

116TH CONGRESS
1ST SESSION

H. R. 2410

To provide for the sealing or expungement of records relating to Federal nonviolent criminal offenses, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2019

Mr. CUMMINGS (for himself, Mr. NADLER, and Ms. BASS) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Agriculture, and Ways and Means, 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

A BILL

To provide for the sealing or expungement of records relating to Federal nonviolent criminal offenses, 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 “Record Expungement
5 Designed to Enhance Employment Act of 2019” or the
6 “REDEEM Act”.

1 **SEC. 2. SEALING OF CRIMINAL RECORDS.**

2 (a) FINDING.—Congress finds that the definition of
 3 the term “crime of violence” recommended by the United
 4 States Sentencing Commission in the report entitled “Re-
 5 port to the Congress: Career Offender Sentencing En-
 6 hancements”, published in August 2016, is clearer and
 7 more specific than the definitions currently used in title
 8 18, United States Code, and should be used to determine
 9 the type of offenses eligible for sealing under the amend-
 10 ments made by this section.

11 (b) AMENDMENT.—Chapter 229 of title 18, United
 12 States Code, is amended by adding at the end the fol-
 13 lowing:

14 **“Subchapter E—Sealing of Criminal Records**

“Sec.

“3641. Definitions; eligible individuals.

“3642. Automatic sealing of records of nonviolent drug offenses.

“3643. Sealing petition.

“3644. Effect of sealing order.

15 **“§ 3641. Definitions; eligible individuals**

16 “(a) DEFINITIONS.—In this subchapter—

17 “(1) the term ‘covered nonviolent offense’
 18 means a Federal criminal offense that is not—

19 “(A) a crime of violence; or

20 “(B) a sex offense, as defined in section
 21 111 of the Sex Offender Registration and Noti-
 22 fication Act (34 U.S.C. 20911);

1 “(2) the term ‘crime of violence’ means any of-
2 fense under Federal or State law, punishable by im-
3 prisonment for a term exceeding 1 year, that—

4 “(A) has as an element the use, attempted
5 use, or threatened use of physical force against
6 the person of another; or

7 “(B) is—

8 “(i) murder;

9 “(ii) voluntary manslaughter;

10 “(iii) kidnapping;

11 “(iv) aggravated assault;

12 “(v) a forcible sex offense;

13 “(vi) robbery;

14 “(vii) arson;

15 “(viii) extortion; or

16 “(ix) the use or unlawful possession
17 of—

18 “(I) a firearm, as defined in sec-
19 tion 5845(a) of the Internal Revenue
20 Code of 1986; or

21 “(II) explosive materials, as de-
22 fined in section 841(c);

23 “(3) the term ‘eligible individual’ means an in-
24 dividual who—

1 “(A) has been arrested for or convicted of
2 a covered nonviolent offense;

3 “(B) in the case of a conviction described
4 in subparagraph (A), has fulfilled each require-
5 ment of the sentence for the covered nonviolent
6 offense, including—

7 “(i) completing each term of imprison-
8 ment, probation, or supervised release; and

9 “(ii) satisfying each condition of im-
10 prisonment, probation, or supervised re-
11 lease;

12 “(C) subject to subsection (b), has not
13 been convicted of more than 2 felonies that are
14 covered nonviolent offenses, including any such
15 convictions that have been sealed; and

16 “(D) has not been convicted of any felony
17 that is not a covered nonviolent offense;

18 “(4) the term ‘petitioner’ means an individual
19 who files a sealing petition;

20 “(5) the term ‘protected information’, with re-
21 spect to a covered nonviolent offense, means any ref-
22 erence to—

23 “(A) an arrest, conviction, or sentence of
24 an individual for the offense;

1 “(B) the institution of criminal pro-
2 ceedings against an individual for the offense;
3 or

4 “(C) the result of criminal proceedings de-
5 scribed in subparagraph (B);

6 “(6) the term ‘seal’—

7 “(A) means—

8 “(i) to close a record from public
9 viewing so that the record cannot be exam-
10 ined except by court order; and

11 “(ii) to physically seal the record shut
12 and label the record ‘SEALED’ or, in the
13 case of an electronic record, the sub-
14 stantive equivalent; and

15 “(B) has the effect described in section
16 3644, including—

17 “(i) the right to treat the offense to
18 which a sealed record relates, and any ar-
19 rest, criminal proceeding, conviction, or
20 sentence relating to the offense, as if it
21 never occurred; and

22 “(ii) protection from civil and criminal
23 perjury, false swearing, and false state-
24 ment laws with respect to a sealed record;

1 “(7) the term ‘sealing hearing’ means a hearing
2 held under section 3643(b)(2); and

3 “(8) the term ‘sealing petition’ means a petition
4 for a sealing order filed under section 3643(a).

5 “(b) ELIGIBLE INDIVIDUALS.—

6 “(1) MULTIPLE CONVICTIONS DEEMED TO BE
7 ONE CONVICTION.—For purposes of subsection
8 (a)(2)(C)—

9 “(A) multiple convictions shall be deemed
10 to be 1 conviction if the convictions result from
11 or relate to—

12 “(i) the same act; or

13 “(ii) acts committed at the same time;

14 and

15 “(B) subject to paragraph (2), multiple
16 convictions, not to exceed 3, that do not result
17 from or relate to the same act or acts com-
18 mitted at the same time shall be deemed to be
19 1 conviction if the convictions—

20 “(i) result from or relate to—

21 “(I) the same—

22 “(aa) indictment, informa-
23 tion, or complaint;

24 “(bb) plea of guilty; or

25 “(cc) official proceeding; or

1 “(II) related criminal acts that
2 were committed within a 3-month pe-
3 riod; or

4 “(ii) are determined to be directly re-
5 lated to addiction or a substance use dis-
6 order.

7 “(2) DISCRETION OF COURT.—

8 “(A) IN GENERAL.—A court reviewing a
9 sealing petition may determine that it is not in
10 the public interest to deem multiple convictions
11 described in paragraph (1)(B) to be 1 convic-
12 tion.

13 “(B) REASONING.—If a court makes a de-
14 termination under subparagraph (A), the court
15 shall make available to the public the reasoning
16 for the determination.

17 “(C) REPORTING.—Not later than 2 years
18 after the date of enactment of this subchapter,
19 and each year thereafter, each district court of
20 the United States shall submit to the appro-
21 priate committees of Congress a report that de-
22 scribes the exercise of discretion by the court
23 under subparagraph (B), with all relevant data
24 disaggregated by race, ethnicity, gender, and
25 the nature of the offense.

1 **“§ 3642. Automatic sealing of records of nonviolent**
2 **drug offenses**

3 “(a) DEFINITION.—In this section, the term ‘con-
4 victed of a nonviolent drug offense’, with respect to an
5 individual—

6 “(1) means the individual is convicted of a cov-
7 ered nonviolent offense that is an offense under the
8 Controlled Substances Act (21 U.S.C. 801 et seq.),
9 the Controlled Substances Import and Export Act
10 (21 U.S.C. 951 et seq.), or chapter 705 of title 46;
11 and

12 “(2) does not include a conviction with respect
13 to which the court applied a sentencing enhancement
14 under section 2D1.1(b)(2) of the Federal sentencing
15 guidelines (relating to the use of violence or the
16 threat or direction to use violence).

17 “(b) AUTOMATIC SEALING.—Five years after the
18 date on which an eligible individual who is convicted of
19 a nonviolent drug offense completes every term of impris-
20 onment, probation, or supervised release ordered by the
21 court with respect to the offense, the court shall order the
22 sealing of each record or portion thereof that relates to
23 the offense if the individual—

24 “(1) has not been convicted of a crime or adju-
25 dicated delinquent for an act of juvenile delinquency
26 since the date of the conviction; and

1 “(2) is not engaged in active criminal court pro-
2 ceedings or juvenile delinquency proceedings.

3 “(c) AUTOMATIC NATURE OF SEALING.—The order
4 of sealing under subsection (b) shall require no action by
5 the individual whose records are to be sealed.

6 “(d) NOTICE OF AUTOMATIC SEALING.—A court that
7 orders the sealing of a record of an individual under sub-
8 section (b) shall, in writing, inform the individual of the
9 sealing and the benefits of sealing the record, including
10 protection from civil and criminal perjury, false swearing,
11 and false statement laws with respect to the record.

12 **“§ 3643. Sealing petition**

13 “(a) RIGHT TO FILE SEALING PETITION.—

14 “(1) IN GENERAL.—On and after the date de-
15 scribed in paragraph (2), an eligible individual may
16 file a petition for a sealing order with respect to a
17 covered nonviolent offense in a district court of the
18 United States.

19 “(2) DATES.—The date described in this para-
20 graph is—

21 “(A) for an eligible individual who is con-
22 victed of a covered nonviolent offense and sen-
23 tenced to a term of imprisonment, probation, or
24 supervised release, the date that is 1 year after
25 the date on which the eligible individual has

1 completed every such term of imprisonment,
2 probation, or supervised release; and

3 “(B) for an eligible individual not de-
4 scribed in subparagraph (A), the date on which
5 the case relating to the covered nonviolent of-
6 fense is disposed of.

7 “(3) NOTICE OF OPPORTUNITY TO FILE PETI-
8 TION.—

9 “(A) CONVICTED INDIVIDUALS.—

10 “(i) IN GENERAL.—If an individual is
11 convicted of a covered nonviolent offense
12 and will potentially be eligible to file a
13 sealing petition with respect to the offense
14 upon fulfilling each requirement of the sen-
15 tence for the offense as described in sec-
16 tion 3641(a)(2)(B), the court in which the
17 individual is convicted shall, in writing, in-
18 form the individual, on each date described
19 in clause (ii), of—

20 “(I) that potential eligibility;

21 “(II) the necessary procedures
22 for filing the sealing petition; and

23 “(III) the benefits of sealing a
24 record, including protection from civil
25 and criminal perjury, false swearing,

1 and false statement laws with respect
2 to the record.

