

Calendar No. 284

108TH CONGRESS
1ST SESSION

S. 281

[Report No. 108–150]

To amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes, to provide for training and technical assistance to Native Americans who are interested in commercial vehicle driving careers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 2003

Mr. CAMPBELL (for himself, Mr. INOUE, and Mr. DOMENICI) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

SEPTEMBER 22, 2003

Reported by Mr. CAMPBELL, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes, to provide for training and technical assistance to Native Americans who are interested in commercial vehicle driving careers, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Indian Tribal Surface Transportation Improvement Act
 4 of 2003”.

5 (b) **TABLE OF CONTENTS.**—The table of contents of
 6 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INDIAN TRIBAL SURFACE TRANSPORTATION

Sec. 101. Short title.

Sec. 102. Amendments relating to Indian tribes.

**TITLE II—TRAINING AND TECHNICAL ASSISTANCE FOR NATIVE
 AMERICANS**

Sec. 201. Short title.

Sec. 202. Purposes.

Sec. 203. Definitions.

Sec. 204. Commercial vehicle driving training program.

7 **TITLE I—INDIAN TRIBAL**
 8 **SURFACE TRANSPORTATION**

9 **SEC. 101. SHORT TITLE.**

10 This title may be cited as the “Indian Tribal Surface
 11 Transportation Act of 2003”.

12 **SEC. 102. AMENDMENTS RELATING TO INDIAN TRIBES.**

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

16 (1) by striking “Code, and” and inserting
 17 “Code,”; and

18 (2) by inserting before the semicolon the fol-
 19 lowing: “, and for each of fiscal years 2003 and

1 2004, amounts authorized for Indian reservation
 2 roads under section 204 of title 23, United States
 3 Code”.

4 (b) DEMONSTRATION PROJECT.—Section 202(d)(3)
 5 of title 23, United States Code, is amended by adding at
 6 the end the following:

7 “(C) FEDERAL LANDS HIGHWAY PROGRAM
 8 DEMONSTRATION PROJECT.—

9 “(i) IN GENERAL.—The Secretary
 10 shall establish a demonstration project
 11 under which all funds made available
 12 under this title for Indian reservation
 13 roads and for highway bridges located on
 14 Indian reservation roads as provided for in
 15 subparagraph (A) shall be made available;
 16 on the request of an affected Indian tribal
 17 government, to the Indian tribal govern-
 18 ment for use in carrying out, in accordance
 19 with the Indian Self-Determination and
 20 Education Assistance Act (25 U.S.C. 450
 21 et seq.); contracts and agreements for the
 22 planning, research, engineering, and con-
 23 struction described in that subparagraph.

24 “(ii) EXCLUSION OF AGENCY PARTICI-
 25 PATION.—In accordance with subpara-

graph (B), all funds for Indian reservation roads and for highway bridges located on Indian reservation roads to which clause (i) applies shall be paid without regard to the organizational level at which the Federal lands highway program has previously carried out the programs, functions, services, or activities involved.

“(iii) SELECTION OF PARTICIPATING TRIBES.—

“(I) PARTICIPANTS.—

“(aa) IN GENERAL.—For each fiscal year, the Secretary shall select 12 geographically diverse Indian tribes from the applicant pool described in subclause (II) to participate in the demonstration project carried out under clause (i).

“(bb) CONSORTIA.—Two or more Indian tribes that are otherwise eligible to participate in a program or activity to which this title applies may form a consortium to be considered as a single

1 tribe for the purpose of becoming
 2 part of the applicant pool under
 3 subelause (H).

4 “(cc) FUNDING.—An Indian
 5 tribe participating in the pilot
 6 program under this subpara-
 7 graph shall receive funding in an
 8 amount equal to the sum of the
 9 funding that the Indian tribe
 10 would otherwise receive in ac-
 11 cordance with the funding for-
 12 mula established under the other
 13 provisions of this subsection, and
 14 an additional percentage of that
 15 amount equal to the percentage
 16 of funds withheld during the ap-
 17 plicable fiscal year for the road
 18 program management costs of
 19 the Bureau of Indian Affairs
 20 under subsection (f)(1).

21 “(H) APPLICANT POOL.—The ap-
 22 plicant pool described in this sub-
 23 clause shall consist of each Indian
 24 tribe (or consortium) that—

1 “(aa) has successfully com-
 2 pleted the planning phase de-
 3 scribed in subclause (III);

4 “(bb) has requested partici-
 5 pation in the demonstration
 6 project under this subparagraph
 7 through the adoption of a resolu-
 8 tion or other official action by
 9 the tribal governing body; and

10 “(cc) has demonstrated fi-
 11 nancial stability and financial
 12 management capability in accord-
 13 ance with subclause (III) during
 14 the 3-fiscal year period imme-
 15 diately preceding the fiscal year
 16 for which participation under this
 17 subparagraph is being requested.

18 “(III) CRITERIA FOR DETER-
 19 MINING FINANCIAL STABILITY AND FI-
 20 NANCIAL MANAGEMENT CAPACITY.—
 21 For the purpose of subclause (II), evi-
 22 dence that, during the 3-year period
 23 referred to in subclause (II)(cc), an
 24 Indian tribe had no uncorrected sig-
 25 nificant and material audit exceptions

1 in the required annual audit of the In-
 2 dian tribe's self-determination con-
 3 tracts or self-governance funding
 4 agreements with any Federal agency
 5 shall be conclusive evidence of the re-
 6 quired stability and capability.

