

104TH CONGRESS
1ST SESSION

S. 1055

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 SENATE OF THE UNITED STATES

JULY 21 (legislative day, JULY 10), 1995

Mr. HOLLINGS introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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—

1 (1) by striking “not later than October 28,
2 1992,”;

3 (2) by striking “alcohol or”; and

4 (3) by striking “regulation.” and inserting “reg-
5 ulation; and to conduct reasonable suspicion, ran-
6 dom, and post-accident testing of such employees for
7 the use of alcohol in violation of law or a United
8 States Government regulation. The regulations shall
9 permit such operations to conduct preemployment
10 testing of such employees for the use of alcohol.”.

11 **SEC. 3. RAILROAD TESTING.**

12 Section 20140(b)(1)(A) of title 49, United States
13 Code, is amended—

14 (1) by striking “alcohol or”; and

15 (2) by inserting after “regulation; and” the fol-
16 lowing: “to conduct reasonable suspicion, random,
17 and post-accident testing of such employees for the
18 use of alcohol in violation of law or a United States
19 Government regulation, and such regulations shall
20 permit such railroad carriers to conduct
21 preemployment testing of such employees for the use
22 of alcohol; and”.

23 **SEC. 4. MOTOR CARRIER TESTING.**

24 Section 31306(b)(1)(A) of title 49, United States
25 Code, is amended—

1 (1) by striking “not later than October 28,
2 1992,”;

3 (2) by striking “alcohol or”; and

4 (3) by striking “regulation.” and inserting
5 “regulation; and to conduct reasonable suspicion,
6 random, and post-accident testing of such employees
7 for the use of alcohol in violation of law or a United
8 States Government regulation. The regulations shall
9 permit such motor carriers to conduct
10 preemployment testing of such employees for the use
11 of alcohol.”.

12 **SEC. 5. AVIATION TESTING.**

13 (a) EMPLOYEES OF AIR CARRIERS AND FOREIGN AIR
14 CARRIERS.—Section 45102(a)(1) of title 49, United
15 States Code, is amended—

16 (1) by striking “not later than October 28,
17 1992,”;

18 (2) by striking “alcohol or”; and

19 (3) by striking “regulation.” and inserting
20 “regulation; and to conduct reasonable suspicion,
21 random, and post-accident testing of airmen, crew-
22 members, airport security screening contract person-
23 nel, and other air carrier employees responsible for
24 safety-sensitive functions (as decided by the Admin-
25 istrator) for the use of alcohol in violation of law or

1 a United States Government regulation. The regula-
2 tions shall permit air carriers and foreign air car-
3 riers to conduct preemployment testing of airmen,
4 crewmembers, airport security screening contract
5 personnel, and other air carrier employees respon-
6 sible for safety-sensitive functions (as decided by the
7 Administrator) for the use of alcohol.”.

8 (b) FAA EMPLOYEES.—Section 45102(b)(1) of such
9 title is amended—

10 (1) by striking “alcohol or”; and

11 (2) by striking “functions.” and inserting
12 “functions; and shall establish a program of reason-
13 able suspicion, random, and post-accident testing for
14 the use of alcohol in violation of law or a United
15 States Government regulation for such employees.
16 The Administrator may establish a program of
17 preemployment testing for the use of alcohol for
18 such employees.”.

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

20 The amendments made by this Act take effect on the
21 date of enactment of this Act.

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