

112TH CONGRESS
1ST SESSION

H. R. 3615

To amend title III of the Social Security Act to require States to implement a drug testing program for applicants for and recipients of unemployment compensation.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 8, 2011

Mr. PEARCE introduced the following bill; which was referred to the
Committee on Ways and Means

A BILL

To amend title III of the Social Security Act to require States to implement a drug testing program for applicants for and recipients of unemployment compensation.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Accountability in Un-
5 employment Act of 2011”.

1 **SEC. 2. DRUG TESTING PROGRAM FOR APPLICANTS FOR**
2 **AND RECIPIENTS OF UNEMPLOYMENT COM-**
3 **PENSATION.**

4 (a) IN GENERAL.—Section 303 of the Social Security
5 Act (42 U.S.C. 503) is amended by adding at the end the
6 following:

7 “(1)(1) For purposes of subsection (a), the law of a
8 State shall provide that no regular compensation may be
9 paid to an individual unless—

10 “(A) the individual is tested for the use of the
11 drugs listed in paragraph (3)(A)—

12 “(i) if the individual has applied for such
13 compensation and the application has not been
14 approved, before the receipt of such compensa-
15 tion; and

16 “(ii) in any other case, before the end of
17 the 3-month period that begins on the date of
18 the enactment of this subsection; and

19 “(B) the individual tests negative for the use of
20 such drugs or, in the case of an individual who tests
21 positive for the use of such drugs, the individual
22 meets the requirements of paragraph (2).

23 “(2)(A) Except as provided in subparagraph (B), if
24 an individual tests positive pursuant to paragraph (1) for
25 the use of any drug listed in paragraph (3)(A), no regular
26 compensation may be paid to the individual unless—

1 “(i) a 30-day period has elapsed since the re-
2 sults of the test were determined; and

3 “(ii) the individual tests negative for the use of
4 each drug listed in paragraph (3)(A) at the end of
5 such period.

6 “(B) If an individual tests positive pursuant to para-
7 graph (1) for the use of any drug listed in paragraph
8 (3)(A) three or more times (whether for the same or a
9 different drug), no regular compensation may be paid to
10 the individual unless—

11 “(i) a 5-year period has elapsed since the re-
12 sults of the last test were determined; and

13 “(ii) the individual tests negative for the use of
14 each drug listed in paragraph (3)(A) at the end of
15 such period.

16 “(3)(A) In conducting drug testing pursuant to para-
17 graph (1), the State shall test for each of the following:

18 “(i) Marijuana.

19 “(ii) Cocaine.

20 “(iii) Opiates.

21 “(iv) Amphetamines.

22 “(v) Methamphetamine.

23 “(vi) Phencyclidine.

24 “(vii) Heroin.

25 “(viii) Lysergic acid diethylamide.

1 “(ix) 3,4-methylenedioxy amphetamine.

2 “(B) A positive test for a drug listed in subparagraph
3 (A) shall be treated as a negative test for purposes of this
4 subsection if such drug was used pursuant to a valid pre-
5 scription or as otherwise authorized by law.

6 “(4) The State shall require each individual who is
7 tested pursuant to paragraph (1) to pay the portion of
8 the cost of the drug testing that pertains to such indi-
9 vidual. If such individual tests negative for the use of each
10 drug listed in paragraph (3)(A) and the State provides
11 regular compensation to the individual, the State shall in-
12 crease the first payment of such compensation in an
13 amount equal to the amount paid by the individual under
14 this paragraph for the drug testing.

15 “(5) In this subsection, the term ‘regular compensa-
16 tion’ has the meaning given such term in section 205 of
17 the Federal-State Extended Unemployment Compensation
18 Act of 1970 (26 U.S.C. 3304 note).”.

19 (b) EFFECTIVE DATE.—The amendment made by
20 this section shall take effect 1 year after the date of the
21 enactment of this Act.

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