7 “(IV) PLANNING PHASE.—

8 “(aa) IN GENERAL.—An In-
 9 dian tribe (or consortium) re-
 10 questing participation in the
 11 demonstration project under this
 12 subparagraph shall complete a
 13 planning phase that shall include
 14 legal and budgetary research and
 15 internal tribal government and
 16 organization preparation.

17 “(bb) ELIGIBILITY.—A tribe
 18 (or consortium) described in item
 19 (aa) shall be eligible to receive a
 20 grant under this subclause to
 21 plan and negotiate participation
 22 in a project described in that
 23 item.”.

1 (e) ADMINISTRATION.—Section 202 of title 23,
 2 United States Code, is amended by adding at the end the
 3 following:

4 “(f) ADMINISTRATION OF INDIAN RESERVATION
 5 ROADS.—

6 “(1) CONTRACT AUTHORITY.—

7 “(A) IN GENERAL.—Notwithstanding any
 8 other provision of law, for any fiscal year, not
 9 more than 6 percent of the contract authority
 10 amounts made available from the Highway
 11 Trust Fund to the Bureau of Indian Affairs
 12 under this title shall be used to pay the admin-
 13 istrative expenses of the Bureau for the Indian
 14 reservation roads program (including the ad-
 15 ministrative expenses relating to individual
 16 projects that are associated with the program):

17 “(B) AVAILABILITY.—Amounts made
 18 available to pay administrative expenses under
 19 subparagraph (A) shall be made available to an
 20 Indian tribal government, on the request of the
 21 government, to be used for the associated ad-
 22 ministrative functions assumed by the Indian
 23 tribe under contracts and agreements entered
 24 into under the Indian Self-Determination and

1 Education Assistance Act (25 U.S.C. 450 et
2 seq.):

3 ~~“(2) HEALTH AND SAFETY ASSURANCES.—Not-~~
4 ~~withstanding any other provision of law, an Indian~~
5 ~~tribe or tribal organization may commence road and~~
6 ~~bridge construction under the Transportation Equity~~
7 ~~Act for the 21st Century (Public Law 105–178) that~~
8 ~~is funded through a contract or agreement under the~~
9 ~~Indian Self-Determination and Education Assistance~~
10 ~~Act (25 U.S.C. 450 et seq.) if the Indian tribe or~~
11 ~~tribal organization has—~~

12 ~~“(A) provided assurances in the contract~~
13 ~~or agreement that the construction will meet or~~
14 ~~exceed proper health and safety standards;~~

15 ~~“(B) obtained the advance review of the~~
16 ~~plans and specifications from a licensed profes-~~
17 ~~sional who has certified that the plans and~~
18 ~~specifications meet or exceed the proper health~~
19 ~~and safety standards; and~~

20 ~~“(C) provided a copy of the certification~~
21 ~~under subparagraph (B) to the Director of the~~
22 ~~Bureau of Indian Affairs.~~

23 ~~“(g) SAFETY INCENTIVE GRANTS.—~~

24 ~~“(1) SEAT BELT SAFETY INCENTIVE GRANT~~
25 ~~ELIGIBILITY.—Notwithstanding any other provision~~

1 of law, an Indian tribe that is eligible to participate
 2 in the Indian reservation roads program under sub-
 3 section (d) shall be deemed to be a State for the
 4 purpose of being eligible for safety incentive alloca-
 5 tions under section 157 to assist Indian communities
 6 in developing innovative programs to promote in-
 7 creased seat belt use rates.

8 “(2) INTOXICATED DRIVER SAFETY INCENTIVE
 9 GRANT ELIGIBILITY.—Notwithstanding any other
 10 provision of law, an Indian tribe that is eligible to
 11 participate in the Indian reservation roads program
 12 under subsection (d) shall be deemed to be a State
 13 for the purpose of being eligible for safety incentive
 14 grants under section 163 to assist Indian commu-
 15 nities in the prevention of the operation of motor ve-
 16 hicles by intoxicated persons.

17 “(3) FUNDING PROCEDURES AND ELIGIBILITY
 18 CRITERIA.—

19 “(A) IN GENERAL.—The Secretary, in con-
 20 sultation with Indian tribal governments, may
 21 develop funding procedures and eligibility cri-
 22 teria applicable to Indian tribes with respect to
 23 allocations or grants described in paragraphs
 24 (1) and (2).

1 “(B) PUBLICATION.—The Secretary shall
 2 ensure that procedures or criteria developed
 3 under subparagraph (A) are published annually
 4 in the Federal Register.”.

5 **TITLE II—TRAINING AND TECH-**
 6 **NICAL ASSISTANCE FOR NA-**
 7 **TIVE AMERICANS**

8 **SEC. 201. SHORT TITLE.**

9 This title may be cited as the “Native American Com-
 10 mercial Driving Training and Technical Assistance Act”.

11 **SEC. 202. PURPOSES.**

12 The purposes of this title are—

13 (1) to foster and promote job creation and eco-
 14 nomic opportunities for Native Americans; and

15 (2) to provide education, technical, and training
 16 assistance to Native Americans who are interested in
 17 commercial vehicle driving careers.

