

115TH CONGRESS  
1ST SESSION

# H. R. 2179

To require certain welfare programs to deny benefits to persons who fail a drug test, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2017

Mr. ROUZER introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Agriculture, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To require certain welfare programs to deny benefits to persons who fail a drug test, and for other purposes.

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 “Drug Testing for Wel-  
5 fare Recipients Act”.

1 **SEC. 2. DRUG SCREENING AND TESTING UNDER STATE**  
2 **PROGRAMS FOR TEMPORARY ASSISTANCE**  
3 **FOR NEEDY FAMILIES.**

4 (a) PROHIBITION.—Section 408(a) of the Social Se-  
5 curity Act (42 U.S.C. 608(a)) is amended by adding at  
6 the end the following:

7 “(13) NO ASSISTANCE FOR INDIVIDUALS WHO  
8 FAIL DRUG SCREENING OR TESTING OR ARE NOT  
9 SCREENED OR TESTED FOR DRUG USE.—

10 “(A) IN GENERAL.—A State to which a  
11 grant is made under section 403 shall not use  
12 any part of the grant to provide assistance for  
13 an individual who has attained 18 years of age,  
14 unless, before receipt of the assistance—

15 “(i) the State makes a determination,  
16 in a manner the State considers appro-  
17 priate, of whether the individual has or has  
18 not been arrested for a drug-related of-  
19 fense during the 5-year period immediately  
20 preceding the date on which the determina-  
21 tion is made;

22 “(ii) in the case of an individual who  
23 is determined by the State to have been ar-  
24 rested for a drug-related offense during the  
25 5-year period provided in clause (i), the in-  
26 dividual tests negative for not less than 1

1 controlled substance, as specified by the  
2 State, in such manner and at such times  
3 as the State determines to be appropriate;  
4 and

5 “(iii) in the case of an individual who  
6 is determined by the State not to have  
7 been arrested for a drug-related offense  
8 during the 5-year period provided in clause  
9 (i), the individual—

10 “(I) completes substance abuse  
11 screening in such manner and at such  
12 times as the State considers appro-  
13 priate; and

14 “(II)(aa) is determined pursuant  
15 to such screening not to have a high  
16 risk of abuse of a controlled sub-  
17 stance; or

18 “(bb) is determined pursuant to  
19 such screening to have a high risk of  
20 abuse of a controlled substance and  
21 tests negative for not less than 1 con-  
22 trolled substance, as specified by the  
23 State, in such manner and at such  
24 times as the State determines to be  
25 appropriate.

1           “(B) EFFECT OF FAILING DRUG TEST.—In  
2 the case of an individual who tests positive for  
3 a controlled substance pursuant to subpara-  
4 graph (A)(ii) or (A)(iii)(II)(bb), a State shall  
5 not provide assistance under the State program  
6 funded under this part for the individual for a  
7 period beginning on the date on which the State  
8 determines that the test result is positive and  
9 ending on the latest of—

10           “(i) the date that is 12 months after  
11 the date on which the State determines  
12 that the test result is positive;

13           “(ii) the date on which the individual  
14 successfully completes a treatment pro-  
15 gram for each controlled substance for  
16 which the individual tested positive; or

17           “(iii) the date on which the individual  
18 tests negative for each such controlled sub-  
19 stance, in such manner and at such times  
20 as the State determines to be appropriate.

21           “(C) RESPONSIBILITY FOR TESTING AND  
22 SCREENING.—

23           “(i) MANNER AND TIME.—A State  
24 may provide for testing and screening pur-  
25 suant to paragraph (1), and retesting and

1           rescreening pursuant to paragraph (2), in  
2           such manner and at such times as the  
3           State agency considers appropriate.

4           “(ii) COSTS.—A State may not re-  
5           quire an individual to pay the cost of test-  
6           ing or screening conducted pursuant to  
7           this paragraph.

8           “(D) NO EFFECT ON ASSISTANCE FOR  
9           OTHER FAMILY MEMBERS.—The amount of as-  
10          sistance payable for a family member of an in-  
11          dividual for whom assistance is denied pursuant  
12          to this paragraph shall not be affected by the  
13          denial.

