

116TH CONGRESS
1ST SESSION

S. 2931

To establish a process for obtaining a Federal certificate of rehabilitation,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 21, 2019

Mr. CORNYN (for himself, Mr. WHITEHOUSE, Mr. LEE, Mr. LEAHY, Mr. GRASSLEY, Mr. DURBIN, Mr. TILLIS, Mr. BLUMENTHAL, Mr. PORTMAN, Mr. COONS, Ms. ERNST, and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish a process for obtaining a Federal certificate
of rehabilitation, 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 “Recognizing Edu-
5 cation, Employment, New skills, and Treatment to Enable
6 Reintegration Act of 2019” or the “RE-ENTER Act”.

1 **SEC. 2. FEDERAL CERTIFICATE OF REHABILITATION.**

2 (a) IN GENERAL.—Subchapter A of chapter 229 of
3 title 18, United States Code, is amended by adding at the
4 end the following:

5 **“§ 3609. Federal certificate of rehabilitation**

6 “(a) DEFINITIONS.—In this section:

7 “(1) ELIGIBLE OFFENDER.—The term ‘eligible
8 offender’ means an individual who has been con-
9 victed of a Federal offense.

10 “(2) FEDERAL CERTIFICATE OF REHABILITA-
11 TION.—The term ‘Federal certificate of rehabilita-
12 tion’ means a certificate acknowledging that the eli-
13 gible offender has demonstrated that the eligible of-
14 fender is committed to a law-abiding future and has
15 successfully reintegrated into society.

16 “(b) ISSUANCE OF FEDERAL CERTIFICATES OF RE-
17 HABILITATION.—

18 “(1) NOTICE.—

19 “(A) IN GENERAL.—At sentencing, the
20 court shall advise an eligible offender that the
21 offender may petition a district court of the
22 United States to issue a Federal certificate of
23 rehabilitation for a conviction that was entered
24 by such court.

25 “(B) NOTICE PRIOR TO RELEASE.—If an
26 eligible offender is sentenced to a term of im-

1 prisonment, the Bureau of Prisons and United
2 States Probation and Pretrial Services shall,
3 not later than 30 days before the date on which
4 the eligible offender is to be released from Fed-
5 eral custody, provide notice to the eligible of-
6 fender that the offender may petition a district
7 court of the United States to issue a Federal
8 certificate of rehabilitation.

9 “(2) REQUEST FOR CERTIFICATE OF REHABILI-
10 TATION.—An eligible offender may petition a district
11 court of the United States to issue a Federal certifi-
12 cate of rehabilitation for a conviction that was en-
13 tered by such court—

14 “(A) at sentencing, if the eligible offender
15 is not sentenced to a term of imprisonment or
16 a term of supervised release;

17 “(B) upon release from Federal custody, if
18 the eligible offender is sentenced to a term of
19 imprisonment and not sentenced to a term of
20 supervised release; and

21 “(C) after completion of a 1-year period of
22 supervised release, if the eligible offender is
23 sentenced to a term of imprisonment and a
24 term of supervised release, or upon early dis-

1 charge from supervised release before com-
2 pleting the 1-year period.

3 “(3) ORDER FOR ISSUANCE OF CERTIFICATE.—

4 “(A) IN GENERAL.—Upon a petition filed
5 with a district court of the United States under
6 paragraph (2), the court may issue a Federal
7 certificate of rehabilitation if the court finds, by
8 clear and convincing evidence, that an eligible
9 offender has—

10 “(i) demonstrated a commitment to a
11 law-abiding future; and

12 “(ii) successfully reintegrated into so-
13 ciety.

14 “(B) FACTORS FOR MAKING DETERMINA-
15 TION.—In determining whether to issue a Fed-
16 eral certificate of rehabilitation under subpara-
17 graph (A), the court may consider, in addition
18 to other factors the court determines relevant—

19 “(i) the initial crime of conviction of
20 the eligible offender;

21 “(ii) the nature and duration of any
22 participation in or completion of any job-
23 training or re-entry program by the eligible
24 offender;

1 “(iii) the nature and duration of any
2 participation in or completion of any edu-
3 cation program by the eligible offender;

4 “(iv) the nature and duration of any
5 participation in or completion of a sub-
6 stance abuse or mental health program by
7 the eligible offender;

8 “(v) attempts by the eligible offender
9 to secure employment following the com-
10 pletion of the sentence of the eligible of-
11 fender;

12 “(vi) attempts by the eligible offender
13 to make restitution for the offense;

14 “(vii) the current economic and social
15 circumstances of the eligible offender;

16 “(viii) the conduct of the eligible of-
17 fender while serving, in connection with the
18 instant offense, any term of probation, im-
19 prisonment, and supervised release and fol-
20 lowing any term of supervised release; and

21 “(ix) the amount of time that has
22 passed since the conviction of the eligible
23 offender.