18 **SEC. 203. DEFINITIONS.**

19 In this title:

20 (1) **COMMERCIAL VEHICLE DRIVING.**—The term
 21 “commercial vehicle driving” means the driving of—

22 (A) a vehicle that is a tractor-trailer truck;

23 or

1 ~~(B) any other vehicle (such as a bus or a~~
 2 ~~vehicle used for the purpose of construction) the~~
 3 ~~driving of which requires a commercial license.~~

4 ~~(2) INDIAN TRIBE.—The term “Indian tribe”~~
 5 ~~has the meaning given the term in section 4 of the~~
 6 ~~Indian Self-Determination and Education Assistance~~
 7 ~~Act (25 U.S.C. 450b).~~

8 ~~(3) NATIVE AMERICAN.—The term “Native~~
 9 ~~American” means an individual who is a member~~
 10 ~~of—~~

11 ~~(A) an Indian tribe; or~~

12 ~~(B) any people or culture that is indige-~~
 13 ~~nous to the United States, as determined by the~~
 14 ~~Secretary.~~

15 ~~(4) SECRETARY.—The term “Secretary” means~~
 16 ~~the Secretary of Labor.~~

17 **SEC. 204. COMMERCIAL VEHICLE DRIVING TRAINING PRO-**
 18 **GRAM.**

19 ~~(a) GRANTS.—The Secretary may provide grants, on~~
 20 ~~a competitive basis, to entities described in subsection (b)~~
 21 ~~to support programs providing training and certificates~~
 22 ~~leading to the licensing of Native Americans with respect~~
 23 ~~to commercial vehicle driving.~~

24 ~~(b) ELIGIBILITY.—To be eligible to receive a grant~~
 25 ~~under subsection (a), an entity shall—~~

1 (1) be a tribal college or university (as defined
2 in section 316(b)(3) of the Higher Education Act
3 (20 U.S.C. 1059(b)(3)); and

4 (2) prepare and submit to the Secretary an ap-
5 plication at such time, in such manner, and con-
6 taining such information as the Secretary may re-
7 quire.

8 (c) ~~PRIORITY.~~—In providing grants under subsection
9 (a), the Secretary shall give priority to grant applications
10 that—

11 (1) propose training that exceeds proposed min-
12 imum standards for training tractor-trailer drivers
13 of the Department of Transportation;

14 (2) propose training that exceeds the entry level
15 truck driver certification standards set by the Pro-
16 fessional Truck Driver Institute; and

17 (3) propose an education partnership with a
18 private trucking firm, trucking association, or simi-
19 lar entity in order to ensure the effectiveness of the
20 grant program under this section.

21 (d) ~~AUTHORIZATION OF APPROPRIATIONS.~~—There
22 are authorized to be appropriated such sums as are nec-
23 essary to carry out this title.

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) *SHORT TITLE.*—*This Act may be cited as the “In-*
 3 *dian Tribal Surface Transportation Improvement Act of*
 4 *2003”.*

5 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
 6 *Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Funding for Indian reservation roads program.

Sec. 4. Obligation ceiling.

Sec. 5. Tribal contracting demonstration project.

Sec. 6. Indian reservation bridge program and road program administration.

Sec. 7. Indian reservation road planning.

Sec. 8. Tribal-State road maintenance agreements.

Sec. 9. Alaska Native village transportation program.

Sec. 10. Indian reservation road safety program.

Sec. 11. Indian reservation rural transit program.

Sec. 12. Commercial vehicle driving training program.

7 **SEC. 2. DEFINITIONS.**

8 Section 101(a) of title 23, United States Code, is
 9 amended—

10 (1) by redesignating paragraphs (12), (13)
 11 *through (35), (36), and (37) as paragraphs (14), (16)*
 12 *through (38), (40), and (41), respectively;*

13 (2) by inserting after paragraph (11) the fol-
 14 *lowing:*

15 “(12) *INDIAN LAND.*—*The term ‘Indian land’*
 16 *means—*

17 “(A) *any land located within the bound-*
 18 *aries of an Indian reservation, pueblo, or*
 19 *rancheria;*

1 “(B) any land not located within the
2 boundaries of an Indian reservation, pueblo, or
3 rancheria, the title to which is held—

4 “(i) in trust by the United States for
5 the benefit of an Indian tribe;

6 “(ii) by an Indian tribe, subject to re-
7 striction by the United States against alien-
8 ation; or

9 “(iii) by a dependent Indian commu-
10 nity; and

11 “(C) land conveyed as part of an original
12 conveyance to a Native Corporation in accord-
13 ance with the Alaska Native Claims Settlement
14 Act (43 U.S.C. 1601 et seq.).