3 “(ii) DATES.—The dates described in
4 this clause are—

5 “(I) the date on which the indi-
6 vidual is convicted; and

7 “(II) the date on which the indi-
8 vidual has completed every term of
9 imprisonment, probation, or super-
10 vised release relating to the offense.

11 “(B) INDIVIDUALS NOT CONVICTED.—

12 “(i) ARREST ONLY.—If an individual
13 is arrested for a covered nonviolent of-
14 fense, criminal proceedings are not insti-
15 tuted against the individual for the offense,
16 and the individual is potentially eligible to
17 file a sealing petition with respect to the
18 offense, on the date on which the case re-
19 lating to the offense is disposed of, the ar-
20 resting authority shall, in writing, inform
21 the individual of—

22 “(I) that potential eligibility;

23 “(II) the necessary procedures
24 for filing the sealing petition; and

1 “(III) the benefits of sealing a
2 record, including protection from civil
3 and criminal perjury, false swearing,
4 and false statement laws with respect
5 to the record.

6 “(ii) COURT PROCEEDINGS.—If an in-
7 dividual is arrested for a covered non-
8 violent offense, criminal proceedings are in-
9 stituted against the individual for the of-
10 fense, the individual is not convicted of the
11 offense, and the individual is potentially el-
12 igible to file a sealing petition with respect
13 to the offense, on the date on which the
14 case relating to the offense is disposed of,
15 the court in which the criminal proceedings
16 take place shall, in writing, inform the in-
17 dividual of—

18 “(I) that potential eligibility;

19 “(II) the necessary procedures
20 for filing the sealing petition; and

21 “(III) the benefits of sealing a
22 record, including protection from civil
23 and criminal perjury, false swearing,
24 and false statement laws with respect
25 to the record.

1 “(b) PROCEDURES.—

2 “(1) NOTIFICATION TO PROSECUTOR.—If an in-
3 dividual files a petition under subsection (a) with re-
4 spect to a covered nonviolent offense or arrest for a
5 covered nonviolent offense, the district court in
6 which the petition is filed shall provide notice of the
7 petition—

8 “(A) to the office of the United States at-
9 torney that prosecuted or would have pros-
10 ecuted the petitioner for the offense; and

11 “(B) upon the request of the petitioner, to
12 any other individual that the petitioner deter-
13 mines may testify as to the—

14 “(i) conduct of the petitioner since the
15 date of the offense or arrest; or

16 “(ii) reasons that the sealing order
17 should be entered.

18 “(2) HEARING.—

19 “(A) IN GENERAL.—Not later than 180
20 days after the date on which an individual files
21 a sealing petition, the district court shall—

22 “(i) except as provided in subpara-
23 graph (D), conduct a hearing in accord-
24 ance with subparagraph (B); and

1 “(ii) determine whether to enter a
2 sealing order for the individual in accord-
3 ance with paragraph (3).

4 “(B) OPPORTUNITY TO TESTIFY AND
5 OFFER EVIDENCE.—

6 “(i) PETITIONER.—The petitioner
7 may testify or offer evidence at the sealing
8 hearing in support of sealing.

9 “(ii) PROSECUTOR.—The office of a
10 United States attorney that receives notice
11 under paragraph (1)(A) may send a rep-
12 resentative to testify or offer evidence at
13 the sealing hearing in support of or
14 against sealing.

15 “(iii) OTHER INDIVIDUALS.—An indi-
16 vidual who receives notice under paragraph
17 (1)(B) may testify or offer evidence at the
18 sealing hearing as to the issues described
19 in clauses (i) and (ii) of that paragraph.

20 “(C) MAGISTRATE JUDGES.—A magistrate
21 judge may preside over a hearing under this
22 paragraph.

23 “(D) WAIVER OF HEARING.—If the peti-
24 tioner and the United States attorney that re-
25 ceives notice under paragraph (1)(A) so agree,

1 the court shall make a determination under
2 paragraph (3) without a hearing.

3 “(3) BASIS FOR DECISION.—

4 “(A) IN GENERAL.—In determining wheth-
5 er to enter a sealing order with respect to pro-
6 tected information relating to a covered non-
7 violent offense, the court—

8 “(i) shall consider—

9 “(I) the petition and any docu-
10 ments in the possession of the court;
11 and

12 “(II) all the evidence and testi-
13 mony presented at the sealing hear-
14 ing, if such a hearing is conducted;

15 “(ii) may not consider any non-Fed-
16 eral nonviolent crimes for which the peti-
17 tioner has been arrested or proceeded
18 against, or of which the petitioner has been
19 convicted; and

20 “(iii) shall balance—

21 “(I)(aa) the interest of public
22 knowledge and safety; and

23 “(bb) the legitimate interest, if
24 any, of the Government in maintain-
25 ing the accessibility of the protected

1 information, including any potential
2 impact of sealing the protected infor-
3 mation on Federal licensure, permit,
4 or employment restrictions; against

5 “(II)(aa) the conduct and dem-
6 onstrated desire of the petitioner to be
7 rehabilitated and positively contribute
8 to the community; and

9 “(bb) the interest of the peti-
10 tioner in having the protected infor-
11 mation sealed, including the harm of
12 the protected information to the abil-
13 ity of the petitioner to secure and
14 maintain employment.

15 “(B) BURDEN ON GOVERNMENT.—The
16 burden shall be on the Government to show
17 that the interests under subclause (I) of sub-
18 paragraph (A)(iii) outweigh the interests of the
19 petitioner under subclause (II) of that subpara-
20 graph.

21 “(4) WAITING PERIOD AFTER DENIAL.—If the
22 district court denies a sealing petition, the petitioner
23 may not file a new sealing petition with respect to
24 the same offense until the date that is 2 years after
25 the date of the denial.

1 “(5) UNIVERSAL FORM.—The Director of the
2 Administrative Office of the United States Courts
3 shall create a universal form, available over the
4 internet and in paper form, that an individual may
5 use to file a sealing petition.

6 “(6) FEE WAIVER.—The Director of the Ad-
7 ministrative Office of the United States Courts shall
8 by regulation establish a minimally burdensome
9 process under which indigent petitioners may obtain
10 a waiver of any fee for filing a sealing petition.

11 “(7) REPORTING.—Not later than 2 years after
12 the date of enactment of this subchapter, and each
13 year thereafter, each district court of the United
14 States shall issue a public report that—

15 “(A) describes—

16 “(i) the number of sealing petitions
17 granted and denied under this section; and

18 “(ii) the number of instances in which
19 the office of a United States attorney sup-
20 ported or opposed a sealing petition;

21 “(B) includes any supporting data that the
22 court determines relevant and that does not
23 name any petitioner; and

1 “(C) disaggregates all relevant data by
2 race, ethnicity, gender, and the nature of the
3 offense.

4 “(8) PUBLIC DEFENDER ELIGIBILITY.—

5 “(A) IN GENERAL.—The district court
6 may, in its discretion, appoint counsel in ac-
7 cordance with the plan of the district court in
8 operation under section 3006A to represent a
9 petitioner for purposes of this section.

10 “(B) CONSIDERATIONS.—In making a de-
11 termination whether to appoint counsel under
12 subparagraph (A), the court shall consider—

13 “(i) the anticipated complexity of the
14 sealing hearing, including the number and
15 type of witnesses called to advocate against
16 the sealing of the protected information of
17 the petitioner; and

18 “(ii) the potential for adverse testi-
19 mony by a victim or a representative of the
20 office of the United States attorney.

21 **“§ 3644. Effect of sealing order**

22 “(a) IN GENERAL.—Except as provided in this sec-
23 tion, if a district court of the United States enters a seal-
24 ing order with respect to a covered nonviolent offense, the
25 offense and any arrest, criminal proceeding, conviction, or

1 sentence relating to the offense shall be treated as if it
2 never occurred.

3 “(b) VERIFICATION OF SEALING.—If a district court
4 of the United States enters a sealing order with respect
5 to a covered nonviolent offense, the court shall—

6 “(1) send a copy of the sealing order to each
7 entity or person known to the court that possesses
8 a record containing protected information that re-
9 lates to the offense, including each—

10 “(A) law enforcement agency; and

11 “(B) public or private correctional or de-
12 tention facility;

13 “(2) in the sealing order, require each entity or
14 person described in paragraph (1) to—

15 “(A) seal the record in accordance with
16 this section; and

17 “(B) submit a written certification to the
18 court, under penalty of perjury, that the entity
19 or person has sealed each paper and electronic
20 copy of the record;

21 “(3) seal each paper and electronic copy of the
22 record in the possession of the court; and

23 “(4) after receiving a written certification from
24 each entity or person under paragraph (2)(B), notify
25 the petitioner that each entity or person described in

1 paragraph (1) has sealed each paper and electronic
2 copy of the record.

3 “(c) PROTECTION FROM PERJURY LAWS.—Except as
4 provided in subsection (f)(3)(A), a petitioner with respect
5 to whom a sealing order has been entered for a covered
6 nonviolent offense shall not be subject to prosecution
7 under any civil or criminal provision of Federal or State
8 law relating to perjury, false swearing, or making a false
9 statement, including section 1001, 1621, 1622, or 1623,
10 for failing to recite or acknowledge any protected informa-
11 tion with respect to the offense or respond to any inquiry
12 made of the petitioner, relating to the protected informa-
13 tion, for any purpose.