14          “(E) DEFINITIONS.—In this paragraph:

15               “(i) CONTROLLED SUBSTANCE.—The  
16               term ‘controlled substance’ means, with re-  
17               spect to an individual, any controlled sub-  
18               stance as defined in section 102 of the  
19               Controlled Substances Act (21 U.S.C. 802)  
20               that is not used by such individual pursu-  
21               ant to a valid prescription or as otherwise  
22               authorized by law.

23               “(ii) DRUG-RELATED OFFENSE.—The  
24               term ‘drug-related offense’ means any  
25               criminal offense under State or Federal

1 law relating to the manufacture, sale, dis-  
2 tribution, use, or possession with intent to  
3 manufacture, sell, distribute, or use, of a  
4 controlled substance.

5 “(iii) SUBSTANCE ABUSE SCREEN-  
6 ING.—The term ‘substance abuse screen-  
7 ing’ means an interview, questionnaire, or  
8 other screening instrument approved by  
9 the State, that is designed to be used to  
10 determine whether an individual has a high  
11 risk of abuse of a controlled substance.”.

12 (b) PENALTY.—

13 (1) IN GENERAL.—Section 409(a) of such Act  
14 (42 U.S.C. 609(a)) is amended by adding at the end  
15 the following:

16 “(17) FAILURE TO CONDITION RECEIPT OF  
17 BENEFITS ON PASSING DRUG TESTING OR SCREEN-  
18 ING.—If the Secretary determines that a State to  
19 which a grant is made under section 403 for a fiscal  
20 year has substantially failed to comply with section  
21 408(a)(13) during the fiscal year, the Secretary  
22 shall reduce the grant payable to the State under  
23 section 403 for the immediately succeeding fiscal  
24 year by an amount equal to 15 percent of the State  
25 family assistance grant.”.

1           (2) INAPPLICABILITY OF GOOD CAUSE EXCEP-  
2           TION.—Section 409(b)(2) of such Act (42 U.S.C.  
3           609(b)(2)) is amended by striking “or (13)” and in-  
4           serting “(13), or (17)”.

5           (3) INAPPLICABILITY OF CORRECTIVE COMPLI-  
6           ANCE PLAN REQUIREMENT.—Section 409(c)(4) of  
7           such Act (42 U.S.C. 609(c)) is amended by striking  
8           “or (16)” and inserting “(16), or (17)”.

9           (c) EFFECTIVE DATE.—The amendments made by  
10          this section shall take effect on the first day of the first  
11          calendar month that begins after the 240-day period that  
12          begins with the date of the enactment of this Act.

13       **SEC. 3. DRUG SCREENING AND TESTING UNDER THE SUP-**  
14                               **PLEMENTAL NUTRITION ASSISTANCE PRO-**  
15                               **GRAM.**

16          (a) DRUG TESTING AND SCREENING REQUIRED FOR  
17          ELIGIBILITY.—Section 6 of the Food and Nutrition Act  
18          of 2008 (7 U.S.C. 2015) is amended by adding at end  
19          the following:

20               “(t) ELIGIBILITY BASED ON REQUIRED DRUG TEST-  
21          ING AND SCREENING.—

22                       “(1) IN GENERAL.—An individual who has at-  
23                       tained 18 years of age and who is otherwise eligible  
24                       to participate in the supplemental nutrition assist-  
25                       ance program as a member of a household shall be

1 eligible to participate in such program only if before  
2 such assistance is provided with respect to such indi-  
3 vidual—

4 “(A) the State determines, in a manner  
5 the State considers appropriate, whether such  
6 individual has or has not been arrested for a  
7 drug-related offense during the 5-year period  
8 ending on the date on which the determination  
9 is made;

10 “(B) in the case of an individual who is de-  
11 termined by the State to have been arrested for  
12 a drug-related offense during such 5-year pe-  
13 riod, such individual tests negative for not less  
14 than 1 controlled substance, as specified by the  
15 State, in such manner and at such times as the  
16 State considers appropriate; and

17 “(C) in the case of an individual who is de-  
18 termined by the State not to have been arrested  
19 for a drug-related offense during such 5-year  
20 period, such individual—

21 “(i) completes substance abuse screen-  
22 ing, in such manner and at such times as  
23 the State considers appropriate; and



1           “(ii)(I) is determined pursuant to  
2           such screening not to have a high risk of  
3           abuse of a controlled substance; or

4           “(II) is determined pursuant to such  
5           screening to have a high risk of abuse of  
6           a controlled substance and tests negative  
7           for not less than 1 controlled substance, as  
8           specified by the State, in such manner and  
9           at such times as the State considers appro-  
10          priate.

