

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

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

**IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.**

**S. 1917**

To reform sentencing laws and correctional institutions, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

1 At the end, add the following:

2 **TITLE IV—REDEEM ACT**

3 **SEC. 401. SHORT TITLE.**

4 This title may be cited as the “Record Expungement  
5 Designed to Enhance Employment Act of 2018” or the  
6 “REDEEM Act”.

7 **SEC. 402. SEALING OF CRIMINAL RECORDS.**

8 (a) IN GENERAL.—Chapter 229 of title 18, United  
9 States Code, is amended by adding at the end the fol-  
10 lowing:

## 1 **“Subchapter D—Sealing of Criminal Records**

“Sec.

“3631. Definitions; eligible individuals.

“3632. Sealing petition.

“3633. Effect of sealing order.

### 2 **“§ 3631. Definitions; eligible individuals**

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

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

6 “(A) a crime of violence (as that term is  
7 defined in section 16); or

8 “(B) a sex offense (as that term is defined  
9 in section 111 of the Sex Offender Registration  
10 and Notification Act (34 U.S.C. 20911));

11 “(2) the term ‘eligible individual’ means an in-  
12 dividual who—

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

15 “(B) in the case of a conviction described  
16 in subparagraph (A), has fulfilled each require-  
17 ment of the sentence for the covered nonviolent  
18 offense, including—

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

21 “(ii) satisfying each condition of im-  
22 prisonment, probation, or supervised re-  
23 lease;

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

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

7           “(3) the term ‘petitioner’ means an individual  
8           who files a sealing petition;

9           “(4) the term ‘protected information’, with re-  
10          spect to a covered nonviolent offense, means any ref-  
11          erence to—

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

14           “(B) the institution of criminal pro-  
15          ceedings against an individual for the offense;

16          or

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

19          “(5) the term ‘seal’—

20           “(A) means—

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

24           “(ii) to physically seal the record shut  
25          and label the record ‘SEALED’ or, in the

1 case of an electronic record, the sub-  
2 stantive equivalent; and

3 “(B) has the effect described in section  
4 3633, including—

5 “(i) the right to treat the offense to  
6 which a sealed record relates, and any ar-  
7 rest, criminal proceeding, conviction, or  
8 sentence relating to the offense, as if it  
9 never occurred; and

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

13 “(6) the term ‘sealing hearing’ means a hearing  
14 held under section 3632(b)(2); and

15 “(7) the term ‘sealing petition’ means a petition  
16 for a sealing order filed under section 3632(a).

17 “(b) ELIGIBLE INDIVIDUALS.—

18 “(1) MULTIPLE CONVICTIONS DEEMED TO BE  
19 ONE CONVICTION.—For purposes of subsection  
20 (a)(2)(C)—

21 “(A) multiple convictions shall be deemed  
22 to be 1 conviction if the convictions result from  
23 or relate to—

24 “(i) the same act; or

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

2 and

3 “(B) subject to paragraph (2), multiple  
4 convictions, not to exceed 3, that do not result  
5 from or relate to the same act or acts com-  
6 mitted at the same time shall be deemed to be  
7 1 conviction if the convictions—

8 “(i) result from or relate to—

9 “(I) the same—

10 “(aa) indictment, informa-  
11 tion, or complaint;

12 “(bb) plea of guilty; or

13 “(cc) official proceeding; or

14 “(II) related criminal acts that  
15 were committed within a 3-month pe-  
16 riod; or

17 “(ii) are determined to be directly re-  
18 lated to addiction or a substance use dis-  
19 order.

20 “(2) DISCRETION OF COURT.—

21 “(A) IN GENERAL.—A court reviewing a  
22 sealing petition may determine that it is not in  
23 the public interest to deem multiple convictions  
24 described in paragraph (1)(B) to be 1 convic-  
25 tion.

1           “(B) REASONING.—If a court makes a de-  
2           termination under subparagraph (A), the court  
3           shall make available to the public the reasoning  
4           for the determination.

5           “(C) REPORTING.—Not later than 2 years  
6           after the date of enactment of this subchapter,  
7           and each year thereafter, each district court of  
8           the United States shall submit to the appro-  
9           priate committees of Congress a report that de-  
10          scribes the exercise of discretion by the court  
11          under subparagraph (B), with all relevant data  
12          disaggregated by race, ethnicity, gender, and  
13          the nature of the offense.