14 “(d) ATTORNEY GENERAL NONPUBLIC RECORDS.—
15 The Attorney General—

16 “(1) shall maintain a nonpublic record of all
17 protected information that has been sealed under
18 this subchapter; and

19 “(2) may access or use protected information
20 only—

21 “(A) for legitimate investigative purposes;

22 “(B) in defense of any civil suit arising out
23 of the facts of the arrest or subsequent pro-
24 ceedings; or

1 “(C) if the Attorney General determines
2 that disclosure is necessary to serve the inter-
3 ests of justice, public safety, or national secu-
4 rity.

5 “(e) LAW ENFORCEMENT ACCESS.—A Federal or
6 State law enforcement agency may access a record that
7 is sealed under this subchapter solely—

8 “(1) to determine whether the individual to
9 whom the record relates is eligible for a first-time-
10 offender diversion program;

11 “(2) for investigatory, prosecutorial, or Federal
12 supervision purposes; or

13 “(3) for a background check that relates to law
14 enforcement employment or any employment that re-
15 quires a government security clearance.

16 “(f) PROHIBITION ON DISCLOSURE.—

17 “(1) PROHIBITION.—Except as provided in
18 paragraph (3), it shall be unlawful to intentionally
19 make or attempt to make an unauthorized disclosure
20 of any protected information from a record that has
21 been sealed under this subchapter.

22 “(2) PENALTY.—Any person who violates para-
23 graph (1) shall be fined under this title, imprisoned
24 for not more than 1 year, or both.

25 “(3) EXCEPTIONS.—

1 “(A) BACKGROUND CHECKS.—An indi-
2 vidual who is the subject of a record sealed
3 under this subchapter shall, and a Federal or
4 State law enforcement agency that possesses
5 such a record may, disclose the record in the
6 case of a background check for—

7 “(i) law enforcement employment; or

8 “(ii) any position that a Federal agen-
9 cy designates as a—

10 “(I) national security position; or

11 “(II) high-risk, public trust posi-
12 tion.

13 “(B) DISCLOSURE TO ARMED FORCES.—A
14 person may disclose protected information from
15 a record sealed under this subchapter to the
16 Secretaries of the military departments (or the
17 Secretary of Homeland Security with respect to
18 the Coast Guard when it is not operating as a
19 service in the Navy) for the purpose of vetting
20 an enlistment or commission, or with regard to
21 any member of the Armed Forces.

22 “(C) CRIMINAL AND JUVENILE PRO-
23 CEEDINGS.—A prosecutor may disclose pro-
24 tected information from a record sealed under

1 this subchapter if the information pertains to a
2 potential witness in a Federal or State—

3 “(i) criminal proceeding; or

4 “(ii) juvenile delinquency proceeding.

5 “(D) AUTHORIZATION FOR INDIVIDUAL TO
6 DISCLOSE OWN RECORD.—An individual who is
7 the subject of a record sealed under this sub-
8 chapter may choose to disclose the record.”.

9 (c) APPLICABILITY.—Sections 3642 and 3643 of title
10 18, United States Code, as added by subsection (b), shall
11 apply with respect to a covered nonviolent offense (as de-
12 fined in section 3641(a) of such title) that is committed
13 or alleged to have been committed before, on, or after the
14 date of enactment of this Act.

15 (d) TRANSITION PERIOD FOR HEARINGS DEAD-
16 LINE.—During the 1-year period beginning on the date
17 of enactment of this Act, section 3643(b)(2)(A) of title
18 18, United States Code, as added by subsection (b), shall
19 be applied by substituting “1 year” for “180 days”.

20 (e) TECHNICAL AND CONFORMING AMENDMENT.—
21 The table of subchapters for chapter 229 of title 18,
22 United States Code, is amended by adding at the end the
23 following:

“E. Sealing of Criminal Records 3641”.

24 **SEC. 3. JUVENILE SEALING AND EXPUNGEMENT.**

25 (a) PURPOSE.—The purpose of this section is to—

1 (1) protect children and adults against damage
2 stemming from their juvenile acts and subsequent
3 juvenile delinquency records, including law enforce-
4 ment, arrest, and court records; and

5 (2) prevent the unauthorized use or disclosure
6 of confidential juvenile delinquency records and any
7 potential employment, financial, psychological, or
8 other harm that would result from such unauthor-
9 ized use or disclosure.

10 (b) DEFINITIONS.—Section 5031 of title 18, United
11 States Code, is amended to read as follows:

12 **“§ 5031. Definitions**

13 “In this chapter—

14 “(1) the term ‘adjudication’ means a deter-
15 mination by a judge that a person committed an act
16 of juvenile delinquency;

17 “(2) the term ‘conviction’ means a judgment or
18 disposition in criminal court against a person fol-
19 lowing a finding of guilt by a judge or jury;

20 “(3) the term ‘destroy’ means to render a file
21 unreadable, whether paper, electronic, or otherwise
22 stored, by shredding, pulverizing, pulping, incin-
23 erating, overwriting, reformatting the media, or
24 other means;

25 “(4) the term ‘expunge’—

1 “(A) means to destroy a record and oblit-
2 erate the name of the person to whom the
3 record pertains from each official index or pub-
4 lic record; and

5 “(B) has the effect described in section
6 5045(c), including—

7 “(i) the right to treat an offense to
8 which an expunged record relates, and any
9 arrest, juvenile delinquency proceeding, ad-
10 judication, or other result of such pro-
11 ceeding relating to the offense, as if it
12 never occurred; and

13 “(ii) protection from civil and criminal
14 perjury, false swearing, and false state-
15 ment laws with respect to an expunged
16 record;

17 “(5) the term ‘expungement hearing’ means a
18 hearing held under section 5045(b)(2)(B);

19 “(6) the term ‘expungement petition’ means a
20 petition for expungement filed under section
21 5045(b);

22 “(7) the term ‘juvenile’ means—

23 “(A) except as provided in subparagraph
24 (B), a person who has not attained the age of
25 18; and

1 “(B) for the purpose of proceedings and
2 disposition under this chapter for an alleged act
3 of juvenile delinquency, a person who has not
4 attained the age of 21;

5 “(8) the term ‘juvenile delinquency’ means the
6 violation of a law of the United States committed by
7 a person before attaining the age of 18 which would
8 have been a crime if committed by an adult, or a
9 violation by such a person of section 922(x);

10 “(9) the term ‘juvenile nonviolent offense’
11 means an act of juvenile delinquency that is not—

12 “(A) a violent crime (as defined in section
13 103 of the Juvenile Justice and Delinquency
14 Prevention Act of 1974 (34 U.S.C. 11103)); or

15 “(B) a sex offense (as defined in section
16 111 of the Sex Offender Registration and Noti-
17 fication Act (34 U.S.C. 20911));

18 “(10) the term ‘juvenile record’—

19 “(A) means a record maintained by a
20 court, the probation system, a law enforcement
21 agency, or any other government agency, of the
22 juvenile delinquency proceedings of a person;
23 and

24 “(B) includes—

1 “(i) a juvenile legal file, including a
2 formal document such as a petition, notice,
3 motion, legal memorandum, order, or de-
4 cree;

5 “(ii) a social record, including—

6 “(I) a record of a probation offi-
7 cer;

8 “(II) a record of any government
9 agency that keeps records relating to
10 juvenile delinquency;

11 “(III) a medical record;

12 “(IV) a psychiatric or psycho-
13 logical record;

14 “(V) a birth certificate;

15 “(VI) an education record, in-
16 cluding an individualized education
17 plan;

18 “(VII) a detention record;

19 “(VIII) demographic information
20 that identifies a juvenile or the family
21 of a juvenile; or

22 “(IX) any other record that in-
23 cludes personally identifiable informa-
24 tion that may be associated with a ju-
25 venile delinquency proceeding, an act

1 of juvenile delinquency, or an alleged
2 act of juvenile delinquency;

3 “(iii) a law enforcement record, in-
4 cluding—

5 “(I) fingerprints;

6 “(II) a DNA sample; or

7 “(III) a photograph; and

8 “(iv) a State criminal justice informa-
9 tion system record;

10 “(11) the term ‘petitioner’ means a person who
11 files an expungement petition or a sealing petition;

12 “(12) the term ‘seal’—

13 “(A) means—

14 “(i) to close a record from public
15 viewing so that the record cannot be exam-
16 ined except by court order; and

17 “(ii) to physically seal the record shut
18 and label the record ‘SEALED’ or, in the
19 case of an electronic record, the sub-
20 stantive equivalent; and

21 “(B) has the effect described in section
22 5044(c), including—

23 “(i) the right to treat an offense to
24 which a sealed record relates, and any ar-
25 rest, juvenile delinquency proceeding, adju-

1 dication, or other result of such proceeding
2 relating to the offense, as if it never oc-
3 curred; and

4 “(ii) protection from civil and criminal
5 perjury, false swearing, and false state-
6 ment laws with respect to a sealed record;

7 “(13) the term ‘sealing hearing’ means a hear-
8 ing held under section 5044(b)(2)(B); and

9 “(14) the term ‘sealing petition’ means a peti-
10 tion for a sealing order filed under section
11 5044(b).”.