11          “(2) EFFECT OF A POSITIVE DRUG TEST RE-  
12          SULT.—If an individual tests positive for a con-  
13          trolled substance pursuant to paragraph (1), such  
14          assistance may not be provided with respect to such  
15          individual for a period beginning on the date on  
16          which the State agency determines that the test re-  
17          sult is positive and ending on the latest of—

18                 “(A) the date that is 1 year after the date  
19                 on which the State agency determines that the  
20                 test result is positive;

21                 “(B) the date on which such individual  
22                 successfully completes a treatment program for  
23                 each controlled substance for which the indi-  
24                 vidual tested positive pursuant to paragraph  
25                 (1); and

1           “(C) the date by which the test result for  
2 such individual is not positive for each con-  
3 trolled substance for which the individual tested  
4 positive pursuant to paragraph (1).

5           “(3) RESPONSIBILITY FOR TESTING AND  
6 SCREENING.—

7           “(A) The State agency may provide for  
8 testing and screening pursuant to paragraph  
9 (1), and retesting and rescreening pursuant to  
10 paragraph (2), in such manner and at such  
11 times as the State agency considers appro-  
12 priate.

13           “(B) The State agency may not require an  
14 individual or a household to pay the cost of a  
15 test or screening conducted pursuant to this  
16 subsection.

17           “(4) DEFINITIONS.—For purposes of this sub-  
18 section:

19           “(A) CONTROLLED SUBSTANCE.—The  
20 term ‘controlled substance’ means a controlled  
21 substance as defined in section 102 of the Con-  
22 trolled Substances Act (21 U.S.C. 802) that is  
23 not used by the tested individual pursuant to a  
24 valid prescription or as otherwise authorized by  
25 law.

1           “(B) DRUG-RELATED OFFENSE.—The  
2 term ‘drug-related offense’ means any criminal  
3 offense under State or Federal law relating to  
4 the manufacture, sale, distribution, use, or pos-  
5 session with intent to manufacture, sell, dis-  
6 tribute, or use, of a controlled substance.

7           “(C) SUBSTANCE ABUSE SCREENING.—  
8 The term ‘substance abuse screening’ means an  
9 interview, questionnaire, or other screening in-  
10 strument approved by the State, that is de-  
11 signed to be used to determine whether an indi-  
12 vidual has a high risk of abuse of a controlled  
13 substance.”.

14           (b) REDUCTION OF REIMBURSEMENT FOR ADMINIS-  
15 TRATIVE COSTS.—Section 16 of the Food and Nutrition  
16 Act of 2008 (7 U.S.C. 2025) is amended—

17           (1) in subsection (a) by striking “subsection  
18 (k)” and inserting “subsections (k) and (l)”, and

19           (2) by adding at end the following:

20           “(l) FAILURE TO ENFORCE DRUG TESTING AND  
21 SCREENING REQUIREMENTS.—If the Secretary deter-  
22 mines that the State agency failed substantially to enforce  
23 the eligibility requirement established in section 6(t) in a  
24 fiscal year, the Secretary shall reduce by 15 percent the

1 amount otherwise payable under subsection (a) to such  
2 State agency for the immediately succeeding fiscal year.”.

3 (c) EFFECTIVE DATE.—The amendments made by  
4 this section shall take effect 240 days after the date of  
5 the enactment of this Act.

6 **SEC. 4. DRUG SCREENING AND TESTING UNDER PUBLIC**  
7 **HOUSING AND SECTION 8 RENTAL ASSIST-**  
8 **ANCE PROGRAMS.**

9 (a) PROHIBITION.—Section 214 of the Housing and  
10 Community Development Act of 1980 (42 U.S.C. 1436a)  
11 is amended by adding at the end the following:

12 “(j) PROHIBITION OF HOUSING ASSISTANCE FOR IN-  
13 DIVIDUALS WHO FAIL DRUG SCREENING OR TESTING OR  
14 ARE NOT SCREENED OR TESTED.—

