

AMENDMENT TO RULES COMMITTEE PRINT 113-3
OFFERED BY MR. PEARCE OF NEW MEXICO

At the end of the print, add the following:

1 **SEC. ____ . DRUG TESTING PROGRAM FOR APPLICANTS FOR**
2 **AND RECIPIENTS OF ASSISTANCE UNDER**
3 **STATE TANF PROGRAMS.**

4 (a) REQUIREMENT THAT APPLICANTS AND INDIVID-
5 UALS RECEIVING ASSISTANCE BE TESTED FOR ILLEGAL
6 DRUG USE.—Section 408(a) of the Social Security Act
7 (42 U.S.C. 608(a)) is amended by adding at the end the
8 following:

9 “(13) REQUIREMENT FOR DRUG TESTING; DE-
10 NIAL OF ASSISTANCE FOR INDIVIDUALS FOUND TO
11 HAVE USED AN ILLEGAL DRUG.—

12 “(A) IN GENERAL.—A State to which a
13 grant is made under section 403 may not use
14 any part of the grant to provide assistance
15 under the State program funded under this
16 part to an individual unless the individual is
17 tested for the use of the drugs listed in sub-
18 paragraph (B)(i)—

19 “(i) if the individual has applied for
20 such assistance and the application has not

1 been approved, before the receipt of such
2 assistance; and

3 “(ii) in any other case, before the end
4 of the 3-month period that begins on the
5 date of the enactment of this paragraph.

6 “(B) DRUGS TO BE INCLUDED IN TEST-
7 ING.—

8 “(i) IN GENERAL.—In conducting
9 drug testing pursuant to subparagraph
10 (A), the State shall test for each of the fol-
11 lowing:

12 “(I) Marijuana.

13 “(II) Cocaine.

14 “(III) Opiates.

15 “(IV) Amphetamines.

16 “(V) Methamphetamine.

17 “(VI) Phencyclidine.

18 “(VII) Heroin.

19 “(VIII) Lysergic acid diethylam-
20 ide.

21 “(IX) 3,4-methylenedioxy am-
22 phetamine.

23 “(ii) EXCEPTION FOR PRESCRIPTION
24 USE OF DRUGS.—A positive test for a drug
25 listed in clause (i) shall be disregarded for

1 purposes of this paragraph if such drug
2 was used pursuant to a valid prescription
3 or as otherwise authorized by law.

4 “(C) DENIAL OF ASSISTANCE FOR INDI-
5 VIDUALS WHO TEST POSITIVE FOR AN ILLEGAL
6 DRUG.—

7 “(i) IN GENERAL.—Except as pro-
8 vided in subparagraph (D), if an individual
9 tests positive pursuant to subparagraph
10 (A) for the use of any drug listed in sub-
11 paragraph (B)(i), the State may not pro-
12 vide assistance under the State program
13 funded under this part to such individual
14 unless—

15 “(I) a 1-year (or, if the individual
16 has so tested positive for the 2nd
17 time, 3-year) period has elapsed since
18 the results of the test were deter-
19 mined; and

20 “(II) the individual tests negative
21 for the use of each drug listed in sub-
22 paragraph (B)(i) at the end of such
23 period.

24 “(ii) PERMANENT INELIGIBILITY
25 AFTER THIRD POSITIVE TEST RESULT.—If

1 an individual tests positive pursuant to
2 subparagraph (A) for the third time for
3 the use of any drug listed in subparagraph
4 (B)(i), the State shall treat such individual
5 as permanently ineligible for assistance
6 under the State program funded under this
7 part.

8 “(D) REHABILITATION EXCEPTION AFTER
9 FIRST POSITIVE TEST RESULT.—In the case of
10 an individual who tests positive pursuant to
11 subparagraph (A) for the first time for the use
12 of any drug listed in subparagraph (B)(i), the
13 period for which assistance may not be provided
14 to an individual by reason of subparagraph
15 (C)(i) shall be 180 days if the State determines
16 that the individual—

17 “(i) has successfully completed a drug
18 rehabilitation or treatment program for the
19 drug for which the individual tested posi-
20 tive; and

21 “(ii) tests negative for the use of such
22 drug at the end of such 180-day period.

23 “(E) PAYMENT OF COSTS.—The State
24 shall require each individual who applies for as-
25 sistance under the State program funded under

1 this part to pay the portion of the cost of the
2 drug testing pursuant to subparagraph (A) that
3 pertains to such individual. If such individual
4 tests negative for the use of each drug listed in
5 subparagraph (B)(i) and the State provides as-
6 sistance under the State program funded under
7 this part to the individual, the State shall in-
8 crease the first payment of such assistance in
9 an amount equal to the amount paid by the in-
10 dividual under this subparagraph for the drug
11 testing.

12 “(F) DESIGNEE FOR CHILD BENE-
13 FICIARY.—In the case of a parent of a minor
14 child, if such parent tests positive pursuant to
15 subparagraph (A) for the use of any drug listed
16 in subparagraph (B)(i), the State shall des-
17 ignate an individual other than such parent to
18 receive payments for assistance under the State
19 program funded under this part on behalf of
20 the minor child. The State may not so des-
21 ignate an individual unless the individual has
22 been tested for the use of each drug listed in
23 subparagraph (B)(i) and did not test positive.

24 “(G) DEFINITION OF DRUG REHABILITA-
25 TION OR TREATMENT PROGRAM.—In this para-

1 graph, the term ‘drug rehabilitation or treat-
2 ment program’ means a program that—

3 “(i) has been determined by the State
4 to provide rehabilitation or treatment for
5 the use of an illegal drug; and

6 “(ii) complies with all applicable Fed-
7 eral, State, and local laws and regula-
8 tions.”.

9 (b) PENALTY FOR FAILURE TO IMPLEMENT ILLEGAL
10 DRUG USE TESTING PROGRAM.—Section 409(a) of the
11 Social Security Act (42 U.S.C. 609(a)) is amended by add-
12 ing at the end the following:

13 “(17) PENALTY FOR FAILURE TO IMPLEMENT
14 ILLEGAL DRUG USE TESTING PROGRAM.—If the Sec-
15 retary determines that a State to which a grant is
16 made under section 403 in a fiscal year has violated
17 section 408(a)(13) during the fiscal year, the Sec-
18 retary shall reduce the grant payable to the State
19 under section 403(a)(1) for the immediately suc-
20 ceeding fiscal year by an amount equal to 10 percent
21 of the State family assistance grant.”.

22 (c) EFFECTIVE DATE.—The amendments made by
23 this section shall take effect on the 1st day of the 1st cal-

- 1 endar quarter that begins on or after the date that is 1
- 2 year after the date of the enactment of this Act.

