administrator  
20 of General Services shall establish and publish procedures  
21 under which an applicant for a position with a Federal  
22 contractor may submit to the Administrator a complaint,  
23 or any other information, relating to compliance by the  
24 contractor with subsection (a)(1)(B).

1       “(c) ACTION FOR VIOLATIONS OF PROHIBITION ON  
2 CRIMINAL HISTORY INQUIRIES.—

3               “(1) FIRST VIOLATION.—If the head of an execu-  
4 tive agency determines that a contractor has vio-  
5 lated subsection (a)(1)(B), such head shall—

6                       “(A) notify the contractor;

7                       “(B) provide 30 days after such notifica-  
8 tion for the contractor to appeal the determina-  
9 tion; and

10                      “(C) issue a written warning to the con-  
11 tractor that includes a description of the viola-  
12 tion and the additional remedies that may apply  
13 for subsequent violations.

14               “(2) SUBSEQUENT VIOLATION.—If the head of  
15 an executive agency determines that a contractor  
16 that was subject to paragraph (1) has committed a  
17 subsequent violation of subsection (a)(1)(B), such  
18 head shall notify the contractor, shall provide 30  
19 days after such notification for the contractor to ap-  
20 peal the determination, and, in consultation with the  
21 relevant Federal agencies, may take actions, depend-  
22 ing on the severity of the infraction and the contrac-  
23 tor’s history of violations, including—



1           “(A) providing written guidance to the  
2 contractor that the contractor’s eligibility for  
3 contracts requires compliance with this section;

4           “(B) requiring that the contractor respond  
5 within 30 days affirming that the contractor is  
6 taking steps to comply with this section; and

7           “(C) suspending payment under the con-  
8 tract for which the applicant was being consid-  
9 ered until the contractor demonstrates compli-  
10 ance with this section.

11       “(d) DEFINITIONS.—In this section:

12           “(1) CONDITIONAL OFFER.—The term ‘condi-  
13 tional offer’ means an offer of employment for a po-  
14 sition related to work under a contract that is condi-  
15 tioned upon the results of a criminal history inquiry.

16           “(2) CRIMINAL HISTORY RECORD INFORMA-  
17 TION.—The term ‘criminal history record informa-  
18 tion’ has the meaning given that term in section  
19 9201 of title 5.”.

20           “(2) CLERICAL AMENDMENT.—The table of sec-  
21 tions for chapter 47 of title 41, United States Code,  
22 is amended by adding at the end the following new  
23 item:

“4714. Prohibition on criminal history inquiries by contractors prior to condi-  
tional offer.”.

1           (3) EFFECTIVE DATE.—Section 4714 of title  
2           41, United States Code, as added by paragraph (1),  
3           shall apply with respect to contracts awarded pursu-  
4           ant to solicitations issued after the effective date de-  
5           scribed in section 2(b)(2) of this Act.

6           (b) DEFENSE CONTRACTS.—

7           (1) IN GENERAL.—Chapter 137 of title 10,  
8           United States Code, is amended by inserting after  
9           section 2338 the following new section:

10   **“§ 2339. Prohibition on criminal history inquiries by**  
11                           **contractors prior to conditional offer**

12           “(a) LIMITATION ON CRIMINAL HISTORY INQUIR-  
13   IES.—

14           “(1) IN GENERAL.—Except as provided in para-  
15           graphs (2) and (3), the head of an agency—

16                   “(A) may not require that an individual or  
17                   sole proprietor who submits a bid for a contract  
18                   to disclose criminal history record information  
19                   regarding that individual or sole proprietor be-  
20                   fore determining the apparent awardee; and

21                   “(B) shall require as a condition of receiv-  
22                   ing a Federal contract and receiving payments  
23                   under such contract that the contractor may  
24                   not verbally or through written form request  
25                   the disclosure of criminal history record infor-

1           mation regarding an applicant for a position re-  
2           lated to work under such contract before such  
3           contractor extends a conditional offer to the ap-  
4           plicant.

5           “(2) OTHERWISE REQUIRED BY LAW.—The  
6           prohibition under paragraph (1) does not apply with  
7           respect to a contract if consideration of criminal his-  
8           tory record information prior to a conditional offer  
9           with respect to the position is otherwise required by  
10          law.

11          “(3) EXCEPTION FOR CERTAIN POSITIONS.—

12           “(A) IN GENERAL.—The prohibition under  
13           paragraph (1) does not apply with respect to—

14                   “(i) a contract that requires an indi-  
15                   vidual hired under the contract to access  
16                   classified information or to have sensitive  
17                   law enforcement or national security du-  
18                   ties; or

19                   “(ii) a position that the Secretary of  
20                   Defense identifies under the regulations  
21                   issued under subparagraph (B).

