

118TH CONGRESS
2D SESSION

H. R. 10248

To create a process for the expungement of pardoned Federal offenses.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 22, 2024

Mr. ARMSTRONG (for himself, Mr. TRONE, Ms. LEE of Florida, Mr. MOORE of Alabama, Mr. DUNCAN, and Mr. BACON) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To create a process for the expungement of pardoned Federal offenses.

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 “Weldon Angelos Presi-
5 dential Pardon Expungements Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

8 (1) Weldon Angelos was sentenced to 55 years
9 in Federal prison for nonviolent marijuana offenses,
10 including possession of a firearm during a drug traf-

1 ficking crime, at the age of 24, despite having no
2 prior criminal record, and the sentence was widely
3 criticized as excessive.

4 (2) Mr. Angelos was granted clemency by Presi-
5 dent Barack Obama after serving 13 years in prison,
6 and fully pardoned subsequently by President Don-
7 ald Trump, but he continues to face the lasting con-
8 sequences of his conviction in the form of employ-
9 ment opportunities due to his criminal record.

10 (3) Many individuals who have been fully par-
11 doned face similar barriers to reentry into society,
12 hindering their ability to fully participate in their
13 communities and lead productive lives.

14 (4) The expungement of criminal records can
15 help pardoned individuals who have paid their debt
16 to society and received a full pardon for their of-
17 fenses move forward and contribute to society in
18 meaningful ways, as well as reduce the negative im-
19 pact of a criminal record on their families and com-
20 munities.

21 (5) Federal legislation granting pardoned crimi-
22 nal offenders the right to have their records ex-
23 punged would provide a second chance for individ-
24 uals like Mr. Angelos and help to address the inequi-
25 ties and injustices within the criminal justice system.

1 (6) This legislation would promote rehabilita-
2 tion, reduce recidivism, and benefit society as a
3 whole by removing unnecessary barriers to reentry
4 and enabling individuals to fully reintegrate into
5 their communities.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) **CRIMINAL JUSTICE AGENCY.**—The term
9 “criminal justice agency” means—

10 (A) a Federal or State court;

11 (B) a governmental agency or any subunit
12 thereof that—

13 (i) performs the administration of
14 criminal justice pursuant to a statute or
15 executive order, and allocates a substantial
16 part of its annual budget to the adminis-
17 tration of criminal justice;

18 (ii) is designated by Congress, the
19 President, the Attorney General of the
20 United States, the Federal Bureau of In-
21 vestigation, or other appropriate Federal
22 official, to perform centralized record-
23 keeping functions for official records, in-
24 cluding the collection, storage, mainte-
25 nance, updating, and dissemination of such

1 records and responding to requests for in-
2 formation in or about such records; or

3 (iii) is designated by the Governor or
4 other appropriate executive official or the
5 legislature of a State to perform central-
6 ized recordkeeping functions for official
7 records, including the collection, storage,
8 maintenance, updating, and dissemination
9 of such records and responding to requests
10 for information in or about such records;

11 or

12 (C) a Federal or State inspector general in
13 their review of other criminal justice agencies.

14 (2) OFFICIAL RECORD.—The term “official
15 record” means—

16 (A) any documentation or other informa-
17 tion on an individual, in electronic or physical
18 form, consisting of identifiable descriptions or
19 notations by criminal justice agencies about
20 that individual, regarding—

21 (i) investigations (including ques-
22 tioning and searches and seizures) or ar-
23 rests conducted by criminal justice agen-
24 cies, as well as decisions not to refer cases
25 for prosecution or other legal proceedings;

1 (ii) institution of prosecution or other
2 legal proceedings by indictment, complaint,
3 information, other formal criminal charge,
4 summons or citation, juvenile certification
5 (pursuant to section 5032 of title 18,
6 United States Code), or notice of civil pen-
7 alty; and