12 (c) CONFIDENTIALITY.—Section 5038 of title 18,
13 United States Code, is amended—

14 (1) in subsection (a), in the flush text following
15 paragraph (6), by inserting after “bonding,” the fol-
16 lowing: “participation in an educational system,”;
17 and

18 (2) in subsection (b), by striking “District
19 courts exercising jurisdiction over any juvenile” and
20 inserting the following: “Not later than 7 days after
21 the date on which a district court exercises jurisdic-
22 tion over a juvenile, the district court”.

23 (d) SEALING; EXPUNGEMENT.—

1 (1) IN GENERAL.—Chapter 403 of title 18,
2 United States Code, is amended by adding at the
3 end the following:

4 **“§ 5044. Sealing**

5 “(a) AUTOMATIC SEALING OF NONVIOLENT OF-
6 FENSES.—

7 “(1) IN GENERAL.—Three years after the date
8 on which a person who is adjudicated delinquent
9 under this chapter for a juvenile nonviolent offense
10 completes every term of probation, official detention,
11 or juvenile delinquent supervision ordered by the
12 court with respect to the offense, the court shall
13 order the sealing of each juvenile record or portion
14 thereof that relates to the offense if the person—

15 “(A) has not been convicted of a crime or
16 adjudicated delinquent for an act of juvenile de-
17 linquency since the date of the disposition; and

18 “(B) is not engaged in active criminal
19 court proceedings or juvenile delinquency pro-
20 ceedings.

21 “(2) AUTOMATIC NATURE OF SEALING.—The
22 order of sealing under paragraph (1) shall require
23 no action by the person whose juvenile records are
24 to be sealed.

1 “(3) NOTICE OF AUTOMATIC SEALING.—A
2 court that orders the sealing of a juvenile record of
3 a person under paragraph (1) shall, in writing, in-
4 form the person of the sealing and the benefits of
5 sealing the record, including protection from civil
6 and criminal perjury, false swearing, and false state-
7 ment laws with respect to the record.

8 “(b) PETITIONING FOR EARLY SEALING OF NON-
9 VIOLENT OFFENSES.—

10 “(1) RIGHT TO FILE SEALING PETITION.—

11 “(A) IN GENERAL.—During the 3-year pe-
12 riod beginning on the date on which a person
13 who is adjudicated delinquent under this chap-
14 ter for a juvenile nonviolent offense completes
15 every term of probation, official detention, or
16 juvenile delinquent supervision ordered by the
17 court with respect to the offense, the person
18 may petition the court to seal the juvenile
19 records that relate to the offense.

20 “(B) NOTICE OF OPPORTUNITY TO FILE
21 PETITION.—If a person is adjudged delinquent
22 for a juvenile nonviolent offense, the court in
23 which the person is adjudged delinquent shall,
24 in writing, inform the person of the potential
25 eligibility of the person to file a sealing petition

1 with respect to the offense upon completing
2 every term of probation, official detention, or
3 juvenile delinquent supervision ordered by the
4 court with respect to the offense, and the nec-
5 essary procedures for filing the sealing peti-
6 tion—

7 “(i) on the date on which the indi-
8 vidual is adjudged delinquent; and

9 “(ii) on the date on which the indi-
10 vidual has completed every term of proba-
11 tion, official detention, or juvenile delin-
12 quent supervision ordered by the court
13 with respect to the offense.

14 “(2) PROCEDURES.—

15 “(A) NOTIFICATION TO PROSECUTOR.—If
16 a person files a sealing petition with respect to
17 a juvenile nonviolent offense, the court in which
18 the petition is filed shall provide notice of the
19 petition—

20 “(i) to the Attorney General; and

21 “(ii) upon the request of the peti-
22 tioner, to any other individual that the pe-
23 titioner determines may testify as to—

24 “(I) the conduct of the petitioner
25 since the date of the offense; or

1 “(II) the reasons that the sealing
2 order should be entered.

3 “(B) HEARING.—

4 “(i) IN GENERAL.—Not later than
5 180 days after the date on which a person
6 files a sealing petition, the court shall—

7 “(I) except as provided in clause
8 (iii), conduct a hearing in accordance
9 with clause (ii); and

10 “(II) determine whether to enter
11 a sealing order for the person in ac-
12 cordance with subparagraph (C).

13 “(ii) OPPORTUNITY TO TESTIFY AND
14 OFFER EVIDENCE.—

15 “(I) PETITIONER.—The peti-
16 tioner may testify or offer evidence at
17 the sealing hearing in support of seal-
18 ing.

19 “(II) PROSECUTOR.—The Attor-
20 ney General may send a representa-
21 tive to testify or offer evidence at the
22 sealing hearing in support of or
23 against sealing.

24 “(III) OTHER INDIVIDUALS.—An
25 individual who receives notice under

1 subparagraph (A)(ii) may testify or
2 offer evidence at the sealing hearing
3 as to the issues described in sub-
4 clauses (I) and (II) of that subpara-
5 graph.

6 “(iii) WAIVER OF HEARING.—If the
7 petitioner and the Attorney General so
8 agree, the court shall make a determina-
9 tion under subparagraph (C) without a
10 hearing.

11 “(C) BASIS FOR DECISION.—The court
12 shall determine whether to grant the sealing pe-
13 tition after considering—

14 “(i) the sealing petition and any docu-
15 ments in the possession of the court;

16 “(ii) all the evidence and testimony
17 presented at the sealing hearing, if such a
18 hearing is conducted;

19 “(iii) the best interests of the peti-
20 tioner;

21 “(iv) the age of the petitioner during
22 his or her contact with the court or any
23 law enforcement agency;

24 “(v) the nature of the juvenile non-
25 violent offense;

1 “(vi) the disposition of the case;

2 “(vii) the manner in which the peti-
3 tioner participated in any court-ordered re-
4 habilitative programming or supervised
5 services;

6 “(viii) the length of the time period
7 during which the petitioner has been with-
8 out contact with any court or law enforce-
9 ment agency;

10 “(ix) whether the petitioner has had
11 any criminal or juvenile delinquency in-
12 volvement since the disposition of the juve-
13 nile delinquency proceeding; and

14 “(x) the adverse consequences the pe-
15 titioner may suffer if the petition is not
16 granted.

17 “(D) WAITING PERIOD AFTER DENIAL.—If
18 the court denies a sealing petition, the peti-
19 tioner may not file a new sealing petition with
20 respect to the same juvenile nonviolent offense
21 until the date that is 2 years after the date of
22 the denial.

23 “(E) UNIVERSAL FORM.—The Director of
24 the Administrative Office of the United States
25 Courts shall create a universal form, available

1 over the internet and in paper form, that an in-
2 dividual may use to file a sealing petition.

3 “(F) NO FEE FOR SEALING.—There shall
4 be no cost for filing a sealing petition.

5 “(G) REPORTING.—Not later than 2 years
6 after the date of enactment of this section, and
7 each year thereafter, each district court of the
8 United States shall issue a public report that—

9 “(i) describes—

10 “(I) the number of sealing peti-
11 tions granted and denied under this
12 subsection; and

13 “(II) the number of instances in
14 which the Attorney General supported
15 or opposed a sealing petition;

16 “(ii) includes any supporting data
17 that the court determines relevant and that
18 does not name any petitioner; and

19 “(iii) disaggregates all relevant data
20 by race, ethnicity, gender, and the nature
21 of the offense.

22 “(H) PUBLIC DEFENDER ELIGIBILITY.—

23 “(i) PETITIONERS UNDER AGE 18.—
24 The district court shall appoint counsel in
25 accordance with the plan of the district

1 court in operation under section 3006A to
2 represent a petitioner for purposes of this
3 subsection if the petitioner is less than 18
4 years of age.

5 “(ii) PETITIONERS AGE 18 AND
6 OLDER.—

7 “(I) DISCRETION OF COURT.—In
8 the case of a petitioner who not less
9 than 18 years of age, the district
10 court may, in its discretion, appoint
11 counsel in accordance with the plan of
12 the district court in operation under
13 section 3006A to represent the peti-
14 tioner for purposes of this subsection.

15 “(II) CONSIDERATIONS.—In de-
16 termining whether to appoint counsel
17 under subclause (I), the court shall
18 consider—

19 “(aa) the anticipated com-
20 plexity of the sealing hearing, in-
21 cluding the number and type of
22 witnesses called to advocate
23 against the sealing of the records
24 of the petitioner; and

1 “(bb) the potential for ad-
2 verse testimony by a victim or a
3 representative of the Attorney
4 General.

5 “(c) EFFECT OF SEALING ORDER.—

6 “(1) IN GENERAL.—Except as provided in this
7 subsection, if a court orders the sealing of a juvenile
8 record under subsection (a) or (b) with respect to a
9 juvenile nonviolent offense, the offense and any ar-
10 rest, juvenile delinquency proceeding, adjudication,
11 or other result of such proceeding relating to the of-
12 fense shall be treated as if it never occurred.

13 “(2) VERIFICATION OF SEALING.—If a court
14 orders the sealing of a juvenile record under sub-
15 section (a) or (b) with respect to a juvenile non-
16 violent offense, the court shall—

17 “(A) send a copy of the sealing order to
18 each entity or person known to the court that
19 possesses a record relating to the offense, in-
20 cluding each—

21 “(i) law enforcement agency; and

22 “(ii) public or private correctional or
23 detention facility;

1 “(B) in the sealing order, require each en-
2 tity or person described in subparagraph (A)
3 to—

4 “(i) seal the record; and

5 “(ii) submit a written certification to
6 the court, under penalty of perjury, that
7 the entity or person has sealed each paper
8 and electronic copy of the record;

9 “(C) seal each paper and electronic copy of
10 the record in the possession of the court; and

11 “(D) after receiving a written certification
12 from each entity or person under subparagraph
13 (B)(ii), notify the petitioner that each entity or
14 person described in subparagraph (A) has
15 sealed each paper and electronic copy of the
16 record.

