104TH CONGRESS
1ST SESSION
H. R. 1827

To amend title 49, United States Code, to eliminate the requirement for preemployment alcohol testing in the mass transit, railroad, motor carrier, and aviation industries, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 1995

Mr. MINETA introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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A BILL

To amend title 49, United States Code, to eliminate the requirement for preemployment alcohol testing in the mass transit, railroad, motor carrier, and aviation industries, 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 ''Omnibus Transpor-

5 tation Employee Testing Act Amendments of 1995''.

6 **SEC. 2. MASS TRANSIT TESTING.**

7 Section 5331(b)(1)(A) of title 49, United States

8 Code, is amended to read as follows:

1   ''(b) TESTING PROGRAM FOR MASS TRANSPOR-

2 TATION EMPLOYEES.—(1)(A) In the interest of mass

3 transportation safety, the Secretary of Transportation

4 shall prescribe regulations that establish a program re-

5 quiring mass transportation operations that receive finan-

6 cial assistance under section 5307, 5309, or 5311 of this

7 title or section 103(e)(4) of title 23 to conduct

8 preemployment, reasonable suspicion, random and post-

9 accident testing of mass transportation employees respon-

10 sible for safety-sensitive functions (as decided by the Sec-

11 retary) for the use of a controlled substance in violation

12 of law or a United States Government regulation; and to

13 conduct reasonable suspicion, random and post-accident

14 testing of such employees for the use of alcohol in violation

15 of law or a United States Government regulation. The reg-

16 ulations shall permit such operations to conduct

17 preemployment testing of such employees for the use of

18 alcohol.''.

19 **SEC. 3. RAILROAD TESTING.**

20   Section 20140(b)(1)(A) of title 49, United States

21 Code, is amended to read as follows:

22   ''(A) a railroad carrier to conduct

23   preemployment, reasonable suspicion, random and

24   post-accident testing of all railroad employees re-

25   sponsible for safety-sensitive functions (as decided

1   by the Secretary) for the use of a controlled sub-

2   stance in violation of law or a United States Govern-

3   ment regulation; and to conduct reasonable sus-

4   picion, random and post-accident testing of such em-

5   ployees for the use of alcohol in violation of law or

6   a United States Government regulation. The regula-

7   tions shall permit such railroad carriers to conduct

8   preemployment testing of such employees for the use

9   of alcohol; and''.

10 **SEC. 4. MOTOR CARRIER TESTING.**

11   Section 31306(b)(1)(A) of title 49, United States

12 Code, is amended to read as follows:

13   ''(b) TESTING PROGRAM FOR OPERATORS OF COM-

14 MERCIAL MOTOR VEHICLES.—(1)(A) In the interest of

15 commercial motor vehicle safety, the Secretary of Trans-

16 portation shall prescribe regulations that establish a pro-

17 gram requiring motor carriers to conduct preemployment,

18 reasonable suspicion, random and post-accident testing of

19 operators of commercial motor vehicles for the use of con-

20 trolled substance in violation of law or a United States

21 Government regulation; and to conduct reasonable sus-

22 picion, random and post-accident testing of such operators

23 for the use of alcohol in violation of law or a United States

24 Government regulation. The regulations shall permit such

1 motor carriers to conduct preemployment testing of such

2 employees for the use of alcohol.''.

3 **SEC. 5. AVIATION TESTING.**

4   (a) Section 45102(a)(1) of title 49, United States

5 Code, is amended to read as follows:

6   ''(a) PROGRAM FOR EMPLOYEES OF AIR CARRIERS

7 AND FOREIGN AIR CARRIERS.—(1) In the interest of avia-

8 tion safety, the Administrator of the Federal Aviation Ad-

9 ministration shall prescribe regulations that establish a

10 program requiring air carriers and foreign air carriers to

11 conduct preemployment, reasonable suspicion, random and

12 post-accident testing of airmen, crewmembers, airport se-

13 curity screening contract personnel, and other air carrier

14 employees responsible for safety-sensitive functions (as de-

15 cided by the Administrator) for the use of a controlled

16 substance in violation of law or a United States Govern-

17 ment regulation; and to conduct reasonable suspicion, ran-

18 dom and post-accident testing of airmen, crewmembers,

19 airport security screening contract personnel, and other

20 air carrier employees responsible for safety-sensitive func-

21 tions (as decided by the Administrator) for the use of alco-

22 hol in violation of law or a United States Government reg-

23 ulation. The regulations shall permit air carriers and for-

24 eign air carriers to conduct preemployment testing of air-

25 men, crewmembers, airport security screening contract

1 personnel, and other air carrier employees responsible for
2 safety-sensitive functions (as decided by the Adminis-
3 trator) for the use of alcohol.''.

4   (b) Section 45102(b)(1) of title 49, United States
5 Code, is amended to read as follows:

6   ''(b) PROGRAM FOR EMPLOYEES OF THE FEDERAL
7 AVIATION ADMINISTRATION.—(1) The Administrator
8 shall establish a program of preemployment, reasonable
9 suspicion, random and post-accident testing for the use
10 of a controlled substance in violation of law or a United
11 States Government regulation for employees of the Admin-
12 istration whose duties include responsibility for safety-sen-
13 sitive functions; and shall establish a program of reason-
14 able suspicion, random and post-accident testing for the
15 use of alcohol in violation of law or a United States Gov-
16 ernment regulation for such employees. The Administrator
17 may establish a program of preemployment testing for the
18 use of alcohol for such employees.''.

19 **SEC. 6. EFFECTIVE DATE.**

20   The amendments made by this Act are effective on
21 the date of enactment of the Act.

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