15 “(1) IN GENERAL.—Notwithstanding any other  
16 provision of law, the applicable administrative entity  
17 may not make covered housing assistance available  
18 for the benefit of any individual who has attained 18  
19 years of age, unless, before such assistance is pro-  
20 vided with respect to such individual—

21 “(A) the applicable administrative entity  
22 makes a determination, in a manner the entity  
23 considers appropriate, of whether the individual  
24 has or has not been arrested for a drug-related  
25 offense during the 5-year period immediately

1 preceding the date on which the determination  
2 is made;

3 “(B) in the case of an individual who is de-  
4 termined by the applicable administrative entity  
5 to have been arrested for a drug-related offense  
6 during the 5-year period provided in subpara-  
7 graph (A), the individual tests negative for each  
8 controlled substance that the entity has deter-  
9 mined to be appropriate for testing; and

10 “(C) in the case of an individual who is de-  
11 termined by the applicable administrative entity  
12 not to have been arrested for a drug-related of-  
13 fense during the 5-year period provided in  
14 clause (i), the individual—

15 “(i) completes substance abuse screen-  
16 ing in such manner and at such times as  
17 the entity considers appropriate; and

18 “(ii)(I) is determined pursuant to  
19 such screening not to have a high risk of  
20 abuse of a controlled substance; or

21 “(II) is determined pursuant to such  
22 screening to have a high risk of abuse of  
23 a controlled substance and tests negative  
24 for each controlled substance that the enti-

1           ty has determined to be appropriate for  
2           testing.

3           The applicable administrative entity shall determine  
4           that not less than 1 controlled substance, as speci-  
5           fied by the entity, is appropriate for testing for pur-  
6           poses of this paragraph.

7           “(2) EFFECT OF FAILING DRUG TEST.—If an  
8           individual tests positive for a controlled substance  
9           pursuant to paragraph (1)(B) or (1)(C)(ii)(II), cov-  
10          ered housing assistance may not be provided with re-  
11          spect to such individual for the period beginning on  
12          the date on which the applicable administrative enti-  
13          ty determines that the test result is positive and  
14          ending on the latest of—

15                 “(A) the date that is 12 months after the  
16                 date on which the applicable administrative en-  
17                 tity determines that the test result is positive;

18                 “(B) the date on which the individual suc-  
19                 cessfully completes a treatment program for  
20                 each controlled substance for which the indi-  
21                 vidual tested positive; and

22                 “(C) the date on which the individual tests  
23                 negative for each such controlled substance, in  
24                 such manner and at such times as the applica-

1           ble administrative entity determines to be ap-  
2           propriate.

3           “(3) RESPONSIBILITY FOR TESTING AND  
4           SCREENING.—

5                   “(A) MANNER AND TIME.—An applicable  
6           administrative entity may provide for testing  
7           and screening pursuant to paragraph (1), and  
8           retesting and rescreening pursuant to para-  
9           graph (2), in such manner and at such times as  
10          the entity determines to be appropriate.

11                   “(B) COSTS.—An applicable administrative  
12          entity may not require an individual or family  
13          to pay the cost of a test or screening conducted  
14          pursuant to this subsection.

15                   “(4) PRORATION OF FINANCIAL ASSISTANCE.—  
16          If an individual for whose benefit covered housing  
17          assistance is prohibited pursuant to this subsection  
18          is a member of family that includes at least one  
19          other member whose eligibility under this subsection  
20          for such assistance has been affirmatively estab-  
21          lished pursuant to testing under this subsection, cov-  
22          ered housing assistance made available to such fam-  
23          ily shall be prorated, based on the number of indi-  
24          viduals in the family for whom eligibility under this  
25          subsection for such assistance has been affirmatively

1 established pursuant to testing under this subsection  
2 as compared with the total number of individuals  
3 who are members of the family.

4 “(5) FAILURE TO ENFORCE DRUG TESTING RE-  
5 QUIREMENT.—If the Secretary of Housing and  
6 Urban Development determines that a public hous-  
7 ing agency has substantially failed to comply with  
8 this subsection during a fiscal year, the Secretary  
9 shall reduce by 15 percent the amount otherwise  
10 provided to the agency, for the immediately suc-  
11 ceeding fiscal year, under each of the following pro-  
12 grams:

13 “(A) The public housing Capital Fund pro-  
14 gram under section 9(d) of the United States  
15 Housing Act of 1937 (42 U.S.C. 1437g(d)).

