

AMENDMENT TO H.R. 7
OFFERED BY MR. SHULER

In section 201(d)(2) of title 23, United States Code, as proposed to be added by section 1501 of the bill, strike “a covered program” and insert “the Federal lands transportation program established under section 203”.

In section 201(e)(6) of title 23, United States Code, as proposed to be added by section 1501 of the bill, add at the end the following new subparagraph:

1 “(C) TRIBAL TRANSPORTATION PRO-
2 GRAM.—Each Secretary collecting data under
3 this paragraph relating to the tribal transpor-
4 tation program established under section 202
5 shall collect such data consistent with the re-
6 quirements of the Indian Self-Determination
7 and Education Assistance Act (25 U.S.C. 450
8 et seq.).

In section 202(b)(6)(A) of title 23, United States Code, as proposed to be added by section 1501 of the bill, strike “6 percent” and insert “5 percent”.

In section 202(b)(7)(A) of title 23, United States Code, as proposed to be added by section 1501 of the bill,

strike “the Secretary may use” and insert “the Indian tribe, or the Secretary with the consent of the affected Indian tribe, may use”.

REJUNE R

In section 202(b)(8) of title 23, United States Code, as proposed to be added by section 1501 of the bill, add at the end the following new subparagraph:

1 “(C) STATE USE OF FEDERAL FUNDS FOR
2 TRIBAL TRANSPORTATION FACILITIES.—

3 “(i) IN GENERAL.—A State may pro-
4 vide a portion of Federal funds appor-
5 tioned to the State under chapter 1 to an
6 Indian tribe for an eligible tribal transpor-
7 tation facility.

8 “(ii) PROCEDURE.—If a State elects
9 to provide funds to an Indian tribe under
10 clause (i), such State shall transfer such
11 funds back to the Secretary and the Sec-
12 retary shall transfer such funds to the In-
13 dian tribe constructing or maintaining
14 such eligible tribal transportation facility
15 under an agreement pursuant to this para-
16 graph.

17 “(iii) CONSTRUCTION RESPONSI-
18 BILITY.—Notwithstanding any other provi-

1 sion of law, if a State provides funds re-
2 ferred to in clause (i) to an Indian tribe—

3 “(I) the State shall not be re-
4 sponsible for constructing or main-
5 taining a project carried out using the
6 funds or for administering or super-
7 vising the project or funds during the
8 applicable statute of limitations period
9 of such State with respect to actions
10 related to the construction of the
11 project; and

12 “(II) the Indian tribe receiving
13 such funds shall be responsible for
14 constructing and maintaining a
15 project carried out using the funds
16 and for administering and supervising
17 the project and funds in accordance
18 with this section during the period re-
19 ferred to in subclause (I).

In section 202(b)(9) of title 23, United States Code, as proposed to be added by section 1501 of the bill, insert “or other procurement process authorized under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)” after “competitive bidding”.

In section 202(c)(6)(D) of title 23, United States Code, as proposed to be added by section 1501 of the bill, insert “except for a transportation facility owned by the Bureau of Indian Affairs or an Indian tribe,” before “obtains”.

In section 202(e)(8)(A) of title 23, United States Code, as proposed to be added by section 1501 of the bill—

(1) strike “under this chapter” and insert “under this title or chapter 53 of title 49”; and

(2) strike “contracts and agreements” and insert “contracts, agreements, and grants”.

In section 202 of title 23, United States Code, as proposed to be amended by section 1501 of the bill, add at the end the following new subsection:

1 “(f) ELIGIBILITY FOR DISCRETIONARY AND COM-
2 PETITIVE GRANTS.—Notwithstanding any other provision
3 of law, an Indian tribe may directly apply for and receive
4 any discretionary or competitive grant made available to
5 a State or a political subdivision of a State under this title
6 or chapter 53 of title 49 in the same manner and under
7 the same circumstances as a State or a political subdivi-
8 sion of a State.”.

