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NATIVE AMERICAN COMMERCIAL DRIVING TRAINING AND TECHNICAL ASSISTANCE ACT

AUGUST 28, 2002.—Ordered to be printed

Filed under authority of the order of the Senate of July 29, 2002

Mr. INOUE, from the Committee on Indian Affairs,
submitted the following

R E P O R T

[To accompany S. 1344]

The Committee on Indian Affairs, to which was referred the bill (S. 1344) the Native American Commercial Driving Training and Technical Assistance Act (hereinafter “the Act”), a bill to authorize the Department of Labor to award competitive grants to Indian Tribal Colleges and Universities to support and promote commercial vehicle driving training programs, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill as amended do pass.

PURPOSE

The purpose of S. 1344 is to direct the Secretary of Labor to award competitive grants to Indian Tribal Colleges and Universities to support and promote commercial vehicle driving training programs in order to assist in creating an employment training regime that is oriented to the actual demands of the labor market.

BACKGROUND

Despite a national unemployment rate of 5.6%, the jobless rate in Native American communities hovers around 50%, with some Indian economies experiencing jobless rates near 80%. These rates are more than twice that of the national unemployment rate in the Great Depression of the 1930’s. Despite recent successes some Indian tribes have had with gaming, energy and natural resource de-

velopment and other initiatives, most Indian tribes still suffer a lack of jobs, high unemployment, intense poverty and a lack of physical infrastructure.

Given the near-complete absence of private sector enterprises in Native communities, nearly one in three American Indians and Alaska Natives, or 31.2%, lives in poverty. The earning capacity of Native communities also lags behind that of other Americans. For every \$100 earned by the average American family, an Indian family earns \$62. Additionally, the average annual per capita income for Indians is \$8,284, far less than that for other Americans.

In reservation areas with high poverty and unemployment rates, the majority of Native American communities lack private sector employment opportunities. At the same time, employment training, skills development, and related services are increasingly being tailored to the demands of the job market and with an eye toward assisting Native people develop the skills necessary to enter into the modern marketplace.

In recent years Indian Tribal Colleges and Universities (ITCUs) have assumed greater roles in the education and vocational training of Native people. Recognizing the role that ITCUs play in Native education, on July 3, 2002, President Bush issued Executive Order 13270, which states that:

[tribal colleges are both integral and essential to their communities . . . Tribal colleges provide crucial services in communities that continue to suffer high rates of unemployment and the resulting social and economic distress.

One area in the labor force where the current demand for skilled employees exceeds the supply is the American trucking industry. According to the U.S. Department of Transportation (DoT), there are currently 3 million truck drivers in the United States, yet between 10 percent and 20 percent of the Nation's trucks sit idle to a lack of qualified drivers. The DoT estimates that from 200,000 to 500,000 new, qualified drivers will be needed in the immediate future.

The Native American Commercial Driving Training and Technical Assistance Act (S. 1344) provides additional resources to ITCUs to develop and promote commercial vehicle training programs and provide Native Americans with increased opportunities in the trucking industry. Two ITCUs, D-Q University in the State of California and Fort Peck Community College in the State of Montana, offer commercial vehicle driving programs. The grant program authorized in this bill is designed to encourage additional ITCUs to develop commercial driving training programs.

SECTION-BY-SECTION ANALYSIS

As introduced, S. 1344 authorizes the Department of Labor to award four grants to Tribally Controlled Community Colleges and Universities to support commercial vehicle (tractor-trailer truck) driving training programs. A section-by-section description of the changes contained in the substitute amendment follows:

SUMMARY OF SUBSTITUTE TO S. 1344

Section 1. Short title

This Act may be cited as the “Native American Commercial Driving Training and Technical Assistance Act”.

Section 2. Findings and purposes

Congress finds that there are high rates of unemployment, poverty, poor health, and associated social problems in Native communities; that the United States has an obligation to assist Indian tribes in building their economies; that two Indians tribal Colleges offer commercial vehicle driving programs; that there is and will be a shortage of trucking positions; and that a truck driving career is a well-paying profession. The purposes of this Act are to promote job creation for Native Americans and to provide training and technical assistance to Native Americans who are interested in a commercial driving career.

Section 3. Definition

Terms defined in this section include “Commercial Vehicle Driving”, “Indian Tribe”, “Native American” and others. The term “Tribal college” which appears in section 4, has been changed to reflect the definition contained in the Higher Education Act of 1965, 20 U.S.C. 1059(b)(3).

Section 4. Commercial Vehicle Driving Training Program

The Secretary of Labor may award competitive grants to eligible Indian Tribal Colleges and Universities to provide training and certification of commercial vehicle driving and other vehicles that require a commercial drivers license. In addition, the Secretary will give priority to grant applications that propose an “education partnership” with either a private trucking firm, trucking association, or similar entity in order to ensure the effectiveness of this grant program.

LEGISLATIVE HISTORY

The Native American Commercial Driving Training and Technical Assistance Act (S. 1344) was introduced on August 2, 2001 by Senator Campbell, and was referred to the Committee on Indian Affairs. A hearing was held on the bill on July 24, 2002, and on July 30, 2002, the Committee convened a business meeting to consider S. 1344 and other measures that had been referred to it. On that date the Committee, in open business session, favorably reported a substitute amendment to S. 1344.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTE

On July 30, 2002, the Committee on Indian Affairs, in an open business session, adopted an amendment in the nature of a substitute to S. 1344 by voice vote and ordered the bill, as amended, reported favorably to the Senate.

