

**AMENDMENT TO H.R. 1745**  
**OFFERED BY MR. BILIRAKIS OF FLORIDA**

At the end of title I, add the following:

1 **SEC. 108. DENIAL OF UNEMPLOYMENT COMPENSATION TO**  
2 **INDIVIDUALS DISCHARGED FOR DRUG OR AL-**  
3 **COHOL USE.**

4 (a) **IN GENERAL.**—Subsection (a) of section 3304 of  
5 the Internal Revenue Code of 1986 is amended—

6 (1) by inserting “except as provided in para-  
7 graph (15),” before “compensation shall not”,

8 (2) by redesignating paragraphs (15) through  
9 (19) as paragraphs (16) through (20), respectivley,  
10 and

11 (3) by inserting after paragraph (14) the fol-  
12 lowing new paragraph:

13 “(15) compensation shall not be payable to any  
14 individual on the basis of any services performed in  
15 connection with employment from which the indi-  
16 vidual was discharged for an employment-related  
17 drug or alcohol offense (as defined in subsection  
18 (g)),”.

1 (b) EMPLOYMENT-RELATED DRUG OR ALCOHOL OF-  
2 FENSE.—Section 3304 of such Code is amended by adding  
3 at the end the following new subsection:

4 “(g) EMPLOYMENT-RELATED DRUG OR ALCOHOL  
5 OFFENSE.—

6 “(1) IN GENERAL.—For purposes of subsection  
7 (a)(15), the term ‘employment-related drug or alco-  
8 hol offense’ includes but is not limited to the fol-  
9 lowing:

10 “(A) Being under the influence of, or con-  
11 suming or otherwise using, alcohol or any con-  
12 trolled substance while performing services for  
13 the employer.

14 “(B) Possessing any controlled substance  
15 on the premises of the employer.

16 “(C) Failure to comply with a request by  
17 the employer to take a drug test.

18 “(D) Testing positive for illegal use of a  
19 controlled substance pursuant to a drug test re-  
20 quested by the employer.

21 “(2) CONTROLLED SUBSTANCE.—For purposes  
22 of this subsection, the term ‘controlled substance’  
23 has the meaning given such term under applicable  
24 State law.

1           “(3) DRUG TEST.—For purposes of this sub-  
2           section, the term ‘drug test’ means a test designed  
3           to detect the illegal use of a controlled substance.”.

4           (c) EFFECTIVE DATE.—The amendments made by  
5           this section shall apply to compensation paid for weeks  
6           beginning after the end of the first session of the State  
7           legislature which begins after the date of the enactment  
8           of this Act.

