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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

April 29, 2026

VIA ELECTRONIC TRANSMISSION

The Honorable Sean P. Duffy
Secretary
Department of Transportation

The Honorable Derek D. Barrs
Administrator
Federal Motor Carrier Safety Administration

Dear Secretary Duffy and Administrator Barrs:

Department of Transportation (DOT) regulations require commercial motor vehicle drivers with a drug and alcohol program violation to enroll in DOT's Return-to-Duty (RTD) program.¹ Once enrolled in the RTD program, a substance abuse professional (SAP) creates a mandatory treatment and education plan that a driver must complete before he or she can return to the road.²

In order to qualify as a SAP, DOT regulations require individuals to hold at least one of six qualifying credentials, such as a license to practice as a physician, psychologist, or social worker.³ Furthermore, SAPs must also meet additional requirements, including clinical experience in diagnosing and treating substance abuse disorders, complete a 12-hour DOT qualification training program, pass a nationally administered examination, complete 12 hours of continuing education every three years, and maintain documentation of their qualifications.⁴

FMCSA makes clear that "[t]he DOT does not certify, license, or approve individual SAPs."⁵ According to FMCSA's website, individuals are permitted to self-certify they hold the necessary credentials to serve as a SAP by simply clicking a box to confirm the information they provided is accurate and truthful.⁶ I write to you concerning reports that FMCSA lacks adequate oversight mechanisms to verify the accuracy of self-certifications and allegations that fraudulent SAPs have abused the self-certification system.⁷

¹ Federal Motor Carrier Safety Administration, *Driver resource on the return-to-duty process* *New Resource Outlines the Clearinghouse Return-to-Duty Process for CDL Drivers*, (Jun. 27, 2023), <https://clearinghouse.fmcsa.dot.gov/Learn/News/Item/driver-RTD-insert>.

² Saplist, *The DOT Return-To-Duty Process*, (last visited Apr. 1, 2026), <https://www.saplist.com/for-employees/return-to-duty-process/>.

³ 49 C.F.R. § 40.281 (2023).

⁴ *Id.*

⁵ Federal Motor Carrier Safety Administration, FMCSA Registration, Commercial Drivers License, *Under the DOT rules, must an SAP be certified by the DOT in order to perform SAP functions?*, (Apr. 6, 2026), <https://www.fmcsa.dot.gov/registration/commercial-drivers-license/under-dot-rules-must-sap-be-certified-dot-order-perform-sap>.

⁶ Federal Motor Carrier Safety Administration, *Registration: SAP*, <https://clearinghouse.fmcsa.dot.gov/Resource/Index/Registration-SAP-Instructions>, (last visited Apr. 1, 2026).

⁷ Rob Carpenter, *Clearinghouse fraud putting drugged drivers back on the road*, FREIGHTWAVES, (Mar. 25, 2026),

<https://www.freightwaves.com/news/clearinghouse-fraud-putting-drugged-drivers-back-on-the-road>; Rob Carpenter, *1 in 85: The cocaine-positive truck driver turned pretend SAP cleared 1,000 drug violations*, FREIGHTWAVES, (Mar. 20, 2026), <https://www.freightwaves.com/news/1-in-85-the-cocaine-positive-truck-driver-turned-pretend-sap-cleared-1000-drug-violations>.

According to reports, fraudulent SAPs are allegedly offering drivers the ability to clear their federal violations for a one-time fee rather than going through the RTD program.⁸ In effect, these fraudsters make it appear as though drivers with substance abuse violations finished the legally mandated recovery process without having done so.⁹ Further, recent reports have indicated that fraudsters operate through a network that actively recruits from its own customer base.¹⁰ I write today, in part, to determine the accuracy of the reporting.

So that Congress may conduct oversight of this important matter, please respond to the following requests no later than May 13, 2026:

1. Are the reports of fraud in the RTD and SAP programs accurate?
2. Has DOT investigated the allegations that drivers were cleared by fraudulent SAPs? If so, what were the results? If not, why not?
3. Has FMCSA investigated allegations that the self-certification system has been exploited by fraudsters? If so, what were the results? If not, why not?
4. What steps has FMCSA taken to coordinate with state licensing officials to verify the information submitted on the SAP registration? Describe in detail. If none, please explain why.
5. Public reporting shows that SAPs are allegedly entering completed drug tests when no test has occurred.¹¹ Is this accurate? If so, what steps have you taken to fix this problem?
6. What will happen to drivers who were approved by fraudulent SAPs? Describe in detail.

Thank you for your prompt attention to this matter. Should you have any questions, please contact Matthew Roither on my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ Rob Carpenter, *Clearinghouse fraud putting drugged drivers back on the road*, FREIGHTWAVES, (Mar. 25, 2026), <https://www.freightwaves.com/news/clearinghouse-fraud-putting-drugged-drivers-back-on-the-road>; Rob Carpenter, *1 in 85: The cocaine-positive truck driver turned pretend SAP cleared 1,000 drug violations*, FREIGHTWAVES, (Mar. 20, 2026), <https://www.freightwaves.com/news/1-in-85-the-cocaine-positive-truck-driver-turned-pretend-sap-cleared-1000-drug-violations>.