

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3356
OFFERED BY MR. GRAVES OF LOUISIANA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Motor Carrier Safety
3 Screening Modernization Act”.

4 SEC. 2. SAFETY PERFORMANCE HISTORY SCREENING.

5 Section 31150 of title 49, United States Code, is
6 amended—

7 (1) in subsection (a) by inserting “and employ-
8 ment” after “preemployment” ;

9 (2) in subsection (b)—

10 (A) in paragraph (2) by inserting “oper-
11 ator or” before “operator-applicant’s”; and

12 (B) by inserting “operator or” before “op-
13 erator-applicant” each place it appears; and

14 (3) in subsection (c)—

15 (A) by inserting “or employment” after
16 “preemployment” each place it appears; and

17 (B) by inserting “operator or” before “op-
18 erator-applicant”.

1 **SEC. 3. DATAQ IMPROVEMENT.**

2 Section 31150 of title 49, United States Code, is
3 amended—

4 (1) by redesignating subsection (d) as sub-
5 section (f); and

6 (2) by inserting after subsection (c) the fol-
7 lowing:

8 “(d) DATA SUBJECT TO REVIEW.—Not later than 1
9 year after the date of enactment of the Motor Carrier
10 Safety Screening Modernization Act, the Secretary shall
11 ensure that during any period in which a safety violation
12 is being contested, the report on such violation is labeled
13 in a manner that indicates such violation is being con-
14 tested in the Motor Carrier Management Information Sys-
15 tem and in any other relevant databases, including the
16 Employment Screening Program, the Safety Measurement
17 System, and Analysis and Information Online, until the
18 review of the contested violation is complete.

19 “(e) DATAQ APPEALS PROCESS.—Not later than 1
20 year after the date of enactment of the Motor Carrier
21 Safety Screening Modernization Act, the Secretary shall
22 promulgate DataQ program participation guidelines that
23 direct States and other Federal agencies receiving funds
24 under the Motor Carrier Safety Assistance Program to
25 provide for an appeals process by which—

1 “(1) following the conclusion of a request for
2 data review, an affected party may appeal the dis-
3 position of such review;

4 “(2) an appeal of such disposition is adju-
5 dicated in a reasonable period of time by a person
6 or persons other than the person that issued the vio-
7 lation.”.

