

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 5040  
OFFERED BY MR. SESSIONS OF TEXAS**

Strike sections 1 and 2 and insert the following:

1 **SECTION 1. LIMITATION ON ISSUING SECURITY CLEAR-**  
2 **ANCES AND FEDERAL EMPLOYMENT FOR USE**  
3 **OF MARIHUANA DURING THREE-YEAR PE-**  
4 **RIOD PRECEDING SECURITY CLEARANCE OR**  
5 **EMPLOYMENT APPLICATION.**

6 Section 3002 of the Intelligence Reform and Ter-  
7 rorism Prevention Act of 2004 (50 U.S.C. 3343) is  
8 amended by adding at the end the following:

9 “(e) LIMITATION.—

10 “(1) IN GENERAL.—Notwithstanding any other  
11 law, rule, or regulation—

12 “(A) the head of a Federal agency may not  
13 grant or renew a security clearance for a cov-  
14 ered person who used marihuana at anytime  
15 during the three-year period preceding the date  
16 of the initiation of the security clearance proc-  
17 ess with respect to such covered person; and

18 “(B) an individual who used marihuana at  
19 anytime during the three-year period preceding

1           the date such individual applied for Federal em-  
2           ployment shall not be suitable for such employ-  
3           ment under part 731 of title 5, Code of Federal  
4           Regulations (or any successor regulations).

5           “(2) MARIHUANA DEFINED.—In this sub-  
6           section, the term ‘marihuana’ has the meaning given  
7           that term in section 102(16) of the Controlled Sub-  
8           stances Act (21 U.S.C. 802(16)).”.

