

**Calendar No. 739**118<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 4711****[Report No. 118–319]**

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

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## IN THE SENATE OF THE UNITED STATES

JULY 11 (legislative day, JULY 10), 2024

Mr. PETERS introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 19 (legislative day, DECEMBER 16), 2024

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

**A BILL**

To limit the consideration of marijuana use when making an employment suitability or security clearance determination, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Dismantling Outdated  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

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

7 (1) **EXECUTIVE AGENCY.**—The term “executive  
8 agency” has the meaning given the term “Executive  
9 agency” in section 105 of title 5, United States  
10 Code.

11 (2) **FITNESS.**—The term “fitness” has the  
12 meaning given the term in section 1.3 of Executive  
13 Order 13467 (50 U.S.C. 3161 note; relating to re-  
14 forming processes related to suitability for Govern-  
15 ment employment, fitness for contractor employees,  
16 and eligibility for access to classified national secu-  
17 rity information).

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

21 (4) **OFFICE.**—The term “Office” means the Of-  
22 fice of Personnel Management.

23 (5) **SUITABILITY DETERMINATION.**—The term  
24 “suitability determination” has the meaning given  
25 that term in section 731.101 of title 5, Code of Fed-  
26 eral Regulations, or any successor thereto.

1 **SEC. 3. LIMITATION ON ADVERSE SUITABILITY DETER-**  
 2 **MINATIONS BASED ON MARIJUANA USE.**

3 Notwithstanding any other law, rule, or regulation,  
 4 the Office, or an agency to which the Office has delegated  
 5 authority, may not base a suitability determination with  
 6 respect to an individual solely on the past use of marijuana  
 7 by the individual.

8 **SEC. 4. LIMITATION ON ADVERSE SECURITY CLEARANCES**  
 9 **AND SUITABILITY DETERMINATIONS FOR**  
 10 **COVERED PERSONS BASED ON MARIJUANA**  
 11 **USE.**

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

15 (1) in subsection (a)—

16 (A) in paragraph (1)—

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

19 “term ‘controlled substance’—

20 “(A) has”;

21 (ii) by striking the period at the end  
 22 and inserting “; and”; and

23 (iii) by adding at the end the fol-  
 24 lowing:

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

1           (B) by redesignating paragraphs (3) and  
2           (4) as paragraphs (4) and (5), respectively;

3           (C) by inserting after paragraph (2) the  
4           following:

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

8           (D) by adding at the end the following:

9           “(6) SUITABILITY DETERMINATION.—The term  
10          ‘suitability determination’ has the meaning given  
11          that term in section 731.101 of title 5, Code of Fed-  
12          eral Regulations, or any successor thereto.”; and

13          (2) by adding at end the following:

14          “(e) LIMITATION ON ADVERSE SECURITY CLEAR-  
15          ANCE AND SUITABILITY DETERMINATION BASED ON  
16          MARIJUANA USE.—Notwithstanding any other law, rule,  
17          or regulation—

18                 “(1) the head of a Federal agency may not base  
19                 a determination that a covered person is ineligible  
20                 for a security clearance solely on the past use of  
21                 marijuana by the covered person; and

22                 “(2) the Office of Personnel Management, or an  
23                 agency to which the Office of Personnel Manage-  
24                 ment has delegated authority, may not base a suit-  
25                 ability determination with respect to a covered per-

1 son solely on the past use of marijuana by the cov-  
 2 ered person.”.

3 **SEC. 5. LIMITATION ON ADVERSE FITNESS DETERMINA-**  
 4 **TIONS BASED ON MARIJUANA USE.**

5 The determination of the fitness of an individual for  
 6 employment in the civil service may not be based solely  
 7 on the past use of marijuana by the individual.

8 **SEC. 6. LIMITATION ON ADVERSE CREDENTIALING DETER-**  
 9 **MINATIONS BASED ON MARIJUANA USE.**

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

19 **SEC. 7. GUIDANCE FOR AGENCIES.**

20 The Office and the Office of the Director of National  
 21 Intelligence shall—

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

24 (2) ensure the regulations and guidance of the  
 25 Office and the Office of the Director of National In-

1 intelligence align with this Act and the amendments  
2 made by this Act.

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*  
11 *agency” in section 105 of title 5, United States Code.*

12 (2) *FITNESS.*—*The term “fitness” has the mean-*  
13 *ing given the term in section 1.3 of Executive Order*  
14 *13467 (50 U.S.C. 3161 note; relating to reforming*  
15 *processes related to suitability for Government em-*  
16 *ployment, fitness for contractor employees, and eligi-*  
17 *bility for access to classified national security infor-*  
18 *mation).*

19 (3) *MARIJUANA.*—*The term “marijuana” has the*  
20 *meaning given that term in section 102 of the Con-*  
21 *trolled Substances Act (21 U.S.C. 802).*

22 (4) *OFFICE.*—*The term “Office” means the Office*  
23 *of Personnel Management.*

24 (5) *SUITABILITY DETERMINATION.*—*The term*  
25 *“suitability determination” has the meaning given*







1 *relating to reforming processes related to suitability for*  
2 *Government employment, fitness for contractor employees,*  
3 *and eligibility for access to classified national security in-*  
4 *formation), shall prohibit unfavorable determinations of eli-*  
5 *gibility of an individual for a personal identity verification*  
6 *credential based solely on the past use of marijuana by the*  
7 *individual.*

8 **SEC. 7. GUIDANCE FOR AGENCIES.**

9 *The Office and the Office of the Director of National*  
10 *Intelligence shall—*

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

13 *(2) ensure the regulations and guidance of the*  
14 *Office and the Office of the Director of National Intel-*  
15 *ligence align with this Act and the amendments made*  
16 *by this Act.*

17 **SEC. 8. COMPTROLLER GENERAL ASSESSMENT.**

18 *(a) IN GENERAL.—The Comptroller General of the*  
19 *United States shall assess the implementation of this Act,*  
20 *and the amendments made by this Act, including—*

21 *(1) whether the Office and the Office of the Di-*  
22 *rector of National Intelligence have issued or updated*  
23 *guidance to implement the provisions of this Act, and*  
24 *the amendments made by this Act;*

1           (2) *how the Office and the Office of the Director*  
2 *of National Intelligence are reviewing the implemen-*  
3 *tation of this Act, and the amendments made by this*  
4 *Act, by executive agencies and ensuring consistency in*  
5 *implementation among executive agencies;*

6           (3) *how the Office and the Office of the Director*  
7 *of National Intelligence are communicating the provi-*  
8 *sions of this Act, the amendments made by this Act,*  
9 *and any implementing or updating guidance to ap-*  
10 *plicants and potential applicants for positions at ex-*  
11 *ecutive agencies;*

12           (4) *how the Office and Office of the Director of*  
13 *National Intelligence are ensuring that the implemen-*  
14 *tation of this Act, and the amendments made by this*  
15 *Act, are not adversely affecting the national security*  
16 *interests of the United States; and*

17           (5) *any other matters the Comptroller General*  
18 *determines appropriate.*

19           (b) *BRIEFING.*—*The Comptroller General of the United*  
20 *States shall—*

21           (1) *not later than 18 months after the date of en-*  
22 *actment of this Act, brief the Committee on Homeland*  
23 *Security and Governmental Affairs of the Senate and*  
24 *the Committee on Oversight and Accountability of the*

1 *House of Representatives on the assessment under*  
2 *subsection (a); and*

3 *(2) not later than the date agreed to by such*  
4 *committees and the Comptroller General, submit to*  
5 *such committees a report on the assessment under*  
6 *subsection (a).*

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## **A BILL**

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Reported with an amendment