

**AMENDMENT TO H.R. 3630**  
**OFFERED BY MR. BILIRAKIS OF FLORIDA**

At the end of part 1 of subtitle B of title II, add the following:

1 **SEC. 2128. DENIAL OF UNEMPLOYMENT COMPENSATION TO**  
2 **INDIVIDUALS DISCHARGED FOR DRUG USE.**

3 (a) IN GENERAL.—Subsection (a) of section 3304 of  
4 the Internal Revenue Code of 1986 is amended—

5 (1) by inserting “except as provided in para-  
6 graph (15),” before “compensation shall not”,

7 (2) by redesignating paragraphs (15) through  
8 (19) as paragraphs (16) through (20), respectively,  
9 and

10 (3) by inserting after paragraph (14) the fol-  
11 lowing new paragraph:

12 “(15) compensation shall not be payable to any  
13 individual on the basis of any services performed in  
14 connection with employment from which the indi-  
15 vidual was discharged for an employment-related  
16 drug offense (as defined in subsection (g)),”.

17 (b) EMPLOYMENT-RELATED DRUG OFFENSE.—Sec-  
18 tion 3304 of such Code is amended by adding at the end  
19 the following new subsection:

1 “(g) EMPLOYMENT-RELATED DRUG OFFENSE.—

2 “(1) IN GENERAL.—For purposes of subsection  
3 (a)(15), the term ‘employment-related drug offense’  
4 includes but is not limited to the following:

5 “(A) Being under the influence of, or con-  
6 suming or otherwise using, any controlled sub-  
7 stance while performing services for the em-  
8 ployer.

9 “(B) Possessing any controlled substance  
10 on the premises of the employer.

11 “(C) Failure to comply with a request by  
12 the employer to take a drug test.

13 “(D) Testing positive for illegal use of a  
14 controlled substance pursuant to a drug test re-  
15 quested by the employer.

16 “(2) CONTROLLED SUBSTANCE.—For purposes  
17 of this subsection, the term ‘controlled substance’  
18 has the meaning given such term in section 102 of  
19 the Controlled Substances Act (21 U.S.C. 802).

20 “(3) DRUG TEST.—For purposes of this sub-  
21 section, the term ‘drug test’ means a test designed  
22 to detect the illegal use of a controlled substance.”.

23 (c) EFFECTIVE DATE.—The amendments made by  
24 this section shall apply to compensation paid for weeks  
25 beginning after the end of the first session of the State

- 1 legislature which begins after the date of the enactment
- 2 of this Act.