COST AND BUDGETARY CONSIDERATION

The cost estimate for S. 1344 as calculated by the Congressional Budget Office, is set forth below:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 23, 2002.

Hon. DANIEL K. INOUE,
*Chairman, Committee on Indian Affairs, U.S. Senate, Washington,
DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1344, the Native American Commercial Driving Training and Technical Assistance Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Christina Hawley Sadoti (for federal costs), and Marjorie Miller (for the state, local, and tribal impact).

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

S. 1344—Native American Commercial Driving Training and Technical Assistance Act

Summary: S. 1344 would authorize grants to tribal colleges and universities for programs to train Native Americans to drive commercial vehicles. CBO estimates the new provisions would cost about \$10 million over the 2003–2007 period, assuming appropriation of the necessary amounts. This bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures would not apply.

S. 1344 contains no new intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA), and would impose no costs to state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 1344 is shown in the following table. The cost of this legislation falls within budget function 500 (education, training, employment, and social services).

	By fiscal year, in millions of dollars—				
	2003	2004	2005	2006	2007
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Commercial Vehicle Driving Training Program:					
Estimated Budget Authority	2	2	2	2	2
Estimated Outlays	1	2	2	2	2

Basis of estimate: For this estimate, CBO assumes that S. 1344 will be enacted by September 30, 2002, and that the estimated amounts will be appropriated for each year. Outlays are based on historical spending patterns for similar programs.

S. 1344 would authorize competitive grants to tribal colleges and universities to provide training for driving commercial vehicles. The bill would authorize the appropriation of such sums as may be necessary for this purpose. Based on the average costs of similar training programs, CBO estimates that such programs would cost about \$2 million per year, resulting in additional outlays of about \$10 million over fiscal years 2003 through 2007.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: S. 1344 contains no intergovernmental or private-sector mandates as defined in UMRA, and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal Spending: Christina Hawley Sadoti; Impact on State, Local, and Tribal Governments: Marjorie Miller; Impact on the Private Sector: Cecil McPherson.

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires that each report accompanying a bill evaluate the regulatory paperwork impact that would be incurred in implementing the legislation. The Committee has concluded that enactment of S. 1344 will create only de minimis regulatory or paperwork burdens.

EXECUTIVE COMMUNICATIONS

The Committee has received no official communication from the Administration on the provisions of the bill.

CHANGES IN EXISTING LAW

In compliance with subsection 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the enactment of S. 1344 will result in the following changes in 25 U.S.C. Sec. 3409 et seq., with existing language which is to be deleted in black brackets and the new language to be added in italic:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE.—*This Act may be cited as the “Native American Commercial Driving Training and Technical Assistance Act”.*

FINDINGS AND PURPOSE.—

(A) *FINDINGS.*—*Congress finds that—*

(i) despite the availability of abundant natural resources on land under the jurisdiction of Indian Tribes and the existence of a rich cultural legacy that accords great value to self-determination, self-reliance, and independence, Native Americans suffer higher rates of unemployment, poverty, poor health, substandard housing, and associated social problems than any other group in the United States;

(ii) the United States has an obligation to assist Native American communities in the establishment of appropriate economic and political conditions;

(iii) the economic success and material well-being of Indian communities depend on the combined efforts of the Federal Government, tribal governments, the private sector, and individuals;

(iv) commercial vehicle driving programs are currently offered at several tribal colleges and universities;

(v) the American Trucking Association reports that at least until 2005, the trucking industry will need to hire 403,000 truck drivers each year to fill vacant positions;

(vi) according to the Federal Government Occupational Handbook, the commercial vehicle driving industry is expected to expand at the average rate of expansion for all oc-

cupations through the year 2008 because of economic growth and an increase in the quantity of freight carried by trucks; and

(vii) a career in commercial vehicle driving offers a competitive salary, employment benefits, job security, and a profession.

(B) *PURPOSE.*—*The purposes of this Act are—*

(i) *to foster and promote job creation and economic opportunities for Native Americans; and*

(ii) *to provide education, technical, and training assistance to Native Americans who are interested in commercial vehicle driving careers.*

* * * * *

25 U.S.C. 3409

(a) *IN GENERAL.*—A tribal government participating in a demonstration program under this chapter is authorized to utilize funds available under such plan to place participants in training positions with private employers and pay such participants a training allowance or wage for a period not to exceed 12 months, if the tribal government obtains a written agreement from the private employer to provide on-the-job training to such participants and, upon satisfactory completion of the training period, to guarantee permanent employment to such participants for a minimum of 12 months.

(b) *DEFINITIONS.*—*In this act:*

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

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

Or

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

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

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

(A) *an Indian tribe; or*

(B) *any people or culture that is indigenous to the United States, as determined by the Secretary.*

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

(c) *COMMERCIAL VEHICLE DRIVING TRAINING PROGRAM.*—

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

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

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

(B) *prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.*

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

(1) propose training that exceeds proposed minimum standards for training tractor-trailer drivers of the Department of Transportation;

(2) propose training that exceeds the entry level truck driver certification standards set by the Professional Truck Driver Institute; and

(3) propose an education partnership with a private trucking firm, trucking association, or similar entity in order to ensure the effectiveness of the grant program under this section.

(e) *AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.*