15 “(13) INDIAN RESERVATION.—The term ‘Indian
16 reservation’ includes—

17 “(A) an Indian reservation in existence as
18 of the date of enactment of the Indian Tribal
19 Surface Transportation Improvement Act of
20 2003;

21 “(B) a public domain Indian allotment;

22 “(C) a former reservation in the State of
23 Oklahoma;

24 “(D) a parcel of land conveyed as part of
25 an original conveyance to a Native Corporation

1 *in accordance with the Alaska Native Claims*
 2 *Settlement Act (43 U.S.C. 1601 et seq.); and*

3 “(E) a dependent Indian community lo-
 4 cated within the borders of the United States, re-
 5 gardless of whether the community is located—

6 “(i) on original or acquired territory
 7 of the community; or

8 “(ii) within or outside the boundaries
 9 of any particular State.”;

10 (3) by inserting after paragraph (14) (as redes-
 11 ignated by paragraph (1)) the following:

12 “(15) INDIAN TRIBE.—The term ‘Indian tribe’
 13 has the meaning given the term in section 4 of the In-
 14 dian Self-Determination and Education Assistance
 15 Act (25 U.S.C. 450b).”; and

16 (4) by inserting after paragraph (38) (as redes-
 17 ignated by paragraph (1)) the following:

18 “(39) TRIBAL TRANSPORTATION FACILITY.—The
 19 term ‘tribal transportation facility’ means any trans-
 20 portation-related project, facility, or physical infra-
 21 structure for an Indian tribe that is funded under
 22 this title.”.

1 **SEC. 3. FUNDING FOR INDIAN RESERVATION ROADS PRO-**
 2 **GRAM.**

3 *Section 1101(a)(8) of the Transportation Equity Act*
 4 *for the 21st Century (112 Stat. 112) is amended by striking*
 5 *subparagraph (A) and inserting the following:*

6 “(A) *INDIAN RESERVATION ROADS.*—

7 “(i) *IN GENERAL.*—*Subject to clause*
 8 *(ii), for Indian reservation roads under sec-*
 9 *tion 204 of that title—*

10 “(I) *\$330,000,000 for each of fis-*
 11 *cal years 2004 through 2005;*

12 “(II) *\$425,000,000 for each of fis-*
 13 *cal years 2006 through 2007; and*

14 “(III) *\$550,000,000 for each of*
 15 *fiscal years 2008 through 2009.*

16 “(ii) *MAINTENANCE.*—*Of the amounts*
 17 *made available for each fiscal year under*
 18 *clause (i), not less than \$50,000,000 shall be*
 19 *used—*

20 “(I) *to maintain roads on Indian*
 21 *land; and*

22 “(II) *to maintain tribal transpor-*
 23 *tation facilities serving Indian commu-*
 24 *nities.”.*

1 **SEC. 4. OBLIGATION CEILING.**

2 *Section 1102(c)(1) of the Transportation Equity Act*
 3 *for the 21st Century (23 U.S.C. 104 note; 112 Stat. 116)*
 4 *is amended—*

5 *(1) by striking “distribute obligation” and in-*
 6 *serting the following: “distribute—*

7 *“(A) obligation”;*

8 *(2) by inserting “and” after the semicolon at the*
 9 *end; and*

10 *(3) by adding at the end of the following:*

11 *“(B) for each of fiscal years 2004 through*
 12 *2009, any amount of obligation authority made*
 13 *available for Indian reservation road bridges*
 14 *under section 202(d)(4), and for Indian reserva-*
 15 *tion roads under section 204, of title 23, United*
 16 *States Code.”.*

17 **SEC. 5. TRIBAL CONTRACTING DEMONSTRATION PROJECT.**

18 *Section 202(d)(3) of title 23, United States Code, is*
 19 *amended by adding at the end the following:*

20 *“(C) FEDERAL LANDS HIGHWAY PROGRAM*
 21 *DEMONSTRATION PROJECT.—*

22 *“(i) IN GENERAL.—The Secretary shall*
 23 *establish a demonstration project under*
 24 *which all funds made available under this*
 25 *chapter for Indian reservation roads and*
 26 *for highway bridges located on Indian res-*

1 *ervation roads as provided for in subpara-*
 2 *graph (A) shall be made available, on the*
 3 *request of an affected Indian tribal govern-*
 4 *ment, to the Indian tribal government for*
 5 *use in carrying out, in accordance with the*
 6 *Indian Self-Determination and Education*
 7 *Assistance Act (25 U.S.C. 450b et seq.), con-*
 8 *tracts and agreements for the planning, re-*
 9 *search, engineering, and construction de-*
 10 *scribed in that subparagraph.*

11 “(ii) *EXCLUSION OF AGENCY PARTICI-*
 12 *PATION.—In accordance with subparagraph*
 13 *(B), all funds for Indian reservation roads*
 14 *and for highway bridges located on Indian*
 15 *reservation roads to which clause (i) applies*
 16 *shall be paid without regard to the organi-*
 17 *zational level at which the Federal lands*
 18 *highway program has previously carried*
 19 *out the programs, functions, services, or ac-*
 20 *tivities involved.*

21 “(iii) *SELECTION OF PARTICIPATING*
 22 *TRIBES.—*

23 “(I) *PARTICIPANTS.—*

24 “(aa) *IN GENERAL.—In ad-*
 25 *dition to those Indian tribes or*

1 *tribal organizations already con-*
2 *tracting or compacting for any*
3 *Indian reservation road function*
4 *or program, for each fiscal year,*
5 *the Secretary may select up to 15*
6 *Indian tribes from the applicant*
7 *pool described in subclause (II) to*
8 *participate in the demonstration*
9 *project carried out under clause*
10 *(i).*

