

113TH CONGRESS
1ST SESSION

H. R. 3454

To amend title III of the Social Security Act to require a substance abuse risk assessment and targeted drug testing as a condition for the receipt of unemployment benefits, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 12, 2013

Mr. KINGSTON introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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

A BILL

To amend title III of the Social Security Act to require a substance abuse risk assessment and targeted drug testing as a condition for the receipt of unemployment benefits, 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 “Ensuring Quality in
5 the Unemployment Insurance Program (EQUIP) Act”.

1 **SEC. 2. DRUG SCREENING MADE A CONDITION OF BENEFIT**
2 **RECEIPT.**

3 (a) IN GENERAL.—Section 303(l) of the Social Secu-
4 rity Act (42 U.S.C. 503(l)) is amended to read as follows:

5 “(l)(1) For purposes of subsection (a), the State law
6 (as defined in section 205 of the Federal-State Extended
7 Unemployment Compensation Act of 1970 (26 U.S.C.
8 3304 note)) of a State shall provide the following:

9 “(A) No regular compensation may be paid to
10 an applicant for such compensation with respect to
11 a benefit year unless, before the receipt of any such
12 compensation—

13 “(i) the applicant has completed a sub-
14 stance abuse risk assessment for such benefit
15 year; and

16 “(ii) subject to subparagraph (B), if the
17 State determines based on the results of such
18 assessment that the applicant is a high-risk ap-
19 plicant, not later than 1 week after the results
20 of the assessment are determined, the applicant
21 tests negative for controlled substances.

22 “(B) If a high-risk applicant tests positive for
23 any controlled substance—

24 “(i) if such test result is the first positive
25 test result for such applicant in the benefit
26 year—

1 “(I) no regular compensation may be
2 paid to such applicant for a period of 30
3 days beginning on the date that such test
4 result is determined; and

5 “(II) no regular compensation may be
6 paid to such applicant during the remain-
7 der of such benefit year unless the appli-
8 cant tests negative for controlled sub-
9 stances at the end of such period;

10 “(ii) if such test result is not the first posi-
11 tive test result for such applicant in the benefit
12 year, no regular compensation may be paid to
13 such applicant during the remainder of such
14 benefit year.

15 “(C) A high-risk applicant receiving benefits
16 with respect to a benefit year shall be subject to
17 testing for controlled substances by the State at any
18 time during the benefit year, with limited notice pro-
19 vided to the applicant of such testing.

20 “(D) A high-risk applicant who is tested for
21 controlled substances under—

22 “(i) subparagraph (A) or (C) shall be re-
23 sponsible for the cost of such test if the indi-
24 vidual tests positive for any such substance; and

1 “(ii) subparagraph (B)(i)(II) shall be re-
2 sponsible for the cost of such test.

3 “(2) For purposes of this subsection—

4 “(A) the term ‘benefit year’ means the benefit
5 year as defined in the applicable State law;

6 “(B) the term ‘controlled substance’—

7 “(i) means a drug or other substance se-
8 lected by the State to be included in drug test-
9 ing under this subsection; and

10 “(ii) does not include any drug or other
11 substance used by the applicant pursuant to a
12 valid prescription or as otherwise authorized by
13 law;

14 “(C) the term ‘high-risk applicant’, with respect
15 to a benefit year, means an individual who is deter-
16 mined by the State to have a high risk of substance
17 abuse based on the results of a substance abuse risk
18 assessment administered under paragraph (1)(A)(i);
19 and

20 “(D) the term ‘substance abuse risk assess-
21 ment’ means a screening instrument, approved by
22 the Director of the National Institutes of Health, de-
23 signed to determine whether an individual has a
24 high risk of substance abuse.”.

1 (b) NO MERIT STAFFING REQUIREMENTS.—Section
2 303(a)(1) of the Social Security Act (42 U.S.C. 503(a)(1))
3 shall not be construed in such a manner as to apply the
4 merit staffing requirements in section 900.603 of title 5,
5 Code of Federal Regulations, as in effect on October 1,
6 2011, to the implementation of section 303(l) of such Act
7 (as amended by subsection (a)).

8 (c) FUNDING FOR SUBSTANCE ABUSE TESTING.—

9 (1) FUNDING FROM IPAB.—Section 1899A(m)
10 of the Social Security Act of the Social Security Act
11 is amended—

12 (A) in paragraph (1), in the matter pre-
13 ceding subparagraph (A), by striking “to the
14 Board to carry” and inserting “for the purposes
15 of carrying out section 303(l), and, if any funds
16 remain in the fiscal year involved, for the Board
17 for the purpose of carrying”; and

18 (B) by striking paragraph (2).

19 (2) FUNDING FROM THE CO-OP PROGRAM.—
20 Section 1322(g) of the Patient Protection and Af-
21 fordable Care Act is amended by striking “to carry
22 out this section.” and inserting “to carry out section
23 303(l) of the Social Security Act, to the extent funds
24 are necessary to carry out such section after the ap-
25 plication of section 1899A(m)(1) of such Act.”.

1 (d) EFFECTIVE DATE.—

2 (1) IN GENERAL.—Except as provided in para-
3 graph (2), the amendment made by subsection (a)
4 shall take effect on the date that is 180 days after
5 the date of the enactment of this Act.

6 (2) DELAY PERMITTED IF LEGISLATION PEND-
7 ING.—If a State applies to the Secretary of Labor
8 to delay implementation of the requirements of sec-
9 tion 303(l) of the Social Security Act (42 U.S.C.
10 503(l)) on the grounds that legislation to implement
11 such requirements is pending in the State legislature
12 on the date that is 180 days after the date of the
13 enactment of this Act, the Secretary shall not refuse
14 certification for payment to the State under section
15 302 of such Act solely on the basis of the failure of
16 the State to implement such requirements before
17 such date.

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