24 “(C) DELAYED ISSUANCE.—The court may
25 defer the issuance of a Federal certificate of re-

1 habilitation under subparagraph (A), for a pe-
2 riod of time to be determined by the court, to
3 allow the offender to demonstrate successful
4 compliance with the terms of a prior-imposed
5 sentence.

6 “(4) ASSISTANCE OF COUNSEL.—A Federal
7 Public or Community Defender or other counsel
8 qualified to be appointed under section 3006A for
9 the jurisdiction in which an eligible offender was ini-
10 tially convicted or served a term of supervised re-
11 lease may be appointed by the court to assist an eli-
12 gible offender—

13 “(A) in preparing a petition for a Federal
14 certificate of rehabilitation to be filed under
15 paragraph (2); and

16 “(B) with any further proceedings relating
17 to the issuance of a Federal certificate of reha-
18 bilitation under this section.

19 “(5) EVIDENCE PRESENTED BY CHIEF PROBA-
20 TION OFFICER.—

21 “(A) IN GENERAL.—In determining wheth-
22 er to issue a Federal certificate of rehabilitation
23 under paragraph (1), the court shall provide the
24 Chief Probation Officer for the judicial district
25 in which the eligible offender was convicted or

1 served a term of supervised release an oppor-
2 tunity to present evidence in support or opposi-
3 tion to the issuance of a Federal certificate of
4 rehabilitation under this section.

5 “(B) PRESUMPTION.—If the court receives
6 a written recommendation from a Chief Probation Officer under subparagraph (A) in favor of
7 issuing a Federal certificate of rehabilitation for
8 an eligible offender, there shall be a rebuttable
9 presumption that the Federal certificate of re-
10 habilitation should be issued.

11
12 “(6) EVIDENCE PRESENTED BY UNITED
13 STATES ATTORNEY.—

14 “(A) IN GENERAL.—In determining wheth-
15 er to issue a Federal certificate of rehabilitation
16 under paragraph (1), the court shall provide the
17 appropriate office of the United States Attorney
18 an opportunity to present evidence in support
19 or opposition to the issuance of the Federal cer-
20 tificate of rehabilitation, including any informa-
21 tion from any victim and any State or local
22 prosecutor and law enforcement agency associ-
23 ated with the underlying conviction.

24 “(B) REQUIREMENT.—In presenting evi-
25 dence under subparagraph (A), the office of the

1 United States Attorney shall act in compliance
2 with section 3771.

3 “(c) SENSE OF CONGRESS AS TO THE EFFECT OF
4 FEDERAL CERTIFICATES OF REHABILITATION.—It is the
5 sense of Congress that—

6 “(1) a Federal certificate of rehabilitation shall
7 act as an expungement of any prior conviction of an
8 eligible offender for the purposes of any employ-
9 ment, licensing, education, housing, or other deter-
10 mination;

11 “(2) in a judicial or administrative proceeding
12 alleging lack of due care in hiring, retaining, licens-
13 ing, leasing to, admitting to a school or program, or
14 otherwise transacting business or engaging in activ-
15 ity with the individual to whom a Federal certificate
16 of rehabilitation was issued, a person should be pre-
17 sumed to have exercised due care if the person
18 against whom the judicial or administrative pro-
19 ceeding is brought relied on the Federal certificate
20 of rehabilitation at the time of the alleged neg-
21 ligence;

22 “(3) the President should consider the issuance
23 of a Federal certificate of rehabilitation in deter-
24 mining whether an eligible offender should receive a
25 pardon or other form of clemency; and

1 “(4) that each Federal agency should consider
 2 the issuance of a Federal certificate of rehabilitation
 3 in the course of evaluating applications for employ-
 4 ment at the agency.”.

5 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 6 The table of sections for subchapter A of chapter 229 of
 7 title 18, United States Code, is amended by inserting after
 8 the item relation to section 3608 the following:

“3609. Federal certificate of rehabilitation.”.

