

MOTION TO RECOMMIT H.R. 2768**OFFERED BY _____**

_____ moves to recommit the bill, H.R. 2768, to the Committee on Education and Labor with instructions to report the bill back to the House promptly with the following amendment:

Page 22, after line 22, insert the following:

1 (n) SUBSTANCE ABUSE TESTING.—Title II is further
2 amended by adding at the end the following new section:

3 **“SEC. 208. SUBSTANCE ABUSE TESTING.**

4 “(a) TESTING PROGRAM.—Not later than 180 days
5 after the date of enactment of the S-MINER Act, the Sec-
6 retary shall promulgate regulations pursuant to section
7 101(a) to require the operator of each mine to institute
8 a program to conduct mandatory, random substance abuse
9 testing of mine employees. Such regulations shall be no
10 less restrictive than regulations issued by other Federal
11 and State agencies which impose mandatory substance
12 abuse testing and shall provide for—

13 “(1) mandatory substance abuse testing proce-
14 dures;

1 “(2) a process for the random selection of those
2 employees to be tested;

3 “(3) the protection of individuals’ rights and
4 privacy;

5 “(4) the establishment of an Employee Assist-
6 ance Program; and

7 “(5) for purposes of subsection (b), a process
8 for mine operators to notify the Administration of
9 the names of individuals who test positive for sub-
10 stance abuse.

11 “(b) REGISTRY.—Not later than 180 days after the
12 date of enactment of the S-MINER Act, the Secretary
13 shall promulgate regulations creating a registry of those
14 found to have tested positive for substance abuse for the
15 sole purpose of sharing, on a confidential basis, with State
16 authorities responsible for issuance of licenses, certifi-
17 cation, permits, or other documents required to seek em-
18 ployment in the mining industry.”.