14   **“§ 3632. Sealing petition**

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

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

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

23                       “(A) for an eligible individual who is con-  
24                       victed of a covered nonviolent offense and sen-  
25                       tenced to a term of imprisonment, probation, or

1 supervised release, the date that is 1 year after  
2 the date on which the eligible individual has  
3 completed every such term of imprisonment,  
4 probation, or supervised release; and

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

9 “(3) NOTICE OF OPPORTUNITY TO FILE PETI-  
10 TION.—

11 “(A) CONVICTED INDIVIDUALS.—

12 “(i) IN GENERAL.—If an individual is  
13 convicted of a covered nonviolent offense  
14 and will potentially be eligible to file a  
15 sealing petition with respect to the offense  
16 upon fulfilling each requirement of the sen-  
17 tence for the offense as described in sec-  
18 tion 3631(a)(2)(B), the court in which the  
19 individual is convicted shall, in writing, in-  
20 form the individual, on each date described  
21 in clause (ii), 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) DATES.—The dates described in  
7                   this clause are—

8                   “(I) the date on which the indi-  
9                   vidual is convicted; and

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

14                  “(B) INDIVIDUALS NOT CONVICTED.—

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

25                  “(I) that potential eligibility;





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

3           “(b) PROCEDURES.—

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

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

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

16                   “(i) conduct of the petitioner since the  
17           date of the offense or arrest; or

18                   “(ii) reasons that the sealing order  
19           should be entered.

20           “(2) HEARING.—

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

1 “(i) except as provided in subpara-  
2 graph (D), conduct a hearing in accord-  
3 ance with subparagraph (B); and

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

7 “(B) OPPORTUNITY TO TESTIFY AND  
8 OFFER EVIDENCE.—

9 “(i) PETITIONER.—The petitioner  
10 may testify or offer evidence at the sealing  
11 hearing in support of sealing.

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

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

23 “(C) MAGISTRATE JUDGES.—A magistrate  
24 judge may preside over a hearing under this  
25 paragraph.



1                   “(bb) the legitimate interest, if  
2                   any, of the Government in maintain-  
3                   ing the accessibility of the protected  
4                   information, including any potential  
5                   impact of sealing the protected infor-  
6                   mation on Federal licensure, permit,  
7                   or employment restrictions; against

8                   “(II)(aa) the conduct and dem-  
9                   onstrated desire of the petitioner to be  
10                  rehabilitated and positively contribute  
11                  to the community; and

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

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

24                  “(4) WAITING PERIOD AFTER DENIAL.—If the  
25                  district court denies a sealing petition, the petitioner



1           “(B) includes any supporting data that the  
2 court determines relevant and that does not  
3 name any petitioner; and

4           “(C) disaggregates all relevant data by  
5 race, ethnicity, gender, and the nature of the  
6 offense.

7           “(8) PUBLIC DEFENDER ELIGIBILITY.—

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

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

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

21           “(ii) the potential for adverse testi-  
22 mony by a victim or a representative of the  
23 office of the United States attorney.

1 **“§ 3633. Effect of sealing order**

2       “(a) IN GENERAL.—Except as provided in this sec-  
3 tion, if a district court of the United States enters a seal-  
4 ing order with respect to a covered nonviolent offense, the  
5 offense and any arrest, criminal proceeding, conviction, or  
6 sentence relating to the offense shall be treated as if it  
7 never occurred.

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

11               “(1) send a copy of the sealing order to each  
12 entity or person known to the court that possesses  
13 a record containing protected information that re-  
14 lates to the offense, including each—

15                       “(A) law enforcement agency; and

16                       “(B) public or private correctional or de-  
17 tention facility;

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

20                       “(A) seal the record in accordance with  
21 this section; and

22                       “(B) submit a written certification to the  
23 court, under penalty of perjury, that the entity  
24 or person has sealed each paper and electronic  
25 copy of the record;



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

3           “(4) after receiving a written certification from  
4           each entity or person under paragraph (2)(B), notify  
5           the petitioner that each entity or person described in  
6           paragraph (1) has sealed each paper and electronic  
7           copy of the record.