22          “(B) REGULATIONS.—

23           “(i) ISSUANCE.—Not later than 16  
24           months after the date of enactment of the  
25           Fair Chance to Compete for Jobs Act of

1           2019, the Secretary of Defense, in con-  
2           sultation with the Administrator of Gen-  
3           eral Services, shall issue regulations identi-  
4           fying additional positions with respect to  
5           which the prohibition under paragraph (1)  
6           shall not apply, giving due consideration to  
7           positions that involve interaction with mi-  
8           nors, access to sensitive information, or  
9           managing financial transactions.

10           “(ii) COMPLIANCE WITH CIVIL RIGHTS  
11           LAWS.—The regulations issued under  
12           clause (i) shall—

13                   “(I) be consistent with, and in no  
14                   way supersede, restrict, or limit the  
15                   application of title VII of the Civil  
16                   Rights Act of 1964 (42 U.S.C. 2000e  
17                   et seq.) or other relevant Federal civil  
18                   rights laws; and

19                   “(II) ensure that all hiring activi-  
20                   ties conducted pursuant to the regula-  
21                   tions are conducted in a manner con-  
22                   sistent with relevant Federal civil  
23                   rights laws.

24           “(b) COMPLAINT PROCEDURES.—The Secretary of  
25           Defense shall establish and publish procedures under

1 which an applicant for a position with a Department of  
2 Defense contractor may submit a complaint, or any other  
3 information, relating to compliance by the contractor with  
4 subsection (a)(1)(B).

5 “(c) ACTION FOR VIOLATIONS OF PROHIBITION ON  
6 CRIMINAL HISTORY INQUIRIES.—

7 “(1) FIRST VIOLATION.—If the Secretary of  
8 Defense determines that a contractor has violated  
9 subsection (a)(1)(B), the Secretary shall—

10 “(A) notify the contractor;

11 “(B) provide 30 days after such notifica-  
12 tion for the contractor to appeal the determina-  
13 tion; and

14 “(C) issue a written warning to the con-  
15 tractor that includes a description of the viola-  
16 tion and the additional remedies that may apply  
17 for subsequent violations.

18 “(2) SUBSEQUENT VIOLATIONS.—If the Sec-  
19 retary of Defense determines that a contractor that  
20 was subject to paragraph (1) has committed a sub-  
21 sequent violation of subsection (a)(1)(B), the Sec-  
22 retary shall notify the contractor, shall provide 30  
23 days after such notification for the contractor to ap-  
24 peal the determination, and, in consultation with the  
25 relevant Federal agencies, may take actions, depend-

1 ing on the severity of the infraction and the contrac-  
2 tor’s history of violations, including—

3 “(A) providing written guidance to the  
4 contractor that the contractor’s eligibility for  
5 contracts requires compliance with this section;

6 “(B) requiring that the contractor respond  
7 within 30 days affirming that the contractor is  
8 taking steps to comply with this section; and

9 “(C) suspending payment under the con-  
10 tract for which the applicant was being consid-  
11 ered until the contractor demonstrates compli-  
12 ance with this section.

13 “(d) DEFINITIONS.—In this section:

14 “(1) CONDITIONAL OFFER.—The term ‘condi-  
15 tional offer’ means an offer of employment for a po-  
16 sition related to work under a contract that is condi-  
17 tioned upon the results of a criminal history inquiry.

18 “(2) CRIMINAL HISTORY RECORD INFORMA-  
19 TION.—The term ‘criminal history record informa-  
20 tion’ has the meaning given that term in section  
21 9201 of title 5.”.

22 (2) EFFECTIVE DATE.—Section 2339(a) of title  
23 10, United States Code, as added by paragraph (1),  
24 shall apply with respect to contracts awarded pursu-

1 ant to solicitations issued after the effective date de-  
2 scribed in section 2(b)(2) of this Act.

3 (3) CLERICAL AMENDMENT.—The table of sec-  
4 tions for chapter 137 of title 10, United States  
5 Code, is amended by inserting after the item relating  
6 to section 2338 the following new item:

“2339. Prohibition on criminal history inquiries by contractors prior to condi-  
tional offer.”.

7 (c) REVISIONS TO FEDERAL ACQUISITION REGULA-  
8 TION.—

9 (1) IN GENERAL.—Not later than 18 months  
10 after the date of enactment of this Act, the Federal  
11 Acquisition Regulatory Council shall revise the Fed-  
12 eral Acquisition Regulation to implement section  
13 4714 of title 41, United States Code, and section  
14 2339 of title 10, United States Code, as added by  
15 this section.

16 (2) CONSISTENCY WITH OFFICE OF PERSONNEL  
17 MANAGEMENT REGULATIONS.—The Federal Acquisi-  
18 tion Regulatory Council shall revise the Federal Ac-  
19 quisition Regulation under paragraph (1) to be con-  
20 sistent with the regulations issued by the Director of  
21 the Office of Personnel Management under section  
22 2(b)(1) to the maximum extent practicable. The  
23 Council shall include together with such revision an  
24 explanation of any substantive modification of the

1 Office of Personnel Management regulations, includ-  
2 ing an explanation of how such modification will  
3 more effectively implement the rights and protec-  
4 tions under this section.