11 “(bb) *CONSORTIA.*—*Two or*
12 *more Indian tribes that are other-*
13 *wise eligible to participate in a*
14 *program or activity to which this*
15 *title applies may form a consor-*
16 *tium to be considered as a single*
17 *Indian tribe for the purpose of be-*
18 *coming part of the applicant pool*
19 *under subclause (II).*

20 “(cc) *FUNDING.*—*An Indian*
21 *tribe participating in the pilot*
22 *program under this subparagraph*
23 *shall receive funding in an*
24 *amount equal to the sum of the*
25 *funding that the Indian tribe*

1 *would otherwise receive in accord-*
2 *ance with the funding formula es-*
3 *tablished under the other provi-*
4 *sions of this subsection, and an*
5 *additional percentage of that*
6 *amount equal to the percentage of*
7 *funds withheld during the appli-*
8 *cable fiscal year for the road pro-*
9 *gram management costs of the*
10 *Bureau of Indian Affairs under*
11 *subsection (f)(1).*

12 “(II) *APPLICANT POOL.*—*The ap-*
13 *plicant pool described in this subclause*
14 *shall consist of each Indian tribe (or*
15 *consortium) that—*

16 “(aa) *has successfully com-*
17 *pleted the planning phase de-*
18 *scribed in subclause (IV);*

19 “(bb) *has requested partici-*
20 *pation in the demonstration*
21 *project under this subparagraph*
22 *through the adoption of a resolu-*
23 *tion or other official action by the*
24 *tribal governing body; and*

1 “(cc) has demonstrated fi-
 2 nancial stability and financial
 3 management capability in accord-
 4 ance with subclause (III) during
 5 the 3-fiscal-year period imme-
 6 diately preceding the fiscal year
 7 for which participation under this
 8 subparagraph is being requested.

9 “(III) CRITERIA FOR DETER-
 10 MINING FINANCIAL STABILITY AND FI-
 11 NANCIAL MANAGEMENT CAPACITY.—For
 12 the purpose of subclause (II), evidence
 13 that, during the 3-year period referred
 14 to in subclause (II)(cc), an Indian
 15 tribe had no uncorrected significant
 16 and material audit exceptions in the
 17 required annual audit of the Indian
 18 tribe’s self-determination contracts or
 19 self-governance funding agreements
 20 with any Federal agency shall be con-
 21 clusive evidence of the required sta-
 22 bility and capability.

23 “(IV) PLANNING PHASE.—

24 “(aa) IN GENERAL.—An In-
 25 dian tribe (or consortium) re-

1 *questing participation in the dem-*
 2 *onstration project under this sub-*
 3 *paragraph shall complete a plan-*
 4 *ning phase that shall include legal*
 5 *and budgetary research and inter-*
 6 *nal tribal government and organi-*
 7 *zation preparation.*

8 “(bb) *ELIGIBILITY.*—A tribe
 9 (or consortium) described in item
 10 (aa) shall be eligible to receive a
 11 grant under this subclause to plan
 12 and negotiate participation in a
 13 project described in that item.

14 “(V) *REPORT TO CONGRESS.*—Not
 15 later than September 30, 2006, the Sec-
 16 retary shall prepare and submit to
 17 Congress a report describing the imple-
 18 mentation of the demonstration project
 19 and any recommendations for improv-
 20 ing the project.”.

21 **SEC. 6. INDIAN RESERVATION BRIDGE PROGRAM AND ROAD**

22 **PROGRAM ADMINISTRATION.**

23 (a) *IN GENERAL.*—Section 202(d)(4)(B) of title 23,
 24 *United States Code, is amended—*

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

“(B) FUNDING.—

“(i) RESERVATION OF FUNDS.—Notwithstanding any other provision of law, there is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) \$15,000,000 for each of fiscal years 2004 through 2009 to carry out planning, design, engineering, preconstruction, construction, and inspection of projects to replace,”; and

(2) by adding at the end the following:

“(ii) AVAILABILITY.—Funds made available to carry out this subparagraph—

“(I) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1; and

“(II) shall not be available to the Bureau of Indian Affairs to pay administrative costs.”.

(b) ADMINISTRATION.—Section 202 of title 23, United States Code, is amended by adding at the end the following:

1 “(f) ADMINISTRATION OF INDIAN RESERVATION
2 ROADS.—

3 “(1) CONTRACT AUTHORITY.—

4 “(A) IN GENERAL.—Notwithstanding any
5 other provision of law, for any fiscal year, not
6 more than 6 percent of the contract authority
7 amounts made available from the Highway
8 Trust Fund to the Bureau of Indian Affairs
9 under this title shall be used to pay the adminis-
10 trative expenses of the Bureau for the Indian res-
11 ervation roads program (including the adminis-
12 trative expenses relating to individual projects
13 that are associated with the program).

14 “(B) AVAILABILITY.—Amounts made avail-
15 able to pay administrative expenses under sub-
16 paragraph (A) shall be made available to an In-
17 dian tribal government, on the request of the gov-
18 ernment, to be used for the associated adminis-
19 trative functions assumed by the Indian tribe
20 under contracts and agreements entered into
21 under the Indian Self-Determination and Edu-
22 cation Assistance Act (25 U.S.C. 450b et seq.).

