

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> 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.

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## 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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