

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

S. 4711

To limit the consideration of marijuana use when making an employment suitability or security clearance determination, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Dismantling Outdated
5 Obstacles and Barriers to Individual Employment Act of
6 2024” or the “DOOBIE Act of 2024”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) EXECUTIVE AGENCY.—The term “executive
10 agency” has the meaning given the term “Executive

1 agency” in section 105 of title 5, United States
2 Code.

3 (2) FITNESS.—The term “fitness” has the
4 meaning given the term in section 1.3 of Executive
5 Order 13467 (50 U.S.C. 3161 note; relating to re-
6 forming processes related to suitability for Govern-
7 ment employment, fitness for contractor employees,
8 and eligibility for access to classified national secu-
9 rity information).

10 (3) MARIJUANA.—The term “marijuana” has
11 the meaning given that term in section 102 of the
12 Controlled Substances Act (21 U.S.C. 802).

13 (4) OFFICE.—The term “Office” means the Of-
14 fice of Personnel Management.

15 (5) SUITABILITY DETERMINATION.—The term
16 “suitability determination” has the meaning given
17 that term in section 731.101 of title 5, Code of Fed-
18 eral Regulations, or any successor thereto.

19 **SEC. 3. LIMITATION ON ADVERSE SUITABILITY DETER-**
20 **MINATIONS BASED ON MARIJUANA USE.**

21 Notwithstanding any other law, rule, or regulation,
22 the Office, or an agency to which the Office has delegated
23 authority, may not base a suitability determination with
24 respect to an individual solely on the past use of marijuana
25 by the individual.

1 **SEC. 4. LIMITATION ON ADVERSE SECURITY CLEARANCES**
2 **FOR COVERED PERSONS BASED ON MARI-**
3 **JUANA USE.**

4 Section 3002 of the Intelligence Reform and Ter-
5 rorism Prevention Act of 2004 (50 U.S.C. 3343) is
6 amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1)—

9 (i) by striking “term ‘controlled sub-
10 stance’ has” and inserting the following:

11 “term ‘controlled substance’—

12 “(A) has”;

13 (ii) by striking the period at the end
14 and inserting “; and”; and

15 (iii) by adding at the end the fol-
16 lowing:

17 “(B) notwithstanding such section 102,
18 does not include marijuana.”;

19 (B) by redesignating paragraphs (3) and
20 (4) as paragraphs (4) and (5), respectively; and

21 (C) by inserting after paragraph (2) the
22 following:

23 “(3) MARIJUANA.—The term ‘marijuana’ has
24 the meaning given that term in section 102 of the
25 Controlled Substances Act (21 U.S.C. 802).”; and

26 (2) by adding at end the following:

1 “(e) LIMITATION ON ADVERSE SECURITY CLEAR-
2 ANCE BASED ON MARIJUANA USE.—Notwithstanding any
3 other law, rule, or regulation, the head of a Federal agency
4 may not base a determination that a covered person is
5 ineligible for a security clearance solely on the past use
6 of marijuana by the covered person.”.

7 **SEC. 5. LIMITATION ON ADVERSE FITNESS DETERMINA-**
8 **TIONS BASED ON MARIJUANA USE.**

9 The determination of the fitness of an individual for
10 employment in the civil service may not be based solely
11 on the past use of marijuana by the individual.

12 **SEC. 6. LIMITATION ON ADVERSE CREDENTIALING DETER-**
13 **MINATIONS BASED ON MARIJUANA USE.**

14 The Office, in carrying out functions described in sec-
15 tion 2.5(c) of Executive Order 13467 (50 U.S.C. 3161
16 note; relating to reforming processes related to suitability
17 for Government employment, fitness for contractor em-
18 ployees, and eligibility for access to classified national se-
19 curity information), shall prohibit unfavorable determina-
20 tions of eligibility of an individual for a personal identity
21 verification credential based solely on the past use of mari-
22 juana by the individual.

23 **SEC. 7. GUIDANCE FOR AGENCIES.**

24 The Office and the Office of the Director of National
25 Intelligence shall—

1 (1) assist executive agencies in implementing
2 this Act and the amendments made by this Act; and

3 (2) ensure the regulations and guidance of the
4 Office and the Office of the Director of National In-
5 telligence align with this Act and the amendments
6 made by this Act.

7 **SEC. 8. COMPTROLLER GENERAL ASSESSMENT.**

8 (a) IN GENERAL.—The Comptroller General of the
9 United States shall assess the implementation of this Act,
10 and the amendments made by this Act, including—

11 (1) whether the Office and the Office of the Di-
12 rector of National Intelligence have issued or up-
13 dated guidance to implement the provisions of this
14 Act, and the amendments made by this Act;

15 (2) how the Office and the Office of the Direc-
16 tor of National Intelligence are reviewing the imple-
17 mentation of this Act, and the amendments made by
18 this Act, by executive agencies and ensuring consist-
19 ency in implementation among executive agencies;

20 (3) how the Office and the Office of the Direc-
21 tor of National Intelligence are communicating the
22 provisions of this Act, the amendments made by this
23 Act, and any implementing or updating guidance to
24 applicants and potential applicants for positions at
25 executive agencies;

1 (4) how the Office and Office of the Director of
2 National Intelligence are ensuring that the imple-
3 mentation of this Act, and the amendments made by
4 this Act, are not adversely affecting the national se-
5 curity interests of the United States; and

6 (5) any other matters the Comptroller General
7 determines appropriate.

8 (b) BRIEFING.—The Comptroller General of the
9 United States shall—

10 (1) not later than 18 months after the date of
11 enactment of this Act, brief the Committee on
12 Homeland Security and Governmental Affairs of the
13 Senate and the Committee on Oversight and Ac-
14 countability of the House of Representatives on the
15 assessment under subsection (a); and

16 (2) not later than the date agreed to by such
17 committees and the Comptroller General, submit to
18 such committees a report on the assessment under
19 subsection (a).