23 “(2) HEALTH AND SAFETY ASSURANCES.—Not-
24 withstanding any other provision of law, an Indian
25 tribe or tribal organization may commence road and

1 *bridge construction under the Transportation Equity*
 2 *Act for the 21st Century (Public Law 105–178) or its*
 3 *successor Act of Congress that is funded through a*
 4 *contract or agreement under the Indian Self-Deter-*
 5 *mination and Education Assistance Act (25 U.S.C.*
 6 *450b et seq.) if the Indian tribe or tribal organiza-*
 7 *tion—*

8 *“(A) provides assurances in the contract or*
 9 *agreement that the construction will meet or ex-*
 10 *ceed applicable health and safety standards;*

11 *“(B) obtains the advance review of the*
 12 *plans and specifications from a licensed profes-*
 13 *sional that has certified that the plans and speci-*
 14 *fications meet or exceed the applicable health*
 15 *and safety standards; and*

16 *“(C) provides a copy of the certification*
 17 *under subparagraph (B) to the Assistant Sec-*
 18 *retary for Indian Affairs.”.*

19 **SEC. 7. INDIAN RESERVATION ROAD PLANNING.**

20 *Section 204(j) of title 23, United States Code, is*
 21 *amended in the first sentence by striking “2 percent” and*
 22 *inserting “5 percent”.*

23 **SEC. 8. TRIBAL-STATE ROAD MAINTENANCE AGREEMENTS.**

24 *Section 204 of title 23, United States Code, is amended*
 25 *by adding at the end the following:*

1 “(l) *TRIBAL-STATE ROAD MAINTENANCE AGREE-*
 2 *MENTS.*—

3 “(1) *IN GENERAL.*—*Notwithstanding any other*
 4 *provision of law, regulation, policy, or guideline, an*
 5 *Indian tribe and a State may enter into a road*
 6 *maintenance agreement under which an Indian tribe*
 7 *assumes the responsibilities of the State for—*

8 “(A) *Indian reservation roads; and*

9 “(B) *roads providing access to Indian res-*
 10 *ervation roads.*

11 “(2) *TRIBAL-STATE AGREEMENTS.*—*Agreements*
 12 *entered into under paragraph (1)—*

13 “(A) *shall be negotiated between the State*
 14 *and the Indian tribe; and*

15 “(B) *shall not require the approval of the*
 16 *Secretary.*

17 “(3) *ANNUAL REPORT.*—*Effective beginning with*
 18 *fiscal year 2004, the Secretary shall prepare and sub-*
 19 *mit to Congress an annual report that identifies—*

20 “(A) *the Indian tribes and States that have*
 21 *entered into agreements under paragraph (1);*

22 “(B) *the number of miles of roads for which*
 23 *Indian tribes have assumed maintenance respon-*
 24 *sibilities; and*

1 “(C) the amount of funding transferred to
2 Indian tribes for the fiscal year under agree-
3 ments entered into under paragraph (1).”.

4 **SEC. 9. ALASKA NATIVE VILLAGE TRANSPORTATION PRO-**
5 **GRAM.**

6 Section 204 of title 23, United States Code (as amend-
7 ed by section 8), is amended by adding at the end the fol-
8 lowing:

9 “(m) ALASKA NATIVE VILLAGE TRANSPORTATION
10 PROGRAM.—

11 “(1) DEFINITIONS.—In this subsection:

12 “(A) COMMISSION.—The term ‘Commission’
13 means the Alaska Native Transportation Com-
14 mission established under paragraph (4)(A).

15 “(B) NATIVE.—The term ‘Native’ has the
16 meaning given the term in section 3 of the Alas-
17 ka Native Claims Settlement Act (43 U.S.C.
18 1602).

19 “(C) NATIVE AUTHORITY.—The term ‘Na-
20 tive authority’ means a governing board of a Re-
21 gional Corporation, a regional Native nonprofit
22 entity, a tribal government, or an alternative re-
23 gional entity that is designated by the Secretary
24 as a Native regional transportation authority
25 under paragraph (3)(A).

1 “(D) *NATIVE VILLAGE*.—The term ‘Native
2 village’ has the meaning given the term in sec-
3 tion 3 of the Alaska Native Claims Settlement
4 Act (43 U.S.C. 1602).

5 “(E) *PROGRAM*.—The term ‘program’
6 means the Alaska Native village transportation
7 program established under paragraph (2).

8 “(F) *REGION*.—The term ‘region’ means a
9 region in the State specified in section 11(b)(1)
10 of the Alaska Native Claims Settlement Act (43
11 U.S.C 1610(b)(1)).

12 “(G) *REGIONAL CORPORATION*.—The term
13 ‘Regional Corporation’ has the meaning given
14 the term in section 2 of the Alaska Native
15 Claims Settlement Act (43 U.S.C. 1602).

16 “(H) *STATE*.—The term ‘State’ means the
17 State of Alaska.

18 “(2) *ESTABLISHMENT*.—The Secretary shall es-
19 tablish an Alaska Native village transportation pro-
20 gram to pay the costs of planning, design, construc-
21 tion, and maintenance of road and other surface
22 transportation facilities identified in accordance with
23 this section.