17 “(3) PROTECTION FROM PERJURY LAWS.—Ex-
18 cept as provided in paragraph (5)(C)(i), the person
19 who is the subject of a juvenile record sealed under
20 subsection (a) or (b) or a parent of the person shall
21 not be subject to prosecution under any civil or
22 criminal provision of Federal or State law relating to
23 perjury, false swearing, or making a false statement,
24 including section 1001, 1621, 1622, or 1623, for
25 failing to acknowledge the record or respond to any

1 inquiry made of the person or the parent, relating
2 to the record, for any purpose.

3 “(4) LAW ENFORCEMENT ACCESS TO SEALED
4 RECORDS.—A law enforcement agency may access a
5 sealed juvenile record of a person solely—

6 “(A) to determine whether the person is el-
7 igible for a first-time-offender diversion pro-
8 gram;

9 “(B) for investigatory or prosecutorial pur-
10 poses within the juvenile justice system; or

11 “(C) for a background check that relates
12 to—

13 “(i) law enforcement employment; or

14 “(ii) any position that a Federal agen-
15 cy designates as a—

16 “(I) national security position; or

17 “(II) high-risk, public trust posi-
18 tion.

19 “(5) PROHIBITION ON DISCLOSURE.—

20 “(A) PROHIBITION.—Except as provided
21 in subparagraph (C), it shall be unlawful to in-
22 tentiously make or attempt to make an unau-
23 thorized disclosure of any information from a
24 sealed juvenile record in violation of this sec-
25 tion.

1 “(B) PENALTY.—Any person who violates
2 subparagraph (A) shall be fined under this title,
3 imprisoned for not more than 1 year, or both.

4 “(C) EXCEPTIONS.—

5 “(i) BACKGROUND CHECKS.—A per-
6 son who is the subject of a juvenile record
7 sealed under this section shall, and a Fed-
8 eral or State law enforcement agency that
9 possesses such a record may, disclose the
10 record in the case of a background check
11 for—

12 “(I) law enforcement employ-
13 ment; or

14 “(II) any employment that re-
15 quires a government security clear-
16 ance.

17 “(ii) DISCLOSURE TO ARMED
18 FORCES.—A person may disclose informa-
19 tion from a sealed juvenile record to the
20 Secretaries of the military departments (or
21 the Secretary of Homeland Security with
22 respect to the Coast Guard when it is not
23 operating as a service in the Navy) for the
24 purpose of vetting an enlistment or com-

1 mission, or with regard to any member of
2 the Armed Forces.

3 “(iii) CRIMINAL AND JUVENILE PRO-
4 CEEDINGS.—A prosecutor may disclose in-
5 formation from a juvenile record sealed
6 under this section if the information per-
7 tains to a potential witness in a Federal or
8 State—

9 “(I) criminal proceeding; or

10 “(II) juvenile delinquency pro-
11 ceeding.

12 “(iv) AUTHORIZATION FOR PERSON
13 TO DISCLOSE OWN RECORD.—A person
14 who is the subject of a juvenile record
15 sealed under this section may choose to
16 disclose the record.

17 **“§ 5045. Expungement**

18 “(a) AUTOMATIC EXPUNGEMENT OF CERTAIN
19 RECORDS.—

20 “(1) ATTORNEY GENERAL MOTION.—

21 “(A) NONVIOLENT OFFENSES COMMITTED
22 BEFORE A PERSON TURNED 15.—If a person is
23 adjudicated delinquent under this chapter for a
24 juvenile nonviolent offense committed before the
25 person attained 15 years of age, on the date on

1 which the person attains 18 years of age, the
2 Attorney General shall file a motion in the dis-
3 trict court of the United States in which the
4 person was adjudicated delinquent requesting
5 that each juvenile record of the person that re-
6 lates to the offense be expunged.

7 “(B) ARRESTS.—If a juvenile is arrested
8 for an offense for which a juvenile delinquency
9 proceeding is not instituted under this sub-
10 chapter, the Attorney General shall file a mo-
11 tion in the district court of the United States
12 that would have had jurisdiction of the pro-
13 ceeding requesting that each juvenile record re-
14 lating to the arrest be expunged.

15 “(C) EXPUNGEMENT ORDER.—Upon the
16 filing of a motion in a district court of the
17 United States with respect to a juvenile non-
18 violent offense under subparagraph (A) or an
19 arrest for an offense under subparagraph (B),
20 the court shall grant the motion and order that
21 each juvenile record relating to the offense or
22 arrest, as applicable, be expunged.

23 “(2) DISMISSED CASES.—If a district court of
24 the United States dismisses an information with re-
25 spect to a juvenile under this subchapter or finds a

1 juvenile not to be delinquent in a juvenile delin-
2 quency proceeding under this subchapter, the court
3 shall concurrently order that each juvenile record re-
4 lating to the applicable proceeding be expunged.

5 “(3) AUTOMATIC NATURE OF EXPUNGEMENT.—
6 An order of expungement under paragraph (1)(C) or
7 (2) shall not require any action by the person whose
8 records are to be expunged.

9 “(4) NOTICE OF AUTOMATIC EXPUNGEMENT.—
10 A court that orders the expungement of a juvenile
11 record of a person under paragraph (1)(C) or (2)
12 shall, in writing, inform the person of the
13 expungement and the benefits of expunging the
14 record, including protection from civil and criminal
15 perjury, false swearing, and false statement laws
16 with respect to the record.

17 “(b) PETITIONING FOR EXPUNGEMENT OF NON-
18 VIOLENT OFFENSES.—

19 “(1) IN GENERAL.—A person who is adjudged
20 delinquent under this chapter for a juvenile non-
21 violent offense committed on or after the date on
22 which the person attained 15 years of age may peti-
23 tion the court in which the proceeding took place to
24 order the expungement of the juvenile record that
25 relates to the offense.

1 “(2) PROCEDURES.—

2 “(A) NOTIFICATION OF PROSECUTOR AND
3 VICTIMS.—If a person files an expungement pe-
4 tition with respect to a juvenile nonviolent of-
5 fense, the court in which the petition is filed
6 shall provide notice of the petition—

7 “(i) to the Attorney General; and

8 “(ii) upon the request of the peti-
9 tioner, to any other individual that the pe-
10 titioner determines may testify as to—

11 “(I) the conduct of the petitioner
12 since the date of the offense; or

13 “(II) the reasons that the
14 expungement order should be entered.

15 “(B) HEARING.—

16 “(i) IN GENERAL.—Not later than
17 180 days after the date on which a person
18 files an expungement petition, the court
19 shall—

20 “(I) except as provided in clause
21 (iii), conduct a hearing in accordance
22 with clause (ii); and

23 “(II) determine whether to enter
24 an expungement order for the person
25 in accordance with subparagraph (C).

1 “(ii) OPPORTUNITY TO TESTIFY AND
2 OFFER EVIDENCE.—

3 “(I) PETITIONER.—The peti-
4 tioner may testify or offer evidence at
5 the expungement hearing in support
6 of expungement.

7 “(II) PROSECUTOR.—The Attor-
8 ney General may send a representa-
9 tive to testify or offer evidence at the
10 expungement hearing in support of or
11 against expungement.

12 “(III) OTHER INDIVIDUALS.—An
13 individual who receives notice under
14 subparagraph (A)(ii) may testify or
15 offer evidence at the expungement
16 hearing as to the issues described in
17 subclauses (I) and (II) of that sub-
18 paragraph.

19 “(C) BASIS FOR DECISION.—The court
20 shall determine whether to grant an expunge-
21 ment petition after considering—

22 “(i) the petition and any documents in
23 the possession of the court;

1 “(ii) all the evidence and testimony
2 presented at the expungement hearing, if
3 such a hearing is conducted;

4 “(iii) the best interests of the peti-
5 tioner;

6 “(iv) the age of the petitioner during
7 his or her contact with the court or any
8 law enforcement agency;

9 “(v) the nature of the juvenile non-
10 violent offense;

11 “(vi) the disposition of the case;

12 “(vii) the manner in which the peti-
13 tioner participated in any court-ordered re-
14 habilitative programming or supervised
15 services;

16 “(viii) the length of the time period
17 during which the petitioner has been with-
18 out contact with any court or any law en-
19 forcement agency;

20 “(ix) whether the petitioner has had
21 any criminal or juvenile delinquency in-
22 volvement since the disposition of the juve-
23 nile delinquency proceeding; and

1 “(x) the adverse consequences the pe-
2 titioner may suffer if the petition is not
3 granted.

4 “(D) WAITING PERIOD AFTER DENIAL.—If
5 the court denies an expungement petition, the
6 petitioner may not file a new expungement peti-
7 tion with respect to the same offense until the
8 date that is 2 years after the date of the denial.

9 “(E) UNIVERSAL FORM.—The Director of
10 the Administrative Office of the United States
11 Courts shall create a universal form, available
12 over the internet and in paper form, that an in-
13 dividual may use to file an expungement peti-
14 tion.

15 “(F) NO FEE FOR EXPUNGEMENT.—There
16 shall be no cost for filing an expungement peti-
17 tion.

18 “(G) REPORTING.—Not later than 2 years
19 after the date of enactment of this section, and
20 each year thereafter, each district court of the
21 United States shall issue a public report that—

22 “(i) describes—

23 “(I) the number of expungement
24 petitions granted and denied under
25 this subsection; and

1 “(II) the number of instances in
2 which the Attorney General supported
3 or opposed an expungement petition;

4 “(ii) includes any supporting data
5 that the court determines relevant and that
6 does not name any petitioner; and

7 “(iii) disaggregates all relevant data
8 by race, ethnicity, gender, and the nature
9 of the offense.