8 (iii) results or consequences of clauses
9 (i) and (ii), including court-ordered deten-
10 tion, pretrial and post-trial release, diver-
11 sion, non-prosecution or deferred prosecu-
12 tion, deferred adjudication, pleas (includ-
13 ing not-guilty pleas, guilty pleas, and nolo
14 contendere), nolle prosequi, competence
15 findings, dismissal, acquittal, conviction,
16 mistrial, juvenile adjudication, sentencing,
17 correctional supervision, rehabilitation,
18 probation, parole, release, and imposition
19 of a civil penalty; and

20 (B) the term does not include identification
21 information, such as fingerprint records, if such
22 information does not indicate involvement of the
23 individual with an “expungable event” as de-
24 fined by paragraph (7).

1 (3) EXPUNGE.—The term “expunge” means to
2 remove an official record and any references to it in
3 any other official record (including an official index
4 or list), except for publicly available court opinions
5 and legal briefs.

6 (4) SEAL.—The term “seal” means to store se-
7 curely any expunged records possessed by the court
8 issuing the expungement order to prevent access to
9 such records except pursuant to section 7 or by fur-
10 ther order of the court.

11 (5) SEQUESTER.—The term “sequester” means
12 to retain an unaltered nonpublic copy of an ex-
13 punged official record and any other official record
14 (including an official index or list) subject to an
15 expungement order, and to store such records in a
16 separate, secure area to prevent access to those
17 records except pursuant to section 7 or by further
18 order of the court issuing the expungement order.

19 (6) REDACT.—The term “redact” means to re-
20 move or obscure from an official record any ref-
21 erences to an expunged record, including, as nec-
22 essary and consistent with paragraph (2)(B), any
23 identifying information.

24 (7) EXPUNGABLE EVENT.—The term
25 “expungable event” means—

1 (A) an investigation, arrest, prosecution,
2 initiation of other legal proceedings, and any re-
3 sults or consequences, as defined by paragraphs
4 (2)(A)(i) through (iii), for violating, attempting
5 to violate, or conspiring to violate the following,
6 as well as sentencing (including probation), or
7 imposition of civil penalty under Federal law,
8 including but not limited to the United States
9 Code or Uniform Code of Military Justice; and

10 (B) to be considered an expungable event
11 for the purposes of this Act—

12 (i) the individual seeking
13 expungement must have received, for the
14 expungable event, a full, unconditional par-
15 don by the President of the United States,
16 notwithstanding part 1 of title 28 of the
17 Code of Federal Regulations; and

18 (ii) does not include any Presidential
19 act of clemency which is other or less than
20 a full, unconditional pardon by the Presi-
21 dent of the United States in exercise of ar-
22 ticle II pardon power.

23 (8) STATE.—The term “State” means any
24 State of the United States, the District of Columbia,

1 Puerto Rico, and any other Territory, Federal en-
2clave, or outlying possession of the United States.

3 (9) TRIBAL NATION.—The term “Tribal Na-
4tion” has the same meaning as the term “Indian
5Tribe” as described in section 4(e) of the Indian
6Self-Determination and Education Assistance Act
7(25 U.S.C. 5304(e)).

8 (10) INTELLIGENCE COMMUNITY.—The term
9 “intelligence community” has the same meaning as
10 in section 3(4) of the National Security Act of 1947
11 (50 U.S.C. 3003(4)).

12 (11) INTELLIGENCE.—The term “intelligence”
13 has the same meaning as in section 3(1) of the Na-
14 tional Security Act of 1947 (50 U.S.C. 3003(1)).

