

118TH CONGRESS
2D SESSION

S. 4711

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

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

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,*

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4 This Act may be cited as the “Dismantling Outdated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 **AND SUITABILITY DETERMINATIONS FOR**
3 **COVERED PERSONS BASED ON MARIJUANA**
4 **USE.**

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

8 (1) in subsection (a)—

9 (A) in paragraph (1)—

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

12 “term ‘controlled substance’—

13 “(A) has”;

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

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

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

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

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

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

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

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

6 (2) by adding at end the following:

7 “(e) LIMITATION ON ADVERSE SECURITY CLEAR-
8 ANCE AND SUITABILITY DETERMINATION BASED ON
9 MARIJUANA USE.—Notwithstanding any other law, rule,
10 or regulation—

11 “(1) the head of a Federal agency may not base
12 a determination that a covered person is ineligible
13 for a security clearance solely on the past use of
14 marijuana by the covered person; and

15 “(2) the Office of Personnel Management, or an
16 agency to which the Office of Personnel Manage-
17 ment has delegated authority, may not base a suit-
18 ability determination with respect to a covered per-
19 son solely on the past use of marijuana by the cov-
20 ered person.”.

21 **SEC. 5. LIMITATION ON ADVERSE FITNESS DETERMINA-**
22 **TIONS BASED ON MARIJUANA USE.**

23 The determination of the fitness of an individual for
24 employment in the civil service may not be based solely
25 on the past use of marijuana by the individual.

1 **SEC. 6. LIMITATION ON ADVERSE CREDENTIALING DETER-**
2 **MINATIONS BASED ON MARIJUANA USE.**

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

12 **SEC. 7. GUIDANCE FOR AGENCIES.**

13 The Office and the Office of the Director of National
14 Intelligence shall—

- 15 (1) assist executive agencies in implementing
16 this Act and the amendments made by this Act; and
17 (2) ensure the regulations and guidance of the
18 Office and the Office of the Director of National In-
19 telligence align with this Act and the amendments
20 made by this Act.

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