10 “(H) PUBLIC DEFENDER ELIGIBILITY.—

11 “(i) PETITIONERS UNDER AGE 18.—
12 The district court shall appoint counsel in
13 accordance with the plan of the district
14 court in operation under section 3006A to
15 represent a petitioner for purposes of this
16 subsection if the petitioner is less than 18
17 years of age.

18 “(ii) PETITIONERS AGE 18 AND
19 OLDER.—

20 “(I) DISCRETION OF COURT.—In
21 the case of a petitioner who not less
22 than 18 years of age, the district
23 court may, in its discretion, appoint
24 counsel in accordance with the plan of
25 the district court in operation under

1 section 3006A to represent the peti-
2 tioner for purposes of this subsection.

3 “(II) CONSIDERATIONS.—In de-
4 termining whether to appoint counsel
5 under subclause (I), the court shall
6 consider—

7 “(aa) the anticipated com-
8 plexity of the expungement hear-
9 ing, including the number and
10 type of witnesses called to advo-
11 cate against the expungement of
12 the records of the petitioner; and

13 “(bb) the potential for ad-
14 verse testimony by a victim or a
15 representative of the Attorney
16 General.

17 “(c) EFFECT OF EXPUNGED JUVENILE RECORD.—

18 “(1) IN GENERAL.—Except as provided in this
19 subsection, if a court orders the expungement of a
20 juvenile record under subsection (a) or (b) with re-
21 spect to a juvenile nonviolent offense—

22 “(A) the offense and any arrest, juvenile
23 delinquency proceeding, adjudication, or other
24 result of such proceeding relating to the offense
25 shall be treated as if it never occurred; and

1 “(B) the person to whom the record per-
2 tains shall not be required to disclose the exist-
3 ence of the record.

4 “(2) VERIFICATION OF EXPUNGEMENT.—If a
5 court orders the expungement of a juvenile record
6 under subsection (a) or (b) with respect to a juvenile
7 nonviolent offense, the court shall—

8 “(A) send a copy of the expungement order
9 to each entity or person known to the court
10 that possesses a record relating to the offense,
11 including each—

12 “(i) law enforcement agency; and

13 “(ii) public or private correctional or
14 detention facility;

15 “(B) in the expungement order, require
16 each entity or person described in subparagraph
17 (A) to—

18 “(i) destroy the record; and

19 “(ii) submit a written certification to
20 the court, under penalty of perjury, that
21 the entity or person has destroyed each
22 paper and electronic copy of the record;

23 “(C) destroy each paper and electronic
24 copy of the record in the possession of the
25 court; and

1 “(D) after receiving a written certification
2 from each entity or person under subparagraph
3 (B)(ii), notify the petitioner that each entity or
4 person described in subparagraph (A) has de-
5 stroyed each paper and electronic copy of the
6 record.

7 “(3) REPLY TO INQUIRIES.—In the case of an
8 inquiry relating to a juvenile record of a person that
9 is expunged under this section, the court in which
10 the proceeding took place, each law enforcement offi-
11 cer, any agency that provided treatment or rehabili-
12 tation services to the person, and the person (except
13 as provided in paragraph (6)) shall reply to the in-
14 quiry that no such juvenile record exists.

15 “(4) PROTECTION FROM PERJURY LAWS.—Ex-
16 cept as provided in paragraph (5), if a juvenile
17 record of a person is expunged under this section,
18 the person who is the subject of the record or a par-
19 ent of the person shall not be subject to prosecution
20 under any civil or criminal provision of Federal or
21 State law relating to perjury, false swearing, or
22 making a false statement, including section 1001,
23 1621, 1622, or 1623, for failing to acknowledge the
24 record or respond to any inquiry made of the person

1 or the parent, relating to the record, for any pur-
2 pose.

3 “(5) CIVIL ACTIONS.—

4 “(A) IN GENERAL.—If a person whose ju-
5 venile record is expunged under this section
6 brings an action that might be defended with
7 the contents of the record, there shall be a re-
8 buttable presumption that the defendant has a
9 complete defense to the action.

10 “(B) SHOWING BY PLAINTIFF.—In an ac-
11 tion described in subparagraph (A), the plaintiff
12 may rebut the presumption of a complete de-
13 fense by showing that the contents of the ex-
14 punged record would not prevent the defendant
15 from being liable.

16 “(C) DUTY TO TESTIFY AS TO EXISTENCE
17 OF RECORD.—The court in which an action de-
18 scribed in subparagraph (A) is filed may re-
19 quire the plaintiff to state under oath whether
20 the plaintiff had a juvenile record and whether
21 the record was expunged.

22 “(D) PROOF OF EXISTENCE OF JUVENILE
23 RECORD.—If the plaintiff in an action described
24 in subparagraph (A) denies the existence of a
25 juvenile record, the defendant may prove the ex-

1 istence of the record in any manner compatible
2 with the applicable laws of evidence.

3 “(6) CRIMINAL AND JUVENILE PRO-
4 CEEDINGS.—A prosecutor may disclose information
5 from a juvenile record expunged under this section
6 if the information pertains to a potential witness in
7 a Federal or State—

8 “(A) criminal proceeding; or

9 “(B) juvenile delinquency proceeding.

10 “(7) AUTHORIZATION FOR PERSON TO DIS-
11 CLOSE OWN RECORD.—A person who is the subject
12 of a juvenile record expunged under this section may
13 choose to disclose the record.”.

14 (2) TECHNICAL AND CONFORMING AMEND-
15 MENT.—The table of sections for chapter 403 of
16 title 18, United States Code, is amended by adding
17 at the end the following:

“5044. Sealing.

“5045. Expungement.”.

18 (3) APPLICABILITY.—Sections 5044 and 5045
19 of title 18, United States Code, as added by para-
20 graph (1), shall apply with respect to a juvenile non-
21 violent offense (as defined in section 5031 of such
22 title, as amended by subsection (b)) that is com-
23 mitted or alleged to have been committed before, on,
24 or after the date of enactment of this Act.

1 (e) JUVENILE SOLITARY CONFINEMENT.—Chapter
2 403 of title 18, United States Code, as amended by this
3 section, is further amended by striking section 5043 and
4 inserting the following:

5 **“§ 5043. Juvenile solitary confinement**

6 “(a) DEFINITIONS.—In this section—

7 “(1) the term ‘covered juvenile’ means—

8 “(A) a juvenile who—

9 “(i) is being proceeded against under
10 this chapter for an alleged act of juvenile
11 delinquency; or

12 “(ii) has been adjudicated delinquent
13 under this chapter; or

14 “(B) a juvenile who is being proceeded
15 against as an adult in a district court of the
16 United States for an alleged criminal offense;

17 “(2) the term ‘juvenile facility’ means any facil-
18 ity where covered juveniles are—

19 “(A) committed pursuant to an adjudica-
20 tion of delinquency under this chapter; or

21 “(B) detained prior to disposition or con-
22 viction; and

23 “(3) the term ‘room confinement’ means the in-
24 voluntary placement of a covered juvenile alone in a
25 cell, room, or other area for any reason.

1 “(b) PROHIBITION ON ROOM CONFINEMENT IN JU-
2 VENILE FACILITIES.—

3 “(1) IN GENERAL.—The use of room confine-
4 ment at a juvenile facility for discipline, punishment,
5 retaliation, or any reason other than as a temporary
6 response to a covered juvenile’s behavior that poses
7 a serious and immediate risk of physical harm to
8 any individual, including the covered juvenile, is pro-
9 hibited.

10 “(2) JUVENILES POSING RISK OF HARM.—

11 “(A) REQUIREMENT TO USE LEAST RE-
12 STRICTIVE TECHNIQUES.—

13 “(i) IN GENERAL.—Before a staff
14 member of a juvenile facility places a cov-
15 ered juvenile in room confinement, the
16 staff member shall attempt to use less re-
17 strictive techniques, including—

18 “(I) talking with the covered ju-
19 venile in an attempt to de-escalate the
20 situation; and

21 “(II) permitting a qualified men-
22 tal health professional, or a staff
23 member who has received training in
24 de-escalation techniques and trauma-

1 informed care, to talk to the covered
2 juvenile.

3 “(ii) EXPLANATION.—If, after at-
4 tempting to use less restrictive techniques
5 as required under clause (i), a staff mem-
6 ber of a juvenile facility decides to place a
7 covered juvenile in room confinement, the
8 staff member shall first—

9 “(I) explain to the covered juve-
10 nile the reasons for the room confine-
11 ment; and

12 “(II) inform the covered juvenile
13 that release from room confinement
14 will occur—

15 “(aa) immediately when the
16 covered juvenile regains self-con-
17 trol, as described in subpara-
18 graph (B)(i); or

19 “(bb) not later than after
20 the expiration of the time period
21 described in subclause (I) or (II)
22 of subparagraph (B)(ii), as appli-
23 cable.

24 “(B) MAXIMUM PERIOD OF CONFINE-
25 MENT.—If a covered juvenile is placed in room

1 confinement because the covered juvenile poses
2 a serious and immediate risk of physical harm
3 to himself or herself, or to others, the covered
4 juvenile shall be released—

5 “(i) immediately when the covered ju-
6 venile has sufficiently gained control so as
7 to no longer engage in behavior that
8 threatens serious and immediate risk of
9 physical harm to himself or herself, or to
10 others; or

11 “(ii) if a covered juvenile does not suf-
12 ficiently gain control as described in clause
13 (i), not later than—

14 “(I) 3 hours after being placed in
15 room confinement, in the case of a
16 covered juvenile who poses a serious
17 and immediate risk of physical harm
18 to others; or

19 “(II) 30 minutes after being
20 placed in room confinement, in the
21 case of a covered juvenile who poses a
22 serious and immediate risk of physical
23 harm only to himself or herself.