15 **SEC. 4. COURT REVIEW FOR EXPUNGEMENT.**

16 (a) PROCEDURES.—No later than 1 year after the
17 date of the enactment of this Act, the Director of the Ad-
18 ministrative Office of the United States Courts or their
19 designee(s) (hereby referred to as “Director”) shall pro-
20 mulgate procedures or practices for the review,
21 expungement, sealing, sequester, and redaction of official
22 records pursuant to and consistent with the provisions of
23 this Act, and to facilitate the study of such records pursu-
24 ant to section 7 of this Act. In determining such proce-
25 dures or practices, the Director may consult with relevant

1 entities, including the Attorney General of the United
2 States and any agency within the United States Depart-
3 ment of Justice (including the Federal Bureau of Inves-
4 tigation, the Drug Enforcement Agency, the Federal Bu-
5 reau of Prisons, and the Office of the Pardon Attorney),
6 representatives of the United States Sentencing Commis-
7 sion, representatives of the Federal Defenders Organiza-
8 tions, scholars and subject-matter experts, and the Comp-
9 troller General of the United States.

10 (b) REVIEW.—No later than 2 years after the date
11 of the enactment of this Act, the chief judge for each Fed-
12 eral district court shall conduct a comprehensive review
13 of its official records, pursuant to the procedures or prac-
14 tices promulgated by the Director under subsection (a),
15 and the chief judge shall issue a court order expunging,
16 sealing, and sequestering—

17 (1) each official record for an expungable event;

18 and

19 (2) any other official record related to or refer-
20 encing an expungable event, unless such other offi-
21 cial record is for a felony or for a misdemeanor un-
22 related to the pardoned offenses, in which case the
23 court shall redact from such other official record any
24 reference to the expunged official record, and seal or

1 order the sequester of an unaltered nonpublic copy
2 of such other official record.

3 (c) NOTIFICATION OF EXPUNGEMENT.—Not later
4 than 7 days after issuing an expungement order, to notify
5 affected criminal justice agencies and to facilitate the
6 timely update of relevant records, the court shall send a
7 copy of the final order to—

8 (1) the Attorney General of the United States,
9 the United States Attorney for that district in which
10 the order was issued expunging the event, and the
11 relevant criminal justice agency (as defined by para-
12 graph (1)(B)(iii) of section 3) that serves the juris-
13 diction in which order was issued expunging the
14 event, or if no such agency exists, the chief law en-
15 forcement officer of the State or Tribal Nation in
16 which the order was issued expunging the event;

17 (2) the extent practicable, the individual subject
18 to the issued order expunging the event shall be no-
19 tified about the expungement of an official record to
20 such individual shall provide information about the
21 effect of such expungement; and

22 (3) upon motion or written request of an indi-
23 vidual whose official record has been expunged pur-
24 suant to this section, the court shall send a copy of
25 the final order to—

1 (A) the relevant criminal justice agency (as
2 defined by paragraph (1)(B)(iii) of section 3)
3 that serves the jurisdiction in which the indi-
4 vidual resides or, if no such agency exists, the
5 chief law enforcement officer of the State in
6 which the individual resides, when such criminal
7 justice agency or chief law enforcement officer
8 is different from those notified pursuant to
9 paragraph (1); and

10 (B) any local law enforcement agency that
11 serves the jurisdiction in which the individual
12 resides.

13 A notification pursuant to this subsection shall not be or
14 become a publicly accessible record that identifies the indi-
15 vidual who is the subject of the expungement order, and
16 such notifications shall not be used by criminal justice
17 agencies except for purposes of complying with this Act
18 and court orders issued pursuant to it.

19 (d) MOTION FOR RECONSIDERATION.—Not later
20 than 60 days after the issuance of order expunging an
21 event, the Attorney General of the United States or the
22 United States Attorney for the district in which the order
23 expunging the event was issued may petition the court for
24 reconsideration by timely filing a request in accordance

1 with the applicable Federal rules of procedure and, as best
2 as practicable, providing notice to the affected individual.

3 (1) GOVERNMENT BURDEN.—The Government
4 shall bear the burden of proving by a preponderance
5 of evidence that the event expunged was not an
6 expungable event or that the interests of justice and
7 of public safety weigh against expungement.

