

Calendar No. 23

116TH CONGRESS
1ST SESSION

S. 464

To require the treatment of a lapse in appropriations as a mitigating condition when assessing financial considerations for security clearances, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2019

Mr. CARDIN (for himself, Mr. LEAHY, Mr. JONES, Ms. BALDWIN, Mr. KAINE, Mrs. FEINSTEIN, Ms. HIRONO, Ms. KLOBUCHAR, Mr. DURBIN, Mrs. SHAHEEN, Ms. CORTEZ MASTO, Ms. HASSAN, and Mr. VAN HOLLEN) introduced the following bill; which was read the first time

FEBRUARY 13, 2019

Read the second time and placed on the calendar

A BILL

To require the treatment of a lapse in appropriations as a mitigating condition when assessing financial considerations for security clearances, 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 “Protecting Employees’
5 Security Clearances Act of 2019”.

1 **SEC. 2. TREATMENT OF LAPSE IN APPROPRIATIONS AS**
2 **MITIGATING CONDITION IN FINANCIAL CON-**
3 **SIDERATION FOR SECURITY CLEARANCES.**

4 (a) DEFINITIONS.—In this section:

5 (1) AGENCY.—The term “agency” has the
6 meaning given the term “Executive agency” in sec-
7 tion 105 of title 5, United States Code.

8 (2) COVERED EMPLOYEE.—the term “covered
9 employee”—

10 (A) means—

11 (i) an officer or employee of the
12 United States Government furloughed dur-
13 ing a lapse in appropriations; and

14 (ii) an excepted employee or an em-
15 ployee performing emergency work, as such
16 terms are defined by the Office of Per-
17 sonnel Management; and

18 (B) includes a contractor of an agency
19 subject to a lapse in appropriations.

20 (3) NATIONAL SECURITY ELIGIBILITY.—The
21 term “national security eligibility” has the meaning
22 given such term in Security Executive Agent Direc-
23 tive 4 (relating to National Security Adjudicative
24 Guidelines), as in effect on the day before the date
25 of the enactment of this Act.

1 (4) SECURITY EXECUTIVE AGENT.—The term
2 “Security Executive Agent” means the official acting
3 as the Security Executive Agent in accordance with
4 Executive Order 13467 (73 Fed. Reg. 38103; 50
5 U.S.C. 3161 note; relating to reforming processes
6 related to suitability for government employment,
7 fitness for contractor employees, and eligibility for
8 access to classified national security information), or
9 successor order.

10 (b) IN GENERAL.—Whenever the head of an agency
11 determines whether to grant a covered employee national
12 security eligibility or continue a covered employee’s na-
13 tional security eligibility, the head shall consider a lapse
14 in appropriations a condition that could mitigate a secu-
15 rity concern with respect to financial considerations.

16 (c) CREDIT SCORES OR NEGATIVE INFORMATION IN
17 A CONSUMER CREDIT FILE.—No head of an agency may
18 revoke the national security eligibility of a covered em-
19 ployee because of a reduction in the credit score or nega-
20 tive information in a consumer credit file of the covered
21 employee that is attributable to disrupted income pay-
22 ments as a result of a lapse in appropriations.

23 (d) MODIFICATION OF POLICIES, GUIDELINES, AND
24 DIRECTIVES.—Not later than 60 days after the date of
25 the enactment of this Act, the Security Executive Agent

1 shall revise such policies, guidelines, and directives, includ-
2 ing the Security Executive Agent Directive 4 (relating to
3 National Security Adjudicative Guidelines), or successor
4 directive, as may be necessary to carry out this section.

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