24 “(C) RISK OF HARM AFTER MAXIMUM PE-
25 RIOD OF CONFINEMENT.—If, after the applica-

1 ble maximum period of confinement under sub-
2 clause (I) or (II) of subparagraph (B)(ii) has
3 expired, a covered juvenile continues to pose a
4 serious and immediate risk of physical harm de-
5 scribed in that subclause—

6 “(i) the covered juvenile shall be
7 transferred immediately to another juvenile
8 facility or internal location where services
9 can be provided to the covered juvenile
10 without relying on room confinement; or

11 “(ii) if a qualified mental health pro-
12 fessional believes the level of crisis service
13 needed is not currently available, a staff
14 member of the juvenile facility shall imme-
15 diately transport the juvenile to—

16 “(I) an emergency medical facil-
17 ity; or

18 “(II) an equivalent location that
19 can meet the needs of the covered ju-
20 venile.

21 “(D) ACTION BEFORE EXPIRATION OF
22 TIME LIMIT.—Nothing in subparagraph (C)
23 shall be construed to prohibit an action de-
24 scribed in clause (i) or (ii) of that subparagraph
25 from being taken before the applicable max-

1 imum period of confinement under subclause (I)
2 or (II) of subparagraph (B)(ii) has expired.

3 “(E) CONDITIONS.—A room used for room
4 confinement for a juvenile shall—

5 “(i) have not less than 80 square feet
6 of floor space;

7 “(ii) have adequate lighting, heating
8 or cooling (as applicable), and ventilation
9 for the comfort of the juvenile;

10 “(iii) be suicide-resistant and protru-
11 sion-free; and

12 “(iv) have access to clean potable
13 water, toilet facilities, and hygiene sup-
14 plies.

15 “(F) NOTICE.—

16 “(i) USE OF ROOM CONFINEMENT.—
17 Not later than 1 business day after the
18 date on which a juvenile facility places a
19 covered juvenile in room confinement, the
20 juvenile facility shall provide notice to the
21 attorney of record for the juvenile.

22 “(ii) TRANSFER.—Not later than 24
23 hours after a covered juvenile is trans-
24 ferred from a juvenile facility to another

1 location, the juvenile facility shall provide
2 notice to—

3 “(I) the attorney of record for
4 the juvenile; and

5 “(II) an authorized parent or
6 guardian of the juvenile.

7 “(G) SPIRIT AND PURPOSE.—The use of
8 consecutive periods of room confinement to
9 evade the spirit and purpose of this subsection
10 shall be prohibited.

11 “(c) STUDY AND REPORT.—Not later than 2 years
12 after the date of enactment of this section, and each year
13 thereafter, the Attorney General shall submit to Congress
14 a report that—

15 “(1) contains a detailed description of the type
16 of physical force, restraints, and room confinement
17 used at juvenile facilities;

18 “(2) describes the number of instances in which
19 physical force, restraints, or room confinement are
20 used at juvenile facilities, disaggregated by race, eth-
21 nicity, and gender; and

22 “(3) contains a detailed description of steps
23 taken, in each instance in which room confinement
24 is used at a juvenile facility, to address and remedy
25 the underlying issue that led to behavioral interven-

1 tion resulting in the use of room confinement, in-
2 cluding any positive or negative outcomes.”.

3 **SEC. 4. STUDY AND REPORT ON COST SAVINGS FROM SEAL-**
4 **ING AND EXPUNGEMENT PROVISIONS.**

5 (a) STUDY.—

6 (1) IN GENERAL.—Not later than 5 years after
7 the date of enactment of this Act, the Attorney Gen-
8 eral, in consultation with the Secretary of Labor and
9 the Director of the Office of Management and Budg-
10 et, shall conduct a study on the cost savings and
11 broader economic impact of the sealing and
12 expungement provisions in the amendments made by
13 sections 2, 3, and 6 of this Act.

14 (2) CONSIDERATIONS.—In conducting the study
15 under paragraph (1), the Attorney General shall
16 consider—

17 (A) the reduction in recidivism and associ-
18 ated cost savings related to corrections and
19 public safety;

20 (B) increased economic activity by former
21 offenders, including by conducting an analysis
22 of the tax revenue generated by that activity;
23 and

1 (C) the economic impact on the household
2 of former offenders and the children of former
3 offenders.

4 (b) REPORT.—Not later than 5 years after the date
5 of enactment of this Act, the Attorney General shall sub-
6 mit to Congress a report on the study conducted under
7 subsection (a).

8 **SEC. 5. TANF ASSISTANCE AND SNAP BENEFITS.**

9 (a) REPEAL OF BAN ON ASSISTANCE.—Section 115
10 of the Personal Responsibility and Work Opportunity Rec-
11 onciliation Act of 1996 (21 U.S.C. 862a) is repealed.

12 (b) EFFECT ON STATE ELECTIONS TO OPT OUT OR
13 LIMIT PERIOD OF PROHIBITION.—

14 (1) DEFINITIONS.—In this subsection—

15 (A) the term “State” has the meaning
16 given the term in section 115(e) of the Personal
17 Responsibility and Work Opportunity Reconcili-
18 ation Act of 1996 (21 U.S.C. 862a(e)) (as in
19 effect on the day before the date of enactment
20 of this Act); and

21 (B) the term “TANF assistance or SNAP
22 benefits” means assistance or benefits referred
23 to in section 115(a) of the Personal Responsi-
24 bility and Work Opportunity Reconciliation Act

1 of 1996 (as in effect on the day before the date
2 of enactment of this Act).

3 (2) EFFECT.—A law enacted by a State under
4 the authority under subparagraph (A) or (B) of sub-
5 section (d)(1) of section 115 of the Personal Respon-
6 sibility and Work Opportunity Reconciliation Act of
7 1996 (21 U.S.C. 862a) (as in effect on the day be-
8 fore the date of enactment of this Act), and any
9 State law or regulation enacted to carry out the re-
10 quirements of such section (as then in effect), that
11 imposes conditions on eligibility for TANF assist-
12 ance or SNAP benefits shall have no force or effect.

13 **SEC. 6. STATE INCENTIVES.**

14 (a) COPS GRANTS PRIORITY.—Section 1701 of title
15 I of the Omnibus Crime Control and Safe Streets Act of
16 1968 (34 U.S.C. 10381) is amended—

17 (1) in subsection (c)—

18 (A) in paragraph (2), by striking “or” at
19 the end;

20 (B) in paragraph (3), by striking the pe-
21 riod at the end and inserting “; or”; and

22 (C) by adding at the end the following:

23 “(4) subject to subsection (n)(1), from an appli-
24 cant in a State that has in effect—

1 “(A) a law relating to the confidentiality,
2 sealing, and expungement of juvenile records
3 that is substantially similar to, or more gen-
4 erous to the former offender than, the amend-
5 ments made by subsections (b) through (d) of
6 section 3 of the Record Expungement Designed
7 to Enhance Employment Act of 2019;

8 “(B) a law prohibiting juvenile solitary
9 confinement that is substantially similar to, or
10 more restrictive than, the amendment made by
11 subsection (e) of section 3 of the Record
12 Expungement Designed to Enhance Employ-
13 ment Act of 2019;

14 “(C) a law relating to the sealing of adult
15 records that is substantially similar to, or more
16 generous to the former offender than, the
17 amendments made by section 2 of the Record
18 Expungement Designed to Enhance Employ-
19 ment Act of 2019;

20 “(D) subject to subsection (n)(2), a law
21 that establishes that an adult criminal court
22 may not have original jurisdiction over an indi-
23 vidual who was less than 18 years of age when
24 the individual committed an offense;

1 “(E) a law that allows an individual who
2 has successfully sealed or expunged a criminal
3 record to be free from civil and criminal perjury
4 laws; or

5 “(F) a law or policy that ensures to the
6 maximum extent practicable, for juveniles who
7 have been arrested for or convicted of a crimi-
8 nal offense—

9 “(i) equal sentencing guidelines, with-
10 out regard to gender; and

11 “(ii) equal access, without regard to
12 gender, to services, assistance, or benefits
13 provided.”; and

14 (2) by adding at the end the following:

15 “(n) RULES FOR PREFERENTIAL CONSIDERATION OF
16 STATES WITH LAWS SIMILAR TO REDEEM ACT.—

17 “(1) DEGREE OF PRIORITY COMMENSURATE
18 WITH DEGREE OF COMPLIANCE.—If the Attorney
19 General, in awarding grants under this part, gives
20 preferential consideration to any application as au-
21 thorized under subsection (c)(4), the Attorney Gen-
22 eral shall base the degree of preferential consider-
23 ation given to an application from an applicant in a
24 particular State on the number of subparagraphs
25 under that subsection that the State has satisfied,

1 relative to the number of such subparagraphs that
2 each other State has satisfied.

3 “(2) JUVENILE TRANSFER PROVISIONS.—Sub-
4 section (c)(4)(D) shall not be construed to preclude
5 from preferential consideration an application from
6 an applicant in a State that—

7 “(A) has in effect a law that authorizes the
8 transfer of an individual who is less than 18
9 years of age to adult criminal court if the indi-
10 vidual commits a specified offense or an offense
11 that falls under a specified category of offenses;
12 or

13 “(B) exercises other case-specific transfer
14 mechanisms.”.