8 (2) EVIDENCE ALLOWED AND FEDERAL RULES
9 APPLY.—The Government or an Intervener may sub-
10 mit to the court relevant evidence and proceedings
11 shall be undertaken consistent with the applicable
12 rules of Federal procedure.

13 (3) INTERVENTION.—The individual subject to
14 the order issued expunging the event may, as a mat-
15 ter of right, intervene in any such reconsideration.

16 (e) APPEAL.—Not later than 60 days after the denial
17 of a motion for reconsideration, the Attorney General of
18 the United States and the United States Attorney for the
19 district in which the order expunging the event was issued
20 may appeal such final order or denial to the United States
21 Circuit Court of Appeals for that district by timely filing
22 a Notice of Appeal in accordance with the applicable Fed-
23 eral rules of procedure. The individual subject to the order
24 issued expunging the event shall be the respondent in any
25 such proceeding.

1 **SEC. 5. PETITIONING COURT FOR EXPUNGEMENT.**

2 (a) PETITION.—Beginning on the date of enactment
3 of this Act, any individual with respect to whom there is
4 an official record for an expungable event may file a mo-
5 tion for expungement in the court for the Federal district
6 in which the official record was entered.

7 (b) SERVICE AND RESPONSE.—The clerk of the court
8 shall serve that petition on the United States Attorney for
9 that district.

10 (c) REPRESENTATION AND FEES.—No fee shall be
11 imposed for filing a petition in any proceeding provided
12 for under this section. If an indigent petitioner submits
13 a facially viable claim for expungement (in the discretion
14 of the court) that nonetheless requires the assistance of
15 legal counsel for purposes of filing a superseding petition,
16 presenting evidence in support of the petition, or respond-
17 ing to the Government, counsel shall be appointed to rep-
18 resent the individual in proceedings under this section.

19 (d) EVIDENCE, STANDARDS, AND ORDERS.—

20 (1) FEDERAL RULES APPLY.—The Federal
21 rules of procedure and evidence shall apply to these
22 petitioning processes.

23 (2) EVIDENCE ALLOWED.—The petitioner and
24 the Government may submit to the court relevant
25 evidence.

1 (3) PETITIONER'S INITIAL BURDEN.—The peti-
2 tioner bears the initial burden to establish a prima
3 facie case that the official record in question is for
4 an expungable event, at which point the burden
5 shifts to the Government to establish by a prepon-
6 derance of the evidence that the official record is not
7 for an expungable event or the requirements for
8 expungement have not been met.

9 (4) EXPUNGEMENT ORDERS.—

10 (A) EXPUNGEMENT.—If the Government
11 fails to respond to the petition or fails to meet
12 its burden under subsection (d)(2) of this sec-
13 tion, the court shall enter an appropriate order
14 for the expungement, sealing, sequester, and re-
15 daction of official records of the investigation,
16 arrest, legal proceedings, and any legal results
17 or consequences, as defined by paragraphs
18 (2)(A)(i) through (iii) of section 3.

19 (B) OTHER RECORDS AND LIMITATIONS.—

20 In addition, the court shall order the
21 expungement, sealing, sequester, and redaction
22 of any other official record referencing the ex-
23 punged official record, unless such other official
24 record is unrelated to the expungable event, in
25 which case the court shall redact from such

1 other official record any reference to the ex-
2 punged official record, and seal or order the se-
3 quester of an unaltered nonpublic copy of such
4 other official record.

5 (e) NOTIFICATION OF EXPUNGEMENT.—

6 (1) AUTOMATIC COPIES.—Not later than 7 days
7 after granting an expungement petition, to facilitate
8 the timely update of relevant records, the court shall
9 send a copy of the petition and final order to—

10 (A) the Attorney General of the United
11 States, the United States Attorney for that dis-
12 trict, and the relevant criminal justice agency
13 (as defined by paragraph (1)(B)(ii) of section
14 3); and

15 (B) the relevant criminal justice agency (as
16 defined by paragraph (1)(B)(iii) of section 3)
17 that serves the jurisdiction in which the
18 expungable event occurred or was obtained, or-
19 dered, or imposed (as the case may be), or if
20 no such agency exists, the chief law enforce-
21 ment officer of the State in which the
22 expungable event occurred or was obtained, or-
23 dered, or imposed.