16 “(B) The public housing Operating Fund  
17 program under section 9(e) of the United  
18 States Housing Act of 1937 (42 U.S.C.  
19 1437g(e)).

20 “(C) All programs for rental housing as-  
21 sistance under section 8 of the United States  
22 Housing Act of 1937 (42 U.S.C. 1437f).

23 “(6) USE OF HOUSING ASSISTANCE AMOUNTS  
24 FOR TESTING.—Notwithstanding any other provision  
25 of law, amounts made available under the following



1 provisions of law may be used for costs of testing in-  
2 dividuals for controlled substances for purposes of  
3 compliance with this section, as follows:

4 “(A) Amounts made available under the  
5 public housing Operating Fund program under  
6 section 9(e) of the United States Housing Act  
7 of 1937 (42 U.S.C. 1437g(e)) may be used for  
8 such testing for residents of, and applicants for  
9 residency in, public housing.

10 “(B) Amounts made available to a public  
11 housing agency for administrative fees under  
12 section 8(q) of the United States Housing Act  
13 of 1937 (42 U.S.C. 1437f(q)) may be used for  
14 such testing for individuals on behalf of whom  
15 rental assistance under such section is provided  
16 by the agency and applicants for such assist-  
17 ance.

18 “(C) Amounts made available for project-  
19 based rental assistance under section 8 of the  
20 United States Housing Act of 1937 (42 U.S.C.  
21 1437f) may be used for such testing for resi-  
22 dents of, and applicants for residency in, dwell-  
23 ing units in housing projects for which such as-  
24 sistance is provided.

1           “(7) DEFINITIONS.—For purposes of this sub-  
2 section, the following definitions shall apply:

3           “(A) APPLICABLE ADMINISTRATIVE ENTI-  
4 TY.—The term ‘applicable administrative entity’  
5 means—

6           “(i) a public housing agency, with re-  
7 spect to covered housing assistance admin-  
8 istered by such agency; and

9           “(ii) the Secretary, with respect to  
10 project-based rental assistance under sec-  
11 tion 8 of the United States Housing Act of  
12 1937 (42 U.S.C. 1437f).

13           “(B) CONTROLLED SUBSTANCE.—The  
14 term ‘controlled substance’ means, with respect  
15 to an individual, a controlled substance as de-  
16 fined in section 102 of the Controlled Sub-  
17 stances Act (21 U.S.C. 802) that is not used by  
18 such individual pursuant to a valid prescription  
19 or as otherwise authorized by law.

20           “(C) COVERED HOUSING ASSISTANCE.—  
21 The term ‘covered housing assistance’ means fi-  
22 nancial assistance made available pursuant to  
23 the United States Housing Act of 1937 (42  
24 U.S.C. 1437 et seq.).

1           “(D) DRUG-RELATED OFFENSE.—The  
2 term ‘drug-related offense’ means any criminal  
3 offense under State or Federal law relating to  
4 the manufacture, sale, distribution, use, or pos-  
5 session with intent to manufacture, sell, dis-  
6 tribute, or use, of a controlled substance.

7           “(E) SUBSTANCE ABUSE SCREENING.—  
8 The term ‘substance abuse screening’ means an  
9 interview, questionnaire, or other screening in-  
10 strument approved by the applicable adminis-  
11 trative entity that is designed to be used to de-  
12 termine whether an individual has a high risk  
13 of abuse of a controlled substance.

14           “(8) OTHER PROVISIONS OF LAW.—This sub-  
15 section may not be construed to affect the applica-  
16 bility of any provision of section 576 or 577 of the  
17 Quality Housing and Work Responsibility Act of  
18 1998 (42 U.S.C. 13661, 13662) or of sections 6(l),  
19 8(o)(7), or 16(f) of the United States Housing Act  
20 of 1937 (42 U.S.C. 1437n(f)), except that the Sec-  
21 retary of Housing and Urban Development shall en-  
22 sure that any standards or lease provisions estab-  
23 lished pursuant to such sections are consistent with  
24 this subsection.”.

1       (b) **EFFECTIVE DATE.**—The amendments made by  
2 this section shall take effect on the first day of the first  
3 calendar month that begins after the 240-day period that  
4 begins with the date of the enactment of this Act.

○