

107TH CONGRESS
2D SESSION

S. 2971

To amend the Transportation Equity Act for the 21st Century to provide from the Highway Trust Fund additional funding for Indian reservation roads, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 2002

Mr. BINGAMAN introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To amend the Transportation Equity Act for the 21st Century to provide from the Highway Trust Fund additional funding for Indian reservation roads, 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 “Tribal Transportation
5 Program Improvement Act of 2002”.

6 **SEC. 2. INDIAN RESERVATION ROADS.**

7 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
8 1101(a)(8)(A) of the Transportation Equity Act for the

1 21st Century (112 Stat. 112) is amended by striking “of
 2 such title” and all that follows and inserting “of that
 3 title—

4 “(i) \$225,000,000 for fiscal year
 5 1998;

6 “(ii) \$275,000,000 for each of fiscal
 7 years 1999 through 2003;

8 “(iii) \$350,000,000 for fiscal year
 9 2004;

10 “(iv) \$425,000,000 for fiscal year
 11 2005; and

12 “(v) \$500,000,000 for each of fiscal
 13 years 2006 through 2009.”.

14 (b) OBLIGATION CEILING.—Section 1102(c)(1) of the
 15 Transportation Equity Act for the 21st Century (23
 16 U.S.C. 104 note; 112 Stat. 116) is amended—

17 (1) by striking “distribute obligation” and in-
 18 serting the following: “distribute—

19 “(A) obligation”;

20 (2) by inserting “and” after the semicolon at
 21 the end; and

22 (3) by adding at the end the following:

23 “(B) for any fiscal year after fiscal year
 24 2003, any amount of obligation authority made
 25 available for Indian reservation road bridges

1 under section 202(d)(4), and for Indian res-
 2 ervation roads under section 204, of title 23,
 3 United States Code;”.

4 (c) ADDITIONAL AUTHORIZATION OF CONTRACT AU-
 5 THORITY FOR STATES WITH INDIAN RESERVATIONS.—
 6 Section 1214(d)(5)(A) of the Transportation Equity Act
 7 for the 21st Century (23 U.S.C. 202 note; 112 Stat. 206)
 8 is amended by inserting before the period at the end the
 9 following: “, \$3,000,000 for each of fiscal years 2004 and
 10 2005, \$4,000,000 for each of fiscal years 2006 and 2007,
 11 and \$5,000,000 for each of fiscal years 2008 and 2009”.

12 (d) INDIAN RESERVATION ROAD BRIDGES.—Section
 13 202(d)(4) of title 23, United States Code, is amended—
 14 (1) in subparagraph (B)—

15 (A) by striking “(B) RESERVATION.—Of
 16 the amounts” and all that follows through “to
 17 replace,” and inserting the following:

18 “(B) FUNDING.—

19 “(i) RESERVATION OF FUNDS.—Not-
 20 withstanding any other provision of law,
 21 there is authorized to be appropriated from
 22 the Highway Trust Fund \$15,000,000 for
 23 each of fiscal years 2004 through 2009 to
 24 carry out planning, design, engineering,

construction, and inspection of projects to
replace,”; and

(B) by adding at the end the following:

“(ii) AVAILABILITY.—Funds made
available to carry out this subparagraph
shall be available for obligation in the same
manner as if the funds were apportioned
under chapter 1.”; and

(2) in subparagraph (D)—

(A) by striking “(D) APPROVAL REQUIRE-
MENT.—” and inserting the following:

“(D) APPROVAL AND NEED REQUIRE-
MENTS.—”; and

(B) by striking “only on approval of the
plans, specifications, and estimates by the Sec-
retary.” and inserting “only—

“(i) on approval by the Secretary of
plans, specifications, and estimates relating
to the projects; and

“(ii) in amounts directly proportional
to the actual need of each Indian reserva-
tion, as determined by the Secretary based
on the number of deficient bridges on each
reservation and the projected cost of reha-
bilitation of those bridges.”.

1 (e) FAIR AND EQUITABLE DISTRIBUTION.—Section
 2 202(d) of title 23, United States Code, is amended by add-
 3 ing at the end the following:

4 “(5) FAIR AND EQUITABLE DISTRIBUTION.—To
 5 ensure that the distribution of funds to an Indian
 6 tribe under this subsection is fair, equitable, and
 7 based on valid transportation needs of the Indian
 8 tribe, the Secretary shall—

9 “(A) verify the existence, as of the date of
 10 the distribution, of all roads that are part of
 11 the Indian reservation road system; and

12 “(B) distribute funds based only on those
 13 roads.”.

14 (f) INDIAN RESERVATION ROADS PLANNING.—Sec-
 15 tion 204(j) of title 23, United States Code, is amended
 16 in the first sentence by striking “2 percent” and inserting
 17 “4 percent”.

18 **SEC. 3. INDIAN RESERVATION RURAL TRANSIT PROGRAM.**

19 Section 5311 of title 49, United States Code, is
 20 amended by adding at the end the following:

21 “(k) INDIAN RESERVATION RURAL TRANSIT PRO-
 22 GRAM.—

23 “(1) DEFINITION OF INDIAN TRIBE.—In this
 24 subsection, the term ‘Indian tribe’ has the meaning
 25 given the term in section 4 of the Indian Self-Deter-

1 mination and Education Assistance Act (25 U.S.C.
2 450b).

3 “(2) PROGRAM.—

4 “(A) IN GENERAL.—The Secretary of
5 Transportation shall establish and carry out a
6 program to provide competitive grants to Indian
7 tribes to establish rural transit programs on
8 reservations or other land under the jurisdiction
9 of the Indian tribes.

10 “(B) AMOUNT OF GRANTS.—The amount
11 of a grant provided to an Indian tribe under
12 subparagraph (A) shall be based on the need of
13 the Indian tribe, as determined by the Sec-
14 retary of Transportation.

15 “(3) FUNDING.—Notwithstanding any other
16 provision of law, for each fiscal year, of the amount
17 made available to carry out this section under sec-
18 tion 5338 for the fiscal year, the Secretary of Trans-
19 portation shall use \$20,000,000 to carry out this
20 subsection.”.

21 **SEC. 4. SENSE OF CONGRESS REGARDING INDIAN RES-**
22 **ERVATION ROADS.**

23 (a) FINDINGS.—Congress finds that—

1 (1) the maintenance of roads on Indian reserva-
2 tions is a responsibility of the Bureau of Indian Af-
3 fairs;

4 (2) amounts made available by the Federal
5 Government as of the date of enactment of this Act
6 for maintenance of roads on Indian reservations
7 under section 204(c) of title 23, United States Code,
8 comprise only 30 percent of the annual amount of
9 funding needed for maintenance of roads on Indian
10 reservations in the United States; and

11 (3) any amounts made available for construc-
12 tion of roads on Indian reservations will be wasted
13 if those roads are not properly maintained.

14 (b) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that Congress should annually provide to the Bureau
16 of Indian Affairs such funding as is necessary to carry
17 out all maintenance of roads on Indian reservations in the
18 United States.

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