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

19          “(d) ATTORNEY GENERAL NONPUBLIC RECORDS.—  
20          The Attorney General—

21                 “(1) shall maintain a nonpublic record of all  
22                 protected information that has been sealed under  
23                 this subchapter; and

24                 “(2) may access or use protected information  
25                 only—

1           “(A) for legitimate investigative purposes;

2           “(B) in defense of any civil suit arising out  
3 of the facts of the arrest or subsequent pro-  
4 ceedings; or

5           “(C) if the Attorney General determines  
6 that disclosure is necessary to serve the inter-  
7 ests of justice, public safety, or national secu-  
8 rity.

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

12           “(1) to determine whether the individual to  
13 whom the record relates is eligible for a first-time-  
14 offender diversion program;

15           “(2) for investigatory, prosecutorial, or Federal  
16 supervision purposes; or

17           “(3) for a background check that relates to law  
18 enforcement employment or any employment that re-  
19 quires a government security clearance.

20           “(f) PROHIBITION ON DISCLOSURE.—

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

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

4           “(3) EXCEPTIONS.—

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

11                   “(i) law enforcement employment; or

12                   “(ii) any position that a Federal agen-  
13 cy designates as a—

14                           “(I) national security position; or

15                           “(II) high-risk, public trust posi-  
16 tion.

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

1                   “(C) CRIMINAL AND JUVENILE PRO-  
2                   CEEDINGS.—A prosecutor may disclose pro-  
3                   tected information from a record sealed under  
4                   this subchapter if the information pertains to a  
5                   potential witness in a Federal or State—

6                                 “(i) criminal proceeding; or

7                                 “(ii) juvenile delinquency proceeding.

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

12           (b) APPLICABILITY.—The right to file a sealing peti-  
13           tion under section 3632(a) of title 18, United States Code,  
14           as added by subsection (a), shall apply with respect to a  
15           covered nonviolent offense (as defined in section 3631(a)  
16           of such title) that is committed or alleged to have been  
17           committed before, on, or after the date of enactment of  
18           this Act.

19           (c) TRANSITION PERIOD FOR HEARINGS DEAD-  
20           LINE.—During the 1-year period beginning on the date  
21           of enactment of this Act, section 3632(b)(2)(A) of title  
22           18, United States Code, as added by subsection (a), shall  
23           be applied by substituting “1 year” for “180 days”.

24           (d) TECHNICAL AND CONFORMING AMENDMENT.—  
25           The table of subchapters for chapter 229 of title 18,

1 United States Code, is amended by adding at the end the  
2 following:

“D. Sealing of Criminal Records ..... 3631”.

3 **SEC. 403. STUDY AND REPORT ON COST SAVINGS FROM**  
4 **SEALING 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 210, 402, and 405 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. 404. TANF ASSISTANCE AND SNAP BENEFITS.**

9 (a) AMENDMENT TO BAN ON ASSISTANCE.—Section  
10 115 of the Personal Responsibility and Work Opportunity  
11 Reconciliation Act of 1996 (21 U.S.C. 862a) is amend-  
12 ed—

13 (1) in subsection (a)—

14 (A) by redesignating paragraphs (1) and  
15 (2) as subparagraphs (A) and (B), respectively,  
16 and adjusting the margins accordingly;

17 (B) in the matter preceding subparagraph  
18 (A), as redesignated—

19 (i) by striking “An individual” and in-  
20 serting the following:

21 “(1) DENIAL OF ASSISTANCE AND BENEFITS.—  
22 Except as provided in paragraph (2), an individual”;  
23 and

24 (ii) by striking “possession, use, or”;  
25 and

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

2 “(2) EXCEPTION FOR INDIVIDUALS WHO RE-  
3 CEIVE TREATMENT AND OTHER INDIVIDUALS.—The  
4 prohibition under paragraph (1) shall not apply to  
5 an individual convicted of an offense described in  
6 paragraph (1) who—

7 “(A)(i) has successfully completed a cer-  
8 tified substance abuse treatment program; and

9 “(ii) has not committed a subsequent of-  
10 fense described in paragraph (1);

11 “(B) is participating in a certified sub-  
12 stance abuse treatment program;

13 “(C)(i) is eligible for and has sought to  
14 participate in a certified substance abuse treat-  
15 ment program; and

16 “(ii) agrees to immediately enroll and par-  
17 ticipate in a certified substance abuse treatment  
18 program once a slot becomes available for the  
19 individual;

20 “(D) is a custodial parent;

21 “(E)(i) is suffering from a serious illness,  
22 other than a substance abuse disorder; and