24 (2) REQUESTED COPIES.—Upon motion or writ-
25 ten request of a petitioner whose expungement peti-

1 tion was granted, the court shall send a copy of the
2 petition and final order to—

3 (A) the relevant criminal justice agency (as
4 defined by paragraph (1)(B)(iii) of section 3)
5 that serves the jurisdiction in which the peti-
6 tioner resides or, if no such agency exists, the
7 chief law enforcement officer of the State in
8 which the petitioner resides, when such criminal
9 justice agency or chief law enforcement officer
10 is different from those notified pursuant to
11 paragraph (1)(B); and

12 (B) any local law enforcement agency that
13 serves the jurisdiction in which the petitioner
14 resides.

15 (3) NOTIFICATIONS AND COPIES NOT TO BE AC-
16 CESSIBLE RECORDS.—Notifications pursuant to this
17 subsection shall not be or become publicly accessible
18 records about the expungable event, including infor-
19 mation identifying the individual who is the subject
20 of the expungement order; and such notifications
21 shall not be used by criminal justice agencies except
22 for purposes of complying with this Act and court
23 orders issued pursuant to it.

24 (f) APPEAL.—

1 (1) GOVERNMENT.—Not later than 60 days
2 after the issuance of an expungement order, the At-
3 torney General of the United States and the United
4 States Attorney for that district may appeal such
5 order to the United States Circuit Court of Appeals
6 for that district by timely filing a Notice of Appeal
7 in accordance with the applicable Federal rules of
8 procedure.

9 (2) PETITIONER.—Not later than 30 days after
10 the denial of their petition, the petitioner may ap-
11 peal that denial to the United States Circuit Court
12 of Appeals for that district by timely filing a Notice
13 of Appeal in accordance with the applicable Federal
14 rules of procedure.

15 **SEC. 6. EFFECT OF EXPUNGEMENT.**

16 (a) IN GENERAL.—An order of expungement, con-
17 sistent with this Act, shall restore the affected individual
18 to the legal status they occupied before the investigation,
19 arrest, legal proceedings, and any legal results or con-
20 sequences, as defined by paragraphs (2)(A)(i) through (iii)
21 of section 3, for which they are the subject of an expunged
22 official record, as if such record had never existed and un-
23 derlying activity had never occurred.

24 (b) SELF-DISCLOSURE.—An individual who is the
25 subject of an expungement order may treat the expunged

1 official record of an investigation, arrest, legal pro-
2 ceedings, and any legal results or consequences, as defined
3 by paragraphs (2)(A)(i) through (iii) of section 3, as if
4 it never occurred or never was obtained, ordered, or im-
5 posed (as the case may be); and to the maximum extent
6 Federal law may demand it, that individual shall not be
7 held thereafter under any provision of law to be guilty of
8 perjury, false swearing, or making a false statement for
9 failure to disclose, recite, or acknowledge such official
10 record or the underlying activity with led to its original
11 generation.

12 (c) NO DISQUALIFICATION.—Notwithstanding any
13 other law, any individual who has an expunged official
14 record, including a conviction, shall not be disqualified
15 under Federal law from pursuing or engage in any Federal
16 employment, contracting, lawful activity, occupation, or
17 profession.

18 (d) LIMITATIONS.—Nothing in this Act is intended
19 to create a right to compensation, restitution, or any mon-
20 etary damages in law or equity.

