To amend the Homeland Security Act of 2002 to provide for a border
preparedness pilot program on Indian land.

IN THE SENATE OF THE UNITED STATES

JULY 11, 2005

Mr. McCain (for himself, Mr. Dorgan, and Mr. Kyl) introduced the
following bill; which was read the first time

JULY 12, 2005

Read the second time and placed on the calendar

A BILL

To amend the Homeland Security Act of 2002 to provide
for a border preparedness pilot program on Indian land.

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. BORDER PREPAREDNESS ON INDIAN LAND.

4 Subtitle D of title IV of the Homeland Security Act
5 of 2002 (6 U.S.C. 251 et seq.) is amended by adding at
6 the end the following:
SEC. 447. BORDER PREPAREDNESS PILOT PROGRAM ON INDIAN LAND.

“(a) DEFINITIONS.—In this section:

“(1) INDIAN LAND.—The term ‘Indian land’ means—

“(A) all land within the boundaries of any Indian reservation; and

“(B) any land the title to which is—

“(i) held in trust by the United States for the benefit of an Indian tribe or individual; or

“(ii) held by any Indian tribe or individual—

“(I) subject to a restriction by the United States against alienation; and

“(II) over which an Indian tribe exercises governmental authority.

“(2) INDIAN TRIBE.—The term ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community that is recognized by the Secretary as—

“(A) eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and

“(B) possessing powers of self-government.
“(3) TRIBAL GOVERNMENT.—The term ‘tribal government’ means the governing body of an Indian tribe.

“(b) PURPOSE.—The purpose of this section is to require the Secretary, acting through the Office of Domestic Preparedness, to establish a pilot program for not fewer than 6 tribal governments on Indian land located on or near the border of the United States with Canada or Mexico in order to—

“(1) facilitate the coordination of the response of an Indian tribe to a threat to the security of an international border of the United States with the responses of Federal, State, and local governments;

“(2) enhance the capability of an Indian tribe as a first responder to an illegal crossing of an immigrant over an international border of the United States;

“(3) provide training and technical assistance to Indian tribes in the use by the tribes of effective surveillance technologies, integrated communication systems and equipment, and personnel training; and

“(4) provide technical advice and assistance to Indian tribes to plan and implement strategies to detect and prevent—
“(A) any illegal entry by a person into the land of the tribes; and

“(B) the transportation of any illegal substance within or near the boundaries of the land of the tribes.

“(c) PILOT PROGRAM.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary, acting through the Office of Domestic Preparedness, shall establish a pilot program under which the Secretary provides direct grants to eligible tribal governments, as determined by the Secretary, to achieve the purposes of this section.

“(2) USE OF FUNDS AND ASSISTANCE.—

“(A) IN GENERAL.—A tribal government shall use any funds or assistance provided under paragraph (1) consistent with the purposes of this section.

“(B) ADMINISTRATION BY TRIBAL GOVERNMENTS.—A tribal government that receives any funds or assistance under paragraph (1) shall administer the funds or assistance in accordance with any requirement or regulation promulgated by the Secretary.
“(3) Selection criteria.—In selecting a tribal government to receive funds or assistance under paragraph (1), the Secretary may take into consideration—

“(A) the distance between the Indian land in the jurisdiction of the tribal government and an international border of the United States;

“(B) the extent to which the resources of the Indian tribe are affected by—

“(i) a border enforcement effort; or

“(ii) the threat of illegal immigration;

and

“(C) the interests of the Indian tribe.

“(d) Reports.—

“(1) Tribal governments.—

“(A) In general.—Not later than 1 year after receiving funds or assistance under subsection (c) and annually thereafter, a tribal government shall submit to the Secretary a report in such a manner and containing such information as the Secretary may require.

“(B) Inclusion.—A report under subparagraph (A) shall include a description of—
“(i) any funds or assistance received by the tribal government under this section;

“(ii) the use of the funds or assistance by the tribal government;

“(iii) any obstacle encountered by the tribal government in administering the funds or assistance; and

“(iv) any accomplishment made or obstacle encountered by the tribal government in developing a cooperative effort with another Indian tribe, the Federal Government, or a State or local government, and the effect of the accomplishment or obstacle on the tribe.

“(2) SECRETARY.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing—

“(A) the information contained in the reports under paragraph (1);

“(B) the degree of success of—

“(i) the Secretary in implementing the pilot program; and
“(ii) each project under the pilot program under subsection (c) in achieving the goals of the pilot program; and

“(C) any recommendation, including a legislative recommendation, of the Secretary relating to the pilot program.

“(e) EFFECT OF SECTION.—Nothing in this section affects—

“(1) the authority of the Commissioner of the Bureau of Customs and Border Protection; or

“(2) any authority of an Indian tribe, tribal organization, or tribal government participating in a program under this section.

“(f) EFFECT OF FUND ALLOCATION.—Any funds allocated under this section shall be in addition to, and not in lieu of, any funds available to an Indian tribe, tribal organization, or tribal government under this Act.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,500,000 for each of fiscal years 2006 through 2008.”.
A BILL

S. 1374

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