

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2
OFFERED BY MR. LOWENTHAL OF CALIFORNIA**

Page 659, after line 20, insert the following:

1 **SEC. ____ . SCREENING FOR OBSTRUCTIVE SLEEP APNEA.**

2 (a) IN GENERAL.—Not later than 6 months after the
3 date of enactment of this Act, the Secretary of Transpor-
4 tation shall—

5 (1) assess the risk posed by untreated obstruc-
6 tive sleep apnea in drivers of commercial motor vehi-
7 cles and the feasibility, benefits, and costs associated
8 with establishing screening criteria for obstructive
9 sleep apnea in drivers of commercial motor vehicles;

10 (2) issue a notice in the Federal Register con-
11 taining the independently peer-reviewed findings of
12 the assessment required under paragraph (1) not
13 later than 30 days after completion of the assess-
14 ment and provide an opportunity for public com-
15 ment; and

16 (3) if the Secretary contracts with an inde-
17 pendent third party to conduct the assessment re-
18 quired under paragraph (1), ensure that the inde-
19 pendent third party shall not have any financial or

1 contractual ties or relationship with a motor carrier
2 that transports passengers or property for com-
3 pensation, the motor carrier industry, or driver ad-
4 vocacy organizations.

5 (b) SCREENING CRITERIA.—

6 (1) IN GENERAL.—Not later than 12 months
7 after the date of enactment of this Act, the Sec-
8 retary shall publish in the Federal Register a pro-
9 posed rule to establish screening criteria for obstruc-
10 tive sleep apnea in commercial motor vehicle drivers
11 and provide an opportunity for public comment.

12 (2) FINAL RULE.—Not later than 2 years after
13 the date of enactment of this Act, the Secretary
14 shall issue a final rule to establish screening criteria
15 for obstructive sleep apnea in commercial motor ve-
16 hicle drivers.

17 (c) DEFINITIONS.—In this section:

18 (1) COMMERCIAL MOTOR VEHICLE.—The term
19 “commercial motor vehicle” has the meaning given
20 such term in section 31132 of title 49, United
21 States Code.

22 (2) MOTOR CARRIER.—The term “motor car-
23 rier” has the meaning given such term in section
24 13102 of title 49, United States Code.