23 “(ii) provides documentation of the illness  
24 described in clause (i) with a letter of diagnosis  
25 from a medical provider;

1                   “(F) is pregnant; or

2                   “(G) is in compliance with the terms of the  
3 sentence imposed on the individual for the con-  
4 viction.”;

5                   (2) in subsection (d), by striking “the date of  
6 the enactment of this Act” each place that term ap-  
7 pears and inserting “the date of enactment of the  
8 Record Expungement Designed to Enhance Employ-  
9 ment Act of 2018”;

10                  (3) by striking subsection (e) and inserting the  
11 following:

12                  “(e) DEFINITIONS.—For purposes of this section—

13                   “(1) the term ‘certified substance abuse treat-  
14 ment program’ means a course of substance abuse  
15 disorder treatment prescribed by a qualified behav-  
16 ioral health provider;

17                   “(2) the term ‘custodial parent’ means an indi-  
18 vidual who has custody of, and lives in the same  
19 household as—

20                   “(A) a dependent child who is less than 18  
21 years of age; or

22                   “(B) a disabled child of the individual who  
23 is not less than 18 years of age;

24                   “(3) the term ‘State’ has the meaning given the  
25 term—



1           “(A) in section 419(5) of the Social Secu-  
2           rity Act, when referring to assistance provided  
3           under a State program funded under part A of  
4           title IV of the Social Security Act; and

5           “(B) in section 3 of the Food and Nutri-  
6           tion Act of 2008 (7 U.S.C. 2012), when refer-  
7           ring to the supplemental nutrition assistance  
8           program (as defined in that section) or any  
9           State program carried out under that Act; and

10          “(4) the term ‘successfully completed’, with re-  
11          spect to an individual who participates in a certified  
12          substance abuse treatment program, means the indi-  
13          vidual has completed the prescribed course of treat-  
14          ment for a substance abuse disorder.”; and

15          (4) in subsection (f), by striking paragraph (5)  
16          and inserting the following:

17          “(5) Employment services, including job train-  
18          ing programs and any other employment services  
19          that are funded using assistance or benefits referred  
20          to in subsection (a).”.

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

23          (1) DEFINITIONS.—In this subsection—

24                  (A) the term “State” has the meaning  
25                  given the term in section 115(e) of the Personal

1           Responsibility and Work Opportunity Reconcili-  
2           ation Act of 1996 (21 U.S.C. 862a(e)); and

3                   (B) the term “TANF assistance or SNAP  
4           benefits” means assistance or benefits referred  
5           to in section 115(a) of the Personal Responsi-  
6           bility and Work Opportunity Reconciliation Act  
7           of 1996.

8           (2) EFFECT.—A law enacted by a State under  
9           the authority under subparagraph (A) or (B) of sub-  
10          section (d)(1) of section 115 of the Personal Respon-  
11          sibility and Work Opportunity Reconciliation Act of  
12          1996 (21 U.S.C. 862a) (as in effect on the day be-  
13          fore the date of enactment of this Act), and any  
14          State law or regulation enacted to carry out the re-  
15          quirements of such section (as in effect on the day  
16          before the date of enactment of this Act), that im-  
17          poses conditions on eligibility for TANF assistance  
18          or SNAP benefits that are more restrictive than the  
19          conditions on eligibility for TANF assistance or  
20          SNAP benefits under such section as amended by  
21          subsection (a) shall have no force or effect.

22 **SEC. 405. STATE INCENTIVES.**

23          (a) COPS GRANTS PRIORITY.—Section 1701 of title  
24 I of the Omnibus Crime Control and Safe Streets Act of  
25 1968 (34 U.S.C. 10381) is amended—

1 (1) in subsection (c)—

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

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

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

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

9 “(A) a law relating to the confidentiality,  
10 sealing, and expungement of juvenile records  
11 that is substantially similar to, or more gen-  
12 erous to the former offender than, the amend-  
13 ments made by subsections (b) through (d) of  
14 section 210 of the Sentencing Reform and Cor-  
15 rections Act of 2017;

16 “(B) a law prohibiting juvenile solitary  
17 confinement that is substantially similar to, or  
18 more restrictive than, the amendment made by  
19 section 211 of the Sentencing Reform and Cor-  
20 rections Act of 2017;