9 (c) RELIEF FROM DISABILITIES.—

10 (1) FEDERALLY ASSISTED HOUSING.—Subtitle
 11 F of the Quality Housing and Work Responsibility
 12 Act of 1998 (42 U.S.C. 13661 et seq.) is amended—

13 (A) in section 576(c) (42 U.S.C. 13661(c))
 14 is amended—

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

18 (ii) by striking “Except as” and in-
 19 serting the following:

20 “(1) IN GENERAL.—Except as”;

21 (iii) in subparagraph (B), as so redes-
 22 ignated, by striking “paragraph (1)” and
 23 inserting “subparagraph (A)”; and

24 (iv) by adding at the end the fol-
 25 lowing:

1 “(2) FEDERAL CERTIFICATE OF REHABILITA-
 2 TION.—If an applicant presents a Federal certificate
 3 of rehabilitation issued under section 3609 of title
 4 18, United States Code, there shall be a presump-
 5 tion against denying the applicant admission to the
 6 program or to federally assisted housing under this
 7 subsection.”; and

8 (B) in section 577(b) (42 U.S.C.
 9 13662(b))—

10 (i) in paragraph (2), by striking “or”
 11 at the end;

12 (ii) in paragraph (3), by striking the
 13 period at the end and inserting “; or”; and

14 (iii) by adding at the end the fol-
 15 lowing:

16 “(4) has been issued a Federal certificate of re-
 17 habilitation under section 3609 of title 18, United
 18 States Code, in which case there shall be a presump-
 19 tion against the termination of tenancy or assist-
 20 ance.”.

21 (2) DENIAL OF FEDERAL BENEFITS.—Section
 22 421 of the Controlled Substances Act (21 U.S.C.
 23 862) is amended—

24 (A) in subsection (a)—

1 (i) in paragraph (1)(C), by inserting
 2 “, unless the individual has been issued a
 3 Federal certificate of rehabilitation under
 4 section 3609 of title 18, United States
 5 Code, in which case, at the discretion of
 6 the court, the individual may retain eligi-
 7 bility for any or all Federal benefits” be-
 8 fore the period at the end; and

9 (ii) in paragraph (2)—

10 (I) by inserting “(A)” before
 11 “The benefits”; and

12 (II) by adding at the end the fol-
 13 lowing:

14 “(B) For purposes of subparagraph (A), any in-
 15 dividual who is issued a Federal certificate of reha-
 16 bilitation under section 3609 of title 18, United
 17 States Code, shall be presumed to be rehabilitated.”;

18 (B) in subsection (b)(2)—

19 (i) by inserting “(A)” before “The
 20 penalties”; and

21 (ii) by adding at the end the fol-
 22 lowing:

23 “(B) For purposes of subparagraph (A), any in-
 24 dividual who is issued a Federal certificate of reha-
 25 bilitation under section 3609 of title 18, United

1 States Code, shall be presumed to be rehabilitated.”;
2 and

3 (C) in subsection (c)(B), by inserting
4 “been issued a Federal certificate of rehabilita-
5 tion under section 3609 of title 18, United
6 States Code, or” before “otherwise”.

7 (3) JURY SERVICE.—Section 1865 of title 28,
8 United States Code, is amended by adding at the
9 end the following:

10 “(c) For purposes of a determination under sub-
11 section (b)(5), a court shall consider whether an individual
12 who has been issued a Federal certificate of rehabilitation
13 under section 3609 of title 18 is qualified to serve on
14 grand and petit juries in the district court.”.

15 (4) PERSONS NOT QUALIFIED FOR ENLIST-
16 MENT.—Section 504(a) of title 10, United States
17 Code, is amended by adding at the end the fol-
18 lowing: “In the case of a person convicted of a fel-
19 ony who has been issued a Federal certificate of re-
20 habilitation under section 3609 of title 18, the Sec-
21 retary concerned shall consider whether to authorize
22 an exception under the previous sentence.”.

23 (5) EXECUTIVE CLEMENCY.—Not later than 60
24 days after the date of enactment of this Act, the At-
25 torney General shall amend section 1.6(c) of title 28,

1 Code of Federal Regulations, to reflect that a Fed-
2 eral certificate of rehabilitation should factor in
3 favor of a clemency application.

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