21 (e) COMPLIANCE.—

22 (1) APPLICABILITY.—This Act and courts or-
23 ders issued pursuant to it shall apply to—

24 (A) Federal criminal justice agencies and
25 commissions;

1 (B) all other Federal agencies and commis-
2 sions, including the Executive Office of the
3 President, in possession of expunged documents
4 or related official documents;

5 (C) State and local criminal justice agen-
6 cies in possession of official records order pur-
7 suant to Federal law or participation in a Fed-
8 eral program that are subject to an
9 expungement order, including but not limited to
10 records kept under—

11 (i) section 9101 of title 5, United
12 States Code;

13 (ii) section 922 of title 18, United
14 States Code;

15 (iii) section 103 of the Brady Hand-
16 gun Violence Prevention Act (National In-
17 stant Criminal Background Check System,
18 18 U.S.C. 922 note);

19 (iv) section 534 of title 28, United
20 States Code;

21 (v) the Omnibus Crime Control and
22 Safe Streets Act of 1968 (34 U.S.C.
23 10101 et seq. (Justice System Improve-
24 ment));

1 (vi) section 210304 of the Violent
2 Crime Control and Law Enforcement Act
3 of 1994 (34 U.S.C. 12592);

4 (vii) section 3 of the National Child
5 Protection Act of 1993 (34 U.S.C. 40102);

6 (viii) the Crime Identification Tech-
7 nology Act of 1998 (34 U.S.C. 40301 et
8 seq.);

9 (ix) the National Criminal History Ac-
10 cess and Child Protection Act (34 U.S.C.
11 40311 et seq.);

12 (x) section 4 of the Katie Sepich En-
13 hanced DNA Collection Act of 2012 (34
14 U.S.C. 40743);

15 (xi) the NICS Improvement Amend-
16 ments Act of 2007 (34 U.S.C. 40902 et
17 seq.);

18 (xii) sections 0.85(j) and 50.12 of title
19 28, Code of Federal Regulations (or any
20 successor regulations); and

21 (xiii) parts 20, 23, 25(A), of title 28,
22 Code of Federal Regulations (or any suc-
23 cessor regulations); and

24 (D) any consumer credit agency (as de-
25 fined in section 603(f) of the Consumer Credit

1 Protection Act (15 U.S.C. 1681a(f)) subject to
2 the Fair Credit Reporting Act (15 U.S.C. 1681
3 et seq.).

4 (2) COVERED ENTITIES.—An individual or enti-
5 ty covered by subsection (e)(1)—

6 (A) shall comply with a court order issued
7 pursuant to this section and, to the extent pos-
8 sible, conform their official records to be con-
9 sistent with such order;

10 (B) shall respond to any inquiries as
11 though any official record subject to an
12 expungement order issued pursuant to this Act
13 does not exist; or, in the case of another official
14 record subject to an expungement order and
15 consistent with paragraph (2)(B) of section 3,
16 subsection (b)(2) of section 4, and subsection
17 (d)(4)(B) of section 5, shall respond as though
18 that other official record does not reference the
19 expunged official record in accordance with the
20 issued court order; and

21 (C) shall not disseminate, use internally, or
22 reveal the existence of expunged records for any
23 purpose, except as authorized under this Act or
24 by further order of the court issuing the
25 expungement order.

1 (f) INTELLIGENCE EXCEPTION.—Notwithstanding
2 this Act, an official record of an otherwise expungeable
3 event held by the intelligence community may be main-
4 tained and used for intelligence purposes.

5 **SEC. 7. ACCESS, STUDY, AND SUPPORT.**

6 (a) ACCESS.—Any expungement of an individual’s of-
7 ficial record for an expungable event or any related seal-
8 ing, sequester, and redaction of relevant official records
9 pertaining to that individual, may be made available
10 only—

11 (1) to that individual or to such individual’s
12 designated agent;

13 (2) to the Director (including for support under
14 subsection (c)(1));

15 (3) to the Comptroller General of the United
16 States (including for support under subsection
17 (c)(2)) for purposes of conducting the study de-
18 scribed in subsection (b);