21 “(C) a law relating to the sealing of adult  
22 records that is substantially similar to, or more  
23 generous to the former offender than, the  
24 amendments made by section 402 of the Record

1 Expungement Designed to Enhance Employ-  
2 ment Act of 2018;

3 “(D) subject to subsection (1)(2), a law  
4 that establishes that an adult criminal court  
5 may not have original jurisdiction over an indi-  
6 vidual who was less than 18 years of age when  
7 the individual committed an offense;

8 “(E) a law that allows an individual who  
9 has successfully sealed or expunged a criminal  
10 record to be free from civil and criminal perjury  
11 laws;

12 “(F) a law relating to the eligibility of in-  
13 dividuals for assistance or benefits referred to  
14 in subsection (a) of section 115 of the Personal  
15 Responsibility and Work Opportunity Reconcili-  
16 ation Act of 1996 (21 U.S.C. 862a(a)) that is  
17 no more restrictive than such section, as  
18 amended by section 404 of the Record  
19 Expungement Designed to Enhance Employ-  
20 ment Act of 2018; or

21 “(G) a law or policy that ensures to the  
22 maximum extent practicable, for juveniles who  
23 have been arrested for or convicted of a crimi-  
24 nal offense—

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

3 “(ii) equal access, without regard to  
4 gender, to services, assistance, or benefits  
5 provided.”; and

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

7 “(1) RULES FOR PREFERENTIAL CONSIDERATION OF  
8 STATES WITH LAWS SIMILAR TO REDEEM ACT.—

9 “(1) DEGREE OF PRIORITY COMMENSURATE  
10 WITH DEGREE OF COMPLIANCE.—If the Attorney  
11 General, in awarding grants under this part, gives  
12 preferential consideration to any application as au-  
13 thorized under subsection (c)(4), the Attorney Gen-  
14 eral shall base the degree of preferential consider-  
15 ation given to an application from an applicant in a  
16 particular State on the number of subparagraphs  
17 under that subsection that the State has satisfied,  
18 relative to the number of such subparagraphs that  
19 each other State has satisfied.

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

24 “(A) has in effect a law that authorizes the  
25 transfer of an individual who is less than 18

1           years of age to adult criminal court if the indi-  
2           vidual commits a specified offense or an offense  
3           that falls under a specified category of offenses;  
4           or

5                   “(B) exercises other case-specific transfer  
6           mechanisms.”.

7           (b) **ATTORNEY GENERAL GUIDELINES AND TECH-**  
8 **NICAL ASSISTANCE.**—The Attorney General shall issue  
9 guidelines and provide technical assistance to assist States  
10 in complying with the incentive under paragraph (4) of  
11 section 1701(c) of title I of the Omnibus Crime Control  
12 and Safe Streets Act of 1968 (34 U.S.C. 10381(c)), as  
13 added by subsection (a).

14 **SEC. 406. GENDER EQUALITY IN FEDERAL JUVENILE DE-**  
15 **LINQUENCY PROCEEDINGS.**

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

19           “(f) **GENDER EQUALITY.**—

20                   “(1) **POLICY OF THE UNITED STATES.**—It is  
21           the policy of the United States that there should be  
22           no disparities based on gender in dispositions of ju-  
23           venile cases.

24                   “(2) **DIRECTIVE TO SENTENCING COMMISSION**  
25 **AND COURTS.**—The United States Sentencing Com-

1 mission, in promulgating sentencing guidelines and  
2 policy statements applicable to dispositions of dis-  
3 trict courts exercising jurisdiction over juveniles, and  
4 the courts, in determining such dispositions, shall  
5 take care to avoid and remedy any disparities de-  
6 scribed in paragraph (1).”.

7 (b) COMMITMENTS.—Section 5039 of title 18, United  
8 States Code, is amended, in the second paragraph, by add-  
9 ing at the end the following: “The Attorney General shall  
10 promulgate regulations that ensure, to the maximum ex-  
11 tent practicable, equal access, without regard to gender,  
12 to services, assistance, or benefits provided, to juveniles  
13 who have been arrested under Federal authority, or com-  
14 mitted pursuant to an adjudication under this chapter, for  
15 juvenile delinquency.”.

16 **SEC. 407. REPORT ON STATUTORY AND REGULATORY RE-**  
17 **STRICTIONS AND DISQUALIFICATIONS BASED**  
18 **ON CRIMINAL RECORDS.**

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