15 (b) ATTORNEY GENERAL GUIDELINES AND TECH-
16 NICAL ASSISTANCE.—The Attorney General shall issue
17 guidelines and provide technical assistance to assist States
18 in complying with the incentive under paragraph (4) of
19 section 1701(c) of title I of the Omnibus Crime Control
20 and Safe Streets Act of 1968 (34 U.S.C. 10381(c)), as
21 added by subsection (a).

1 **SEC. 7. GENDER EQUALITY IN FEDERAL JUVENILE DELIN-**
2 **QUENCY PROCEEDINGS.**

3 (a) DISPOSITIONS.—Section 5037 of title 18, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 “(f) GENDER EQUALITY.—

7 “(1) POLICY OF THE UNITED STATES.—It is
8 the policy of the United States that there should be
9 no disparities based on gender in dispositions of ju-
10 venile cases.

11 “(2) DIRECTIVE TO SENTENCING COMMISSION
12 AND COURTS.—The United States Sentencing Com-
13 mission, in promulgating sentencing guidelines and
14 policy statements applicable to dispositions of dis-
15 trict courts exercising jurisdiction over juveniles, and
16 the courts, in determining such dispositions, shall
17 take care to avoid and remedy any disparities de-
18 scribed in paragraph (1).”.

19 (b) COMMITMENTS.—Section 5039 of title 18, United
20 States Code, is amended, in the second paragraph, by add-
21 ing at the end the following: “The Attorney General shall
22 promulgate regulations that ensure, to the maximum ex-
23 tent practicable, equal access, without regard to gender,
24 to services, assistance, or benefits provided, to juveniles
25 who have been arrested under Federal authority, or com-

1 mitted pursuant to an adjudication under this chapter, for
2 juvenile delinquency.”.

3 **SEC. 8. ENSURING ACCURACY IN THE FBI BACKGROUND**
4 **CHECK SYSTEM.**

5 (a) IN GENERAL.—Section 534 of title 28, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 “(g) ENSURING ACCURACY IN THE FBI BACK-
9 GROUND CHECK SYSTEM.—

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

11 “(A) the term ‘applicant’ means the indi-
12 vidual to whom a record sought to be exchanged
13 pertains;

14 “(B) the term ‘incomplete’, with respect to
15 a record, means the record—

16 “(i) indicates that an individual was
17 arrested but does not describe the offense
18 for which the individual was arrested; or

19 “(ii) indicates that an individual was
20 arrested or criminal proceedings were insti-
21 tuted against an individual but does not
22 include the final disposition of the arrest
23 or of the proceedings if a final disposition
24 has been reached;

1 “(C) the term ‘record’ means a record or
2 other information collected under this section;

3 “(D) the term ‘reporting jurisdiction’
4 means any person or entity that provides a
5 record to the Attorney General under this sec-
6 tion; and

7 “(E) the term ‘requesting entity’—

8 “(i) means a person or entity that
9 seeks the exchange of a record for civil
10 purposes that include employment, occupa-
11 tional licensing, occupational certification,
12 housing, credit, or any other type of appli-
13 cation; and

14 “(ii) does not include a law enforce-
15 ment or intelligence agency that seeks the
16 exchange of a record for—

17 “(I) investigative purposes; or

18 “(II) purposes relating to law en-
19 forcement employment.

20 “(2) INCOMPLETE OR INACCURATE RECORDS.—

21 The Attorney General shall establish and enforce
22 procedures to ensure the prompt release of accurate
23 records exchanged for civil purposes through the
24 records system created under this section.

1 “(3) REQUIRED PROCEDURES.—The procedures
2 established under paragraph (2) shall include the
3 following:

4 “(A) INACCURATE RECORD OR INFORMA-
5 TION.—If the Attorney General determines that
6 a record is inaccurate, the Attorney General
7 shall, not later than 10 days after the date on
8 which the requesting entity requests the ex-
9 change and before the exchange is made,
10 promptly correct the record, including by mak-
11 ing deletions to the record if appropriate.

12 “(B) INCOMPLETE RECORD.—

13 “(i) IN GENERAL.—If the Attorney
14 General determines that a record is incom-
15 plete or cannot be verified, the Attorney
16 General—

17 “(I) shall attempt to complete or
18 verify the record; and

19 “(II) if unable to complete or
20 verify the record, may promptly make
21 any changes or deletions to the
22 record.

23 “(ii) LACK OF DISPOSITION OF AR-
24 REST.—For purposes of this subpara-
25 graph, an incomplete record includes a

1 record that indicates there was an arrest
2 and does not include the disposition of the
3 arrest.

4 “(iii) OBTAINING DISPOSITION OF AR-
5 REST.—If the Attorney General determines
6 that a record is an incomplete record de-
7 scribed in clause (ii), the Attorney General
8 shall, not later than 10 days after the date
9 on which the requesting entity requests the
10 exchange and before the exchange is made,
11 obtain the disposition (if any) of the ar-
12 rest.

13 “(C) NOTIFICATION OF REPORTING JURIS-
14 DICTION.—The Attorney General shall notify
15 each appropriate reporting jurisdiction of any
16 action taken under subparagraph (A) or (B).

17 “(D) OPPORTUNITY TO REVIEW RECORDS
18 BY APPLICANT.—In connection with an ex-
19 change of a record under this section, the At-
20 torney General shall—

21 “(i) obtain the consent of the appli-
22 cant to exchange the record with the re-
23 questing entity;

1 “(ii) at the time of consent, notify the
2 applicant that the applicant can obtain a
3 copy of the record;

4 “(iii) provide to the applicant an op-
5 portunity to—

6 “(I) obtain a copy of the record
7 upon request; and

8 “(II) challenge the accuracy and
9 completeness of the record;

10 “(iv) promptly notify the requesting
11 entity of any such challenge;

12 “(v) not later than 30 days after the
13 date on which the challenge is made, com-
14 plete an investigation of the challenge;

15 “(vi) provide to the applicant the spe-
16 cific findings and results of that investiga-
17 tion;

18 “(vii) promptly make any changes or
19 deletions to the records required as a re-
20 sult of the challenge; and

21 “(viii) report those changes to the re-
22 questing entity.

23 “(E) CERTAIN EXCHANGES PROHIBITED.—

24 An exchange shall not include any record—

1 “(i) about an arrest more than 2
2 years old as of the date of the request for
3 the exchange, that does not also include a
4 disposition (if any) of that arrest;

5 “(ii) relating to an adult or juvenile
6 non-serious offense of the sort described in
7 section 20.32(b) of title 28, Code of Fed-
8 eral Regulations, as in effect on July 1,
9 2009; or

10 “(iii) to the extent the record is not
11 clearly an arrest or a disposition of an ar-
12 rest.

13 “(4) FEES.—The Attorney General may collect
14 a reasonable fee for an exchange of records for civil
15 purposes through the records system created under
16 this section to defray the costs associated with ex-
17 changes for those purposes, including any costs asso-
18 ciated with the investigation of inaccurate or incom-
19 plete records.”.

20 (b) REGULATIONS ON REASONABLE PROCEDURES.—
21 Not later than 1 year after the date of enactment of this
22 Act, the Attorney General shall issue regulations to carry
23 out section 534(g) of title 28, United States Code, as
24 added by subsection (a).

1 (c) REPORT.—Not later than 2 years after the date
2 of enactment of this Act, the Attorney General shall sub-
3 mit to Congress a report on the implementation of sub-
4 section (g) of section 534 of title 28, United States Code,
5 as added by subsection (a), that includes—

6 (1) the number of exchanges of records for civil
7 purposes made with entities in each State through
8 the records system created under such section 534;

9 (2) any prolonged failure of a reporting juris-
10 diction to comply with a request by the Attorney
11 General for information about dispositions of ar-
12 rests; and

13 (3) the numbers of successful and unsuccessful
14 challenges to the accuracy and completeness of
15 records, organized by State of origination of each
16 record.

17 **SEC. 9. REPORT ON STATUTORY AND REGULATORY RE-**
18 **STRICTIONS AND DISQUALIFICATIONS BASED**
19 **ON CRIMINAL RECORDS.**

20 (a) IN GENERAL.—Not later than 2 years after the
21 date of enactment of this Act, the Attorney General, in
22 consultation with the Secretary of Labor and the Director
23 of the Office of Personnel Management, shall submit to
24 Congress a report on each Federal statute, regulation, or
25 policy that authorizes a restriction on, or disqualification

1 of, an applicant for employment or for a Federal license
2 or permit based on the criminal record of the applicant.

3 (b) IDENTIFICATION OF INFORMATION.—In the re-
4 port submitted under subsection (a), the Attorney General
5 shall—

6 (1) identify each occupation, position, license,
7 or permit to which a restriction or disqualification
8 described in subsection (a) applies; and

9 (2) for each occupation, position, license, or
10 permit identified under paragraph (1), include—

11 (A) a description of the restriction or dis-
12 qualification;

13 (B) the duration of the restriction or dis-
14 qualification;

15 (C) an evaluation of the rationale for the
16 restriction or disqualification and its continuing
17 usefulness;

18 (D) the procedures, if any, to appeal,
19 waive, or exempt the restriction or disqualifica-
20 tion based on a showing of rehabilitation or
21 other relevant evidence;

22 (E) any information available about the
23 numbers of individuals restricted or disqualified
24 on the basis of a criminal record; and

1 (F) the identity of the Federal agency with
2 jurisdiction over the restriction or disqualifica-
3 tion.

○