5 **SEC. 17. REPORT ON EMPLOYMENT OF INDIVIDUALS FOR-**  
6 **MERLY INCARCERATED IN FEDERAL PRIS-**  
7 **ONS.**

8 (a) DEFINITION.—In this section, the term “covered  
9 individual”—

10 (1) means an individual who has completed a  
11 term of imprisonment in a Federal prison for a Fed-  
12 eral criminal offense; and

13 (2) does not include an alien who is or will be  
14 removed from the United States for a violation of  
15 the immigration laws (as such term is defined in sec-  
16 tion 101 of the Immigration and Nationality Act (8  
17 U.S.C. 1101)).

18 (b) STUDY AND REPORT REQUIRED.—The Director  
19 of the Bureau of Justice Statistics, in coordination with  
20 the Director of the Bureau of the Census, shall—

21 (1) not later than 180 days after the date of  
22 enactment of this Act, design and initiate a study on  
23 the employment of covered individuals after their re-  
24 lease from Federal prison, including by collecting—



1 (A) demographic data on covered individ-  
2 uals, including race, age, and sex; and

3 (B) data on employment and earnings of  
4 covered individuals who are denied employment,  
5 including the reasons for the denials; and

6 (2) not later than 2 years after the date of en-  
7 actment of this Act, and every 5 years thereafter,  
8 submit a report that does not include any personally  
9 identifiable information on the study conducted  
10 under paragraph (1) to—

11 (A) the Committee on Homeland Security  
12 and Governmental Affairs of the Senate;

13 (B) the Committee on Health, Education,  
14 Labor, and Pensions of the Senate;

15 (C) the Committee on Oversight and Re-  
16 form of the House of Representatives; and

17 (D) the Committee on Education and  
18 Labor of the House of Representatives.

19 **SEC. 18. DETERMINATION OF BUDGETARY EFFECTS.**

20 The budgetary effects of this Act, for the purpose of  
21 complying with the Statutory Pay-As-You-Go Act of 2010,  
22 shall be determined by reference to the latest statement  
23 titled “Budgetary Effects of PAYGO Legislation” for this  
24 Act, submitted for printing in the Congressional Record  
25 by the Chairman of the House Budget Committee, pro-

1 vided that such statement has been submitted prior to the  
2 vote on passage.

3 **SEC. 19. DEFINITIONS.**

4 In this Act:

5 (1) CORRECTIONAL INSTITUTION OR FACIL-  
6 ITY.—The term “correctional institution or facility”  
7 means any prison, penitentiary, jail, or other institu-  
8 tion or facility for the confinement of individuals  
9 convicted of criminal offenses, whether publicly or  
10 privately operated, except that such term does not  
11 include any residential community treatment center  
12 (or similar public or private facility).

13 (2) CRIMINAL JUSTICE SENTENCE.—The term  
14 “criminal justice sentence” means any requirement  
15 imposed pursuant to a sentence, including incarcer-  
16 ation, supervised release, parole, or probation.

17 (3) ELECTION.—The term “election” means—

18 (A) a general, special, primary, or runoff  
19 election;

20 (B) a convention or caucus of a political  
21 party held to nominate a candidate;

22 (C) a primary election held for the selec-  
23 tion of delegates to a national nominating con-  
24 vention of a political party; or

1 (D) a primary election held for the expres-  
2 sion of a preference for the nomination of per-  
3 sons for election to the office of President.

4 (4) ELIGIBLE OFFENSE.—The term “eligible of-  
5 fense” means an offense for a controlled substances  
6 with respect to an amount that is lower than the  
7 benchmark determined by the Commission on Sub-  
8 stance Use, Health, and Safety established under  
9 section 6 of this Act.

10 (5) FEDERAL OFFICE.—The term “Federal of-  
11 fice” means the office of President or Vice President  
12 of the United States, or of Senator or Representa-  
13 tive in, or Delegate or Resident Commissioner to,  
14 the Congress of the United States.

15 (6) INDIGENOUS COMMUNITIES.—The term  
16 “Indigenous communities” includes each of the Fed-  
17 erally recognized Indian tribes.

18 (7) PROBATION.—The term “probation” means  
19 probation, imposed by a Federal, State, or local  
20 court, with or without a condition on the individual  
21 involved concerning—

22 (A) the individual’s freedom of movement;

23 (B) the payment of damages by the indi-  
24 vidual;

1                   (C) periodic reporting by the individual to  
2                   an officer of the court; or

3                   (D) supervision of the individual by an of-  
4                   ficer of the court.

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