

AMENDMENT NO. _____ Calendar No. _____

Purpose: To replace a population-based formula for Indian roads funding with a relative need formula for Indian roads funding, as determined by consensus agreement of the Indian tribes (the stakeholders) in a negotiated rulemaking procedure, which reflects the formula under section 202 of title 23, United States Code, as in effect on the date of enactment of this Act.

IN THE SENATE OF THE UNITED STATES—112th Cong., 2d Sess.

S. 1813

To reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Ms. MURKOWSKI

Viz:

1 Beginning on page 210, strike line 5 and all that fol-
2 lows through page 218, line 20, and insert the following:

3 “(2) REGULATIONS.—Notwithstanding sections
4 563(a) and 565(a) of title 5, the Secretary and the
5 Secretary of the Interior shall promulgate or amend
6 regulations governing the tribal transportation pro-
7 gram only through the use of negotiated rulemaking
8 procedures with tribal government representatives.

9 “(3) BASIS FOR FUNDING FORMULA.—

1 “(A) IN GENERAL.—After making the set
2 asides authorized under subsections (a)(6), (c),
3 (d), and (e), on October 1 of each fiscal year,
4 the Secretary shall distribute the remainder au-
5 thorized to be appropriated for the tribal trans-
6 portation program under this section among In-
7 dian tribes only pursuant to the Tribal Trans-
8 portation Allocation Methodology described in
9 subpart C of part 170 of title 25, Code of Fed-
10 eral Regulations (as in effect on the date of en-
11 actment of this Act).

12 “(B) TRIBAL HIGH PRIORITY PROJECTS.—
13 The treatment of the High Priority Projects
14 program as included in the Tribal Transpor-
15 tation Allocation Methodology described in sub-
16 part C of part 170 of title 25, Code of Federal
17 Regulations (as in effect on the date of enact-
18 ment of this Act), shall remain in effect as in
19 effect under that part on the date of enactment
20 of this Act.