19 (4) with regard to an official record for a felony
20 or for a misdemeanor unrelated to an expungable
21 event, and where such record has appropriate
22 redactions of any reference to official records ex-
23 punged pursuant to this Act, to a criminal justice
24 agency (as defined by paragraph (1) of section 3) or
25 intelligence community member (as defined by para-

1 graph (10) of section 3), for the exclusive purpose
2 of—

3 (A) maintaining accurate official records;

4 (B) investigating or prosecuting an indi-
5 vidual; or

6 (C) for conducting a background check on
7 an individual who has applied for employment
8 by such criminal justice agency or intelligence
9 community member;

10 (5) to the United States Department of Jus-
11 tice's Office of Justice Programs (and its units or
12 subunits); and

13 (6) to qualified academic researchers from rel-
14 evant schools and centers at accredited non- profit
15 universities and colleges, for purpose of research,
16 evaluative, or statistical activities pursuant to an
17 agreement with the Director that specifically author-
18 izes access to the information, limits the use of the
19 information to research, evaluative, or statistical
20 purposes, and ensures the confidentiality and secu-
21 rity of the information consistent with this Act and
22 with Federal law, including but not limited to, the
23 redaction of personally identifiable information.

24 (b) STUDY.—The Comptroller General of the United
25 States, in consultation with the United States Secretary

1 of Health and Human Services, shall conduct a study of
2 investigation, arrests, legal proceedings, and any legal re-
3 sults or consequences, as defined by paragraphs (2)(A)(i)
4 through (iii) of section 3, for Federal misdemeanors, petty
5 offenses, infractions, and civil penalties.

6 (1) DEMOGRAPHICS.—Such study shall include
7 information about the age, race, ethnicity, sex, and
8 gender identity of those individuals with an official
9 record for an expungable event, as well as informa-
10 tion about the type of community such individuals
11 dwell in and such other demographic information as
12 the Comptroller General determines should be in-
13 cluded.

14 (2) REPORT.—Not later than 2 years after the
15 date of the enactment of this Act, the Comptroller
16 General of the United States shall report to Con-
17 gress the results of the study conducted under this
18 subsection. In consultation with the Director, the
19 Comptroller General of the United States shall also
20 report to Congress on the implementation of this
21 Act, including issues relevant to future expungement
22 efforts (e.g., expungement of Federal felonies,
23 expungement of Federal offenses for other controlled
24 substances, models for automatic record-clearing and
25 for general expungement).

1 **SEC. 8. INAPPLICABILITY.**

2 The Administrative Procedure Act (5 U.S.C. 551 et
3 seq.) and the Federal Advisory Committee Act (5 U.S.C.
4 app. 2 et seq.) shall not apply to this Act and to orders
5 or other actions taken pursuant to it.

6 **SEC. 9. INTERPRETATION AND SEVERABILITY.**

7 (a) NO PREEMPTION.—Nothing in this Act should be
8 construed to preempt or supersede the laws of any State
9 with respect to its authority to define and enforce the
10 criminal law of that State, or with respect to any power
11 reserved to the States respectively, or to the people, or
12 with respect to the rights guaranteed to each citizen,
13 under the Constitution of the United States. This Act does
14 not annul, alter, or affect, or exempt any person subject
15 to this Act from complying with, the laws of any State,
16 except to the extent that those laws are inconsistent with
17 the provisions of this Act. This Act shall not in any way
18 abridge or alter the remedies now existing at common law
19 or by statute, but consistent with subsection (d)(2) of sec-
20 tion 6, the provisions of this Act are in addition to such
21 remedies.

22 (b) SEVERABILITY.—If any provision of this Act, an
23 amendment made by this Act, or the application of such
24 provision or amendment to any person or circumstance is
25 held to be unconstitutional, the remainder of this Act, the
26 amendments made by this Act, and the application of the

- 1 provisions of such to any person or circumstance shall not
- 2 be affected thereby.

