

110TH CONGRESS
1ST SESSION

H. R. 3656

To require States to withhold assistance to applicants for, and recipients of temporary assistance for needy families with respect to whom there is substantial evidence of recent unlawful drug use.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2007

Mr. ENGLISH of Pennsylvania (for himself and Mr. WELLER of Illinois) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To require States to withhold assistance to applicants for, and recipients of temporary assistance for needy families with respect to whom there is substantial evidence of recent unlawful drug use.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. WITHHOLDING OF ASSISTANCE TO APPLI-**
2 **CANTS FOR, AND RECIPIENTS OF TEM-**
3 **PORARY ASSISTANCE FOR NEEDY FAMILIES**
4 **WITH RESPECT TO WHOM THERE IS SUB-**
5 **STANTIAL EVIDENCE OF RECENT UNLAWFUL**
6 **DRUG USE.**

7 (a) **REQUIREMENTS.**—Section 408(a) of the Social
8 Security Act (42 U.S.C. 608(a)) is amended by adding
9 at the end the following:

10 “(12) **DRUG TESTING REQUIREMENTS.**—A
11 State to which a grant is made under section 403(a)
12 for a fiscal year shall—

13 “(A) require an individual who has applied
14 for, or is a recipient of, assistance from the
15 State program funded under this part to under-
16 go a physical test designed to detect the use by
17 the individual of any controlled substance (as
18 defined in section 102(6) of the Controlled Sub-
19 stances Act) if the State has substantial evi-
20 dence that the individual has unlawfully used
21 such a substance in the 6-month period ending
22 with the date of the test;

23 “(B) if a test administered pursuant to
24 this paragraph indicates that the individual has
25 used such a substance in the 6-month period re-
26 ferred to in subparagraph (A), or if the State

1 otherwise determines (on the basis of such indi-
2 cators as the State may establish) that an indi-
3 vidual is likely to have unlawfully used such a
4 substance in the 6-month period—

5 “(i) ensure that the self-sufficiency
6 plan developed under section 408(b) with
7 respect to the individual addresses the use
8 of the substance; and

9 “(ii) suspend the provision of cash as-
10 sistance under the program to the family
11 of the individual until a subsequent such
12 test indicates that the individual has not
13 been using the substance; and

14 “(iii) require, as a condition of pro-
15 viding any benefit under the program to
16 the family of the individual, that the indi-
17 vidual comply with the self-sufficiency
18 plan, including the provisions of the plan
19 that address the use of the substance, and
20 undergo additional such tests every 30 or
21 60 days, as the State deems appropriate;
22 and

23 “(C) terminate for 3 years the participa-
24 tion in the program of the family of any indi-
25 vidual who tests positive for the use of such a

1 substance in such number of consecutive tests
2 administered pursuant to this paragraph (which
3 shall be not less than 3 and not more than 6)
4 as the State deems appropriate.”.

5 (b) PENALTY FOR NONCOMPLIANCE.—Section
6 409(a) of such Act (42 U.S.C. 609(a)) is amended by add-
7 ing at the end the following:

8 “(15) PENALTY FOR FAILURE TO COMPLY WITH
9 DRUG TESTING REQUIREMENTS.—If the Secretary
10 determines that a State has not complied with sec-
11 tion 408(a)(12) during a fiscal year, the Secretary
12 shall reduce the grant payable to the State under
13 section 403(a)(1) for the immediately succeeding fis-
14 cal year by an amount equal to not less than 5 per-
15 cent and not more than 10 percent of the State fam-
16 ily assistance grant, as the Secretary deems appro-
17 priate based on the frequency and severity of the
18 noncompliance.”.

19 (c) EFFECTIVE DATE.—The amendments made by
20 this section shall take effect on the 1st day of the 1st cal-
21 endar quarter beginning 1 year or more after the date of
22 the enactment of this Act.

○