Amendment to require states to test TANF applicants for potential illegal drug use if the there is reasonable suspicion that drug use has occurred.

Offered by Congressman Phil English

Present Law:

- Drug testing for welfare recipients is authorized but not mandated.

Amendment Purpose:

- To allow states the ability to withhold public assistance funds from subsidizing TANF applicants engaging in drug abuse by the testing of those individuals suspected of drug use.
- Welfare reform is intended to identify and remove barriers to self-sufficiency. Recipients who are addicted to drugs encounter numerous difficulties in moving to healthy, self-reliant lives. This amendment helps identify drug users and ensures they enroll in treatment.

Description of Amendment

- Require an individual who has applied for, or is a recipient of, assistance from the State TANF program to undergo a physical test designed to detect the use by the individual of any controlled substance if the State has reason to believe that the person has used such a substance recently.
- The individual must undergo additional drug checkup tests every 30-60 days, as the state deems appropriate
- In order to avoid a full check sanction and continue to receive benefits, the individual must be in compliance with their SSP (This amendment does not mandate how the states must address an individual's drug use—flexibility is given to the states to decide), including satisfactory attendance, participation and progress. Until the individual fulfills a clean drug test, the family will receive no cash benefits. In-kind benefits (i.e. the state paying rent directly to landlords, paying utilities on behalf of recipients) will still be available. Vouchers for other expenses, such as transportation, will also be available.
- After a specific number of consecutive positive tests to be set by the state (no less than three, not more than 6), all TANF benefits are terminated for a period of three years. This provision gives the individual future opportunities to qualify for assistance.
- If the state does not comply with these drug testing requirements, the grant money to the state will be reduced by a certain percentage deemed reasonable by HHS.

AMENDMENT TO H.R. 240

OFFERED BY MR. ENGLISH OF PENNSYLVANIA

At the end of title I, add the following (and amend the table of contents accordingly):

1 **SEC. 123. DRUG TESTING OF APPLICANTS AND RECIPIENTS**
2 **OF ASSISTANCE.**

3 (a) REQUIREMENT.—Section 408(a) (42 U.S.C.
4 608(a)) is amended by adding at the end the following:
5 "(12) DRUG TESTING REQUIREMENTS.—A
6 State to which a grant is made under section 403(a)
7 for a fiscal year shall—
8 "(A) require an individual who has applied
9 for, or is a recipient of, assistance from the
10 State program funded under this part to under-
11 go a physical test designed to detect the use by
12 the individual of any controlled substance (as
13 defined in section 102(6) of the Controlled Sub-
14 stances Act) if the State has reason to believe
15 that the person has used such a substance re-
16 cently;
17 "(B) if a test administered pursuant to
18 this paragraph indicates that an individual has
19 used such a substance recently, 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 used such a substance
4 recently—
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) (42 U.S.C. 609(a)) is amended by adding at the
7 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.".