

115TH CONGRESS  
2D SESSION

# H. CON. RES. 135

Requiring Members of the House of Representatives and the Senate to participate in random drug testing.

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2018

Mr. HIGGINS of Louisiana submitted the following concurrent resolution; which was referred to the Committee on House Administration

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## CONCURRENT RESOLUTION

Requiring Members of the House of Representatives and the Senate to participate in random drug testing.

1        *Resolved by the House of Representatives (the Senate*  
2 *concurring),*

3 **SECTION 1. SHORT TITLE.**

4        This concurrent resolution may be cited as the “Ex-  
5 posing Congressional Drug Abuse Act”.

6 **SEC. 2. RANDOM DRUG TESTING OF MEMBERS OF THE**  
7 **HOUSE OF REPRESENTATIVES AND THE SEN-**  
8 **ATE.**

9        (a) IN GENERAL.—Each Member of the House of  
10 Representatives and the Senate shall participate in accord-

1   ance with this concurrent resolution in a program for test-  
2   ing for illegal use of controlled substances.

3       (b) FEATURES.—The program under this concurrent  
4   resolution shall include the following features:

5           (1) Each Member of the House of Representa-  
6   tives and the Senate shall be subject to a random  
7   drug test once per term of such Member.

8           (2) Each confirmed positive result under the  
9   program shall be provided as follows:

10           (A) To the Member involved.

11           (B) In the case of a Member of the House  
12   of Representatives, to the Committee on Ethics  
13   of the House of Representatives for such review  
14   as may be necessary under the Rules of the  
15   House of Representatives.

16           (C) In the case of a Member of the Senate,  
17   to the Select Committee on Ethics of the Sen-  
18   ate for such review as may be necessary under  
19   the Standing Rules of the Senate.

20           (3) The Committee on Ethics of the House of  
21   Representatives, with respect to a Member of the  
22   House, and the Select Committee on Ethics of the  
23   Senate, with respect to a Member of the Senate,  
24   shall publicly disclose the identity of each Member  
25   who refuses to participate in the program and take

1 other action against each such Member as appro-  
2 priate.

3 (4) Each Member of the House of Representa-  
4 tives and the Senate shall reimburse the House of  
5 the Representatives or the Senate for the cost of the  
6 random drug test of such Member under the pro-  
7 gram.

8 (c) The Committee on House Administration of the  
9 House of Representatives and the Committee on Rules  
10 and Administration of the Senate shall each issue such  
11 rules and regulations as may be necessary to carry out  
12 this concurrent resolution.

13 (d) DEFINITIONS.—In this concurrent resolution, the  
14 following definitions shall apply:

15 (1) The term “confirmed positive result”—

16 (A) means a random drug test—

17 (i) which has initially tested as posi-  
18 tive for the presence of an illegal controlled  
19 substance;

20 (ii) for which the initially positive test  
21 has been confirmed by a second test using  
22 a different chemical process than the proc-  
23 ess used for the initial test; and

24 (iii) which has been reviewed and cer-  
25 tified as positive by a medical review offi-

1 cer with whom the House of Representa-  
2 tives or the Senate has entered into a con-  
3 tract to perform such reviews; and

4 (B) does not include a drug test which  
5 shows only the presence of legal, over-the-  
6 counter drugs and drugs that have been legally  
7 prescribed for the individual involved.

8 (2) The term “controlled substance” has the  
9 meaning given the term in section 102 of the Con-  
10 trolled Substances Act (21 U.S.C. 802).

11 (3) The term “Member”, with respect to the  
12 House of Representatives, includes a Delegate or  
13 Resident Commissioner to the Congress.

14 (4) The term “random drug test” means a test  
15 conducted for the purpose of detecting the illegal use  
16 of a controlled substance which is conducted—

17 (A) on a periodic basis;

18 (B) without advance notice; and

19 (C) without individualized suspicion.

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