24 “(3) *ALASKA NATIVE REGIONAL TRANSPOR-*
25 *TATION AUTHORITIES*.—

1 “(A) *DESIGNATION.*—*The Secretary shall*
2 *designate a Native authority for each region.*

3 “(B) *RESPONSIBILITIES.*—*A Native author-*
4 *ity shall, with respect to each Native village or*
5 *region, as appropriate, covered by the Native au-*
6 *thority—*

7 “(i) *prepare—*

8 “(I) *a regional transportation*
9 *plan for the Native village; and*

10 “(II) *a comprehensive transpor-*
11 *tation plan for the region;*

12 “(ii) *prioritize and select projects to be*
13 *funded with amounts made available under*
14 *this section for the region;*

15 “(iii) *coordinate transportation plan-*
16 *ning with other regions, the State, and*
17 *other governmental entities; and*

18 “(iv) *ensure that transportation*
19 *projects under this section are constructed*
20 *and implemented.*

21 “(4) *ALASKA NATIVE TRANSPORTATION COMMIS-*
22 *SION.—*

23 “(A) *ESTABLISHMENT.*—*As soon as prac-*
24 *ticable after the date of enactment of this sub-*
25 *section, the Secretary shall establish a commis-*

1 *sion, to be known as the ‘Statewide Alaska Na-*
 2 *tive Transportation Commission’, consisting of 1*
 3 *representative selected from each Native author-*
 4 *ity designated by the Secretary under paragraph*
 5 *(3)(A).*

6 *“(B) DUTIES.—The Commission shall—*

7 *“(i) allocate funds made available*
 8 *under this section among regions in accord-*
 9 *ance with paragraph (5);*

10 *“(ii) coordinate transportation plan-*
 11 *ning among the regions, the State, and*
 12 *other governmental entities; and*

13 *“(iii) facilitate transportation projects*
 14 *involving 2 or more regions.*

15 *“(5) ALLOCATION OF FUNDING.—*

16 *“(A) FISCAL YEAR 2004.—Funds made*
 17 *available for the program for fiscal year 2004*
 18 *shall be allocated to each region by the Secretary*
 19 *as follows:*

20 *“(i) 50 percent of the funds shall be al-*
 21 *located based on the proportion that—*

22 *“(I) the Native population of Na-*
 23 *tive villages in the region; bears to*

24 *“(II) the Native population of all*
 25 *Native villages in the State.*

1 “(ii) 50 percent of the funds shall be
2 allocated as equally as practicable among
3 all Native villages in the region.

4 “(B) *FISCAL YEAR 2005 AND SUBSEQUENT*
5 *FISCAL YEARS.—Funds made available for the*
6 *program for fiscal year 2005 and each fiscal*
7 *year thereafter shall be allocated among regions*
8 *by the Commission, in accordance with a for-*
9 *mula to be developed by the Commission after*
10 *taking into consideration—*

11 “(i) *the health, safety, and economic*
12 *needs of each region for transportation in-*
13 *frastructure, as identified through the re-*
14 *gional planning process;*

15 “(ii) *the relative costs of construction*
16 *in each region; and*

17 “(iii) *the extent to which transpor-*
18 *tation projects for each region are ready to*
19 *proceed to design and construction.*

20 “(6) *TRIBAL CONTRACTING.—Funds allocated*
21 *among regions under this subsection may be con-*
22 *tracted or compacted in accordance with the Indian*
23 *Self Determination and Education Assistance Act (25*
24 *U.S.C. 450b et seq.).*

1 “(7) *MATCHING FUNDS.*—Notwithstanding any
 2 other provision of law, funds made available under
 3 this subsection may be used to pay a matching share
 4 required for receipt of any other Federal funds that
 5 would further a purpose for which allocations under
 6 this section are made.

7 “(8) *MAINTENANCE.*—

8 “(A) *IN GENERAL.*—At the request of a Na-
 9 tive authority or Native village, the Secretary
 10 may increase an amount of funds provided
 11 under this subsection for a construction project
 12 by an additional amount equal to 100 percent of
 13 the total cost of construction of the project, as de-
 14 termined by the Secretary.

15 “(B) *USE OF RETAINED FUNDS.*—An in-
 16 crease in funds provided under subparagraph
 17 (A) for a construction project shall be retained,
 18 and used only, for future maintenance of the
 19 construction project.”.

20 **SEC. 10. INDIAN RESERVATION ROAD SAFETY PROGRAM.**

21 (a) *IN GENERAL.*—Chapter 4 of title 23, United States
 22 Code, is amended by adding at the end the following:

23 **“SEC. 412. INDIAN RESERVATION ROAD SAFETY PROGRAM.**

24 “(a) *PROGRAM.*—

1 “(1) *IN GENERAL.*—*The Secretary shall carry*
 2 *out a program to provide to eligible Indian tribes (as*
 3 *determined by the Secretary) competitive grants for*
 4 *use in establishing tribal transportation safety pro-*
 5 *grams on—*

6 “(A) *Indian reservations; and*

7 “(B) *other land under the jurisdiction of an*
 8 *Indian tribe.*

9 “(2) *USE OF FUNDS.*—*Funds from a grant pro-*
 10 *vided under paragraph (1) may be used to carry out*
 11 *a project or activity—*

