

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5040
OFFERED BY MR. COMER OF KENTUCKY**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Cannabis Users’ Res-
3 toration of Eligibility Act” or the “CURE Act”.

**4 SEC. 2. LIMITATION ON ADVERSE SECURITY CLEARANCE
5 AND SUITABILITY DETERMINATIONS BASED
6 ON MARIHUANA USE.**

7 (a) IN GENERAL.—Subsection (a)(1) of section 3002
8 of the Intelligence Reform and Terrorism Prevention Act
9 of 2004 (50 U.S.C. 3343) is amended by striking the pe-
10 riod at the end and inserting the following: “, but does
11 not include marihuana notwithstanding such section
12 102.”.

13 (b) REVIEW OF SECURITY CLEARANCE DENIAL
14 BASED ON MARIHUANA USE.—Such section 3002 is fur-
15 ther amended by adding at the end the following:

16 “(e) LIMITATION ON ADVERSE SECURITY CLEAR-
17 ANCE AND SUITABILITY DETERMINATIONS BASED ON
18 MARIHUANA USE.—

1 “(1) PROHIBITION.—Notwithstanding any other
2 law, rule, or regulation, past use of marihuana by a
3 covered person may not be used in any determina-
4 tion with respect to whether such person is—

5 “(A) eligible for a security clearance; or

6 “(B) suitable for Federal employment, in-
7 cluding under any suitability determination pur-
8 suant to part 731 of title 5, Code of Federal
9 Regulations (or any successor regulations).

10 “(2) REVIEW AND REASSESSMENT.—

11 “(A) IN GENERAL.—Not later than one
12 year after the date of enactment of this Act,
13 each Federal agency shall establish a process to
14 review decisions, made on or after January 1,
15 2008, to deny an individual—

16 “(i) a security clearance; or

17 “(ii) Federal employment as a result
18 of an adverse suitability determination.

19 “(B) PUBLICLY AVAILABLE.—Any process
20 established pursuant to subparagraph (A) shall
21 be made available on the public website of the
22 agency.

23 “(C) RECONSIDERATION.—Upon receiving
24 a request from any individual who was so de-
25 nied a security clearance or employment (as the

1 case may be), not later than 90 days after the
2 date such request is so received, the Federal
3 agency that denied such clearance or employ-
4 ment shall review the decision and determine if
5 such decision was based solely on past mari-
6 huana use.

7 “(3) MARIHUANA DEFINED.—In this section,
8 the term ‘marihuana’ has the meaning given that
9 term in section 102(16) of the Controlled Sub-
10 stances Act (21 U.S.C. 802(16)).”.

