

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3884) TO DECRIMINALIZE AND DESCHEDULE CANNABIS, TO PROVIDE FOR REINVESTMENT IN CERTAIN PERSONS ADVERSELY IMPACTED BY THE WAR ON DRUGS, TO PROVIDE FOR EXPUNGEMENT OF CERTAIN CANNABIS OFFENSES, AND FOR OTHER PURPOSES

DECEMBER 2, 2020.—Referred to the House Calendar and ordered to be printed

Mr. MCGOVERN, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 1244]

The Committee on Rules, having had under consideration House Resolution 1244, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 3884, the Marijuana Opportunity Reinvestment and Expungement Act of 2019, under a closed rule. The resolution provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The resolution waives all points of order against consideration of the bill. The resolution provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 116-67, modified by the amendment printed in this report, shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended.

The resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill includes waivers of the following:

- Clause 3(d) of rule XIII, which requires the inclusion of committee cost estimate in a committee report. A CBO cost estimate on H.R. 3884 was not available at the time the Committee on the Judiciary filed its report.

- Clause 12(a)(1) of rule XXI, which prohibits consideration of a bill unless there is a searchable electronic comparative print that shows how the bill proposes to change current law.
- Clause 12(b) of rule XXI, which prohibits consideration of a bill unless there is a searchable electronic comparative print that shows how the text of the bill as proposed to be considered differs from the text of the bill as reported.

The waiver of all points of order against provisions in the bill, as amended, includes waivers of the following:

- Clause 4 of rule XXI, which prohibits reporting a bill carrying an appropriation from a committee not having jurisdiction to report an appropriation.
- Clause 5(a) of rule XXI, which prohibits a bill or joint resolution carrying a tax or tariff measure from being reported by a committee not having jurisdiction to report tax or tariff measures.

SUMMARY OF THE AMENDMENT TO H.R. 3884 CONSIDERED AS ADOPTED

1. Nadler (NY): Ensures that the Department of Transportation and the Coast Guard may continue to issue regulations and test for the unauthorized presence of or illegal use of marijuana by certain transportation employees in sensitive-safety positions, emphasizes that expungement of marijuana offenses is limited to non-violent marijuana offenders, bars leaders and organizers (“kingpins”) convicted of Federal marijuana offenses from obtaining expungement of those offenses, and provides that the study to be conducted by the Comptroller General include the use of marijuana for purposes relating to the health, including mental health, of veterans. (10 minutes)

TEXT OF AMENDMENT TO H.R. 3884 CONSIDERED AS ADOPTED

Page 12, after line 9, add the following:

(h) SPECIAL RULE FOR CERTAIN REGULATIONS.—

(1) IN GENERAL.—The amendments made by this section may not be construed to abridge the authority of the Secretary of Transportation, or the Secretary of the department in which the Coast Guard is operating, to regulate and screen for the use of a controlled substance.

(2) CONTROLLED SUBSTANCE DEFINED.—In this subsection, the term “controlled substance” means—

(A) any substance covered under section 102 of the Controlled Substances Act (21 U.S.C. 802) on the day before the date of enactment of this Act; and

(B) any substance not covered under subparagraph (A) that was a substance covered under section 102 of the Controlled Substances Act (21 U.S.C. 802) on December 1, 2018, and specified by the Secretary of Transportation.

Page 73, line 6, strike “(36)” and insert “(37)”.

Page 78, line 2, insert “NON-VIOLENT” before “FEDERAL”.

Page 78, line 9, insert “non-violent” before “Federal”.

Page 79, line 1, insert “non-violent” before “Federal”.

Page 79, line 18, insert “non-violent” before “Federal”.

Page 80, line 5, insert “non-violent” before “Federal”.

Page 81, insert after line 6 the following (and redesignate succeeding subsections accordingly):

(d) EXCEPTION.—An individual who at sentencing received an aggravating role adjustment pursuant to United States Sentencing Guideline 3B1.1(a) in relation to a Federal cannabis offense conviction shall not be eligible for expungement of that Federal cannabis offense conviction under this section.

Page 82, line 11, strike “subsection (e)” and insert “subsection (f)”.

Page 85, after line 2, insert the following new paragraph (and redesignate subsequent paragraphs accordingly):

(9) uses of marijuana and its byproducts for purposes relating to the health, including the mental health, of veterans;