12 “(A) *to prevent the operation of motor vehi-*
 13 *cles by intoxicated individuals;*

14 “(B) *to promote increased seat belt use*
 15 *rates;*

16 “(C) *to eliminate hazardous locations and*
 17 *conditions on, or hazardous sections or elements*
 18 *of—*

19 “(i) *a public road;*

20 “(ii) *a public surface transportation*
 21 *facility;*

22 “(iii) *a publicly-owned bicycle or pe-*
 23 *destrian pathway or trail; or*

24 “(iv) *a traffic calming measure;*

1 “(D) to eliminate hazards relating to rail-
2 way-highway crossings; or

3 “(E) to increase transportation safety by
4 any other means, as determined by the Sec-
5 retary.

6 “(b) *FEDERAL SHARE*.—The Federal share of the cost
7 of carrying out the program under this section shall be 100
8 percent.

9 “(c) *FUNDING*.—Notwithstanding any other provision
10 of law, there are authorized to be appropriated from the
11 Highway Trust Fund (other than the Mass Transit Ac-
12 count) to carry out this section—

13 “(1) \$6,000,000 for each of fiscal years 2004 and
14 2005; and

15 “(2) \$9,000,000 for each of fiscal years 2006
16 through 2009.”.

17 (b) *CONFORMING AMENDMENT*.—The analysis for
18 chapter 4 of title 23, United States Code, is amended by
19 inserting after the item relating to section 411 the following:
 “412. Indian reservation road safety program.”.

20 **SEC. 11. INDIAN RESERVATION RURAL TRANSIT PROGRAM.**

21 Section 5311 of title 49, United States Code, is amend-
22 ed by adding at the end the following:

23 “(k) *INDIAN RESERVATION RURAL TRANSIT PRO-*
24 *GRAM*.—

1 “(1) *IN GENERAL.*—*The Secretary shall establish*
 2 *and carry out a program to provide competitive*
 3 *grants to Indian tribes to establish rural transit pro-*
 4 *grams on reservations or other land under the juris-*
 5 *isdiction of the Indian tribes.*

6 “(2) *AMOUNT OF GRANTS.*—*The amount of a*
 7 *grant provided to an Indian tribe under subpara-*
 8 *graph (A) shall be based on the need of the Indian*
 9 *tribe, as determined by the Secretary of Transpor-*
 10 *tation.*

11 “(3) *AUTHORIZATION OF FUNDING.*—*For each of*
 12 *fiscal years 2004 through 2009, of the amount made*
 13 *available under section 5338, \$15,000,000 shall be*
 14 *made available to carry out this subsection.”.*

15 **SEC. 12. COMMERCIAL VEHICLE DRIVING TRAINING PRO-**
 16 **GRAM.**

17 (a) *DEFINITIONS.*—*In this section:*

18 (1) *COMMERCIAL VEHICLE DRIVING.*—*The term*
 19 *“commercial vehicle driving” means the driving of—*

20 (A) *a vehicle that is a tractor-trailer truck;*

21 *or*

22 (B) *any other vehicle (such as a bus or a*
 23 *vehicle used for the purpose of construction) the*
 24 *driving of which requires a commercial license.*

1 (2) *SECRETARY.*—*The term “Secretary” means*
 2 *the Secretary of Labor.*

3 (b) *GRANTS.*—*The Secretary shall provide grants, on*
 4 *a competitive basis, to entities described in subsection (c)(1)*
 5 *to support programs providing training and certificates*
 6 *leading to the licensing of Native Americans with respect*
 7 *to commercial vehicle driving.*

8 (c) *ELIGIBILITY.*—*To be eligible to receive a grant*
 9 *under subsection (a), an entity shall—*

10 (1) *be a tribal college or university (as defined*
 11 *in section 316(b)(3) of the Higher Education Act (20*
 12 *U.S.C. 1059(b)(3)); and*

13 (2) *prepare and submit to the Secretary an ap-*
 14 *plication at such time, in such manner, and con-*
 15 *taining such information as the Secretary may re-*
 16 *quire.*

17 (d) *PRIORITY.*—*In providing grants under subsection*
 18 *(a), the Secretary shall give priority to grant applications*
 19 *that—*

20 (1) *propose training that exceeds proposed min-*
 21 *imum standards for training tractor-trailer drivers of*
 22 *the Department of Transportation;*

23 (2) *propose training that exceeds the entry level*
 24 *truck driver certification standards set by the Profes-*
 25 *sional Truck Driver Institute; and*

1 (3) *propose an education partnership with a pri-*
2 *vate trucking firm, trucking association, or similar*
3 *entity in order to ensure the effectiveness of the grant*
4 *program under this section.*

5 (e) *AUTHORIZATION OF APPROPRIATIONS.—There is*
6 *authorized to be appropriated to carry out this section*
7 *\$5,000,000 for the period of fiscal years 2004 through 2009.*

Calendar No. 284

108TH CONGRESS
1ST SESSION

S. 281

[Report No. 108-150]

A BILL

To amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes, to provide for training and technical assistance to Native Americans who are interested in commercial vehicle driving careers, and for other purposes.

SEPTEMBER 22, 2003

Reported with an amendment