

109TH CONGRESS  
2D SESSION

# H. R. 4871

To ensure the coordination and integration of Indian tribes in the National Homeland Security strategy and to establish an Office of Tribal Government Homeland Security within the Department of Homeland Security, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2006

Mr. PALLONE introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To ensure the coordination and integration of Indian tribes in the National Homeland Security strategy and to establish an Office of Tribal Government Homeland Security within the Department of Homeland Security, 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,*

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

4 (a) SHORT TITLE.— This Act may be cited as the  
5 “Tribal Government Homeland Security Coordination and  
6 Integration Act”.

1       (b) TABLE OF CONTENTS.—The table of contents for  
2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Definitions.
- Sec. 4. Office of tribal government homeland security.
- Sec. 5. Report to congress.
- Sec. 6. Authorization of appropriations.

3   **SEC. 2. FINDINGS AND PURPOSES.**

4       (a) FINDINGS.—Congress finds the following:

5           (1) Since the terrorist attacks of September 11,  
6       2001, and the subsequent introduction of weapons  
7       grade anthrax into the United States Postal System  
8       and Congressional office buildings in Washington,  
9       D.C., the President and the Congress have worked  
10      closely to respond to the need to rebuild and  
11      strengthen the nation’s public health, national secu-  
12      rity, and emergency response systems.

13          (2) Based on Article I, section 8 of the United  
14      States Constitution, treaties, Federal statutes, and  
15      court decisions, the United States has a unique his-  
16      torical and legal relationship with American Indian  
17      and Alaska Native people, which serves as the basis  
18      for the Federal Government’s trust responsibility  
19      and obligations. There are currently 558 federally-  
20      recognized Indian tribes in the United States, with  
21      some 40 percent of Indian tribes located in the State

1 of Alaska. Indian tribes have principle responsibility  
2 for lands and people within their jurisdiction.

3 (3) Despite the government-to-government rela-  
4 tionship between Indian tribes and the United  
5 States, the United States has failed to include and  
6 consult with Indian tribes with regard to homeland  
7 security prevention, protection, and response activi-  
8 ties planning. Moreover, there are no specific provi-  
9 sions for the Bureau of Indian Affairs or the Indian  
10 Health Service to participate in homeland security  
11 programs and funding.

12 (4) Throughout many areas of the United  
13 States, facilities operated, and services, activities  
14 and government functions carried out, by Indian  
15 tribes, the Bureau of Indian Affairs and the Indian  
16 Health Service are the only sources available to pro-  
17 vide emergency health services, disaster response,  
18 and law enforcement to the tribal and non-tribal  
19 community, thus serving the role as “first respond-  
20 ers” in the event of a terrorist attack.

21 (5) To provide for the public health and safety  
22 on tribal lands and in the surrounding communities,  
23 it is imperative to establish tribal participation in  
24 homeland security initiatives. Indian tribes must be  
25 included in the national strategy for homeland secu-

1 rity and receive an appropriate share of related  
2 funding.

3 (6) The treatment of Indian tribes as State  
4 governments, as appropriate, for developing funding  
5 methodologies, planning, consultation, coordination,  
6 and for eligibility for grant monies will ensure In-  
7 dian tribes are adequately prepared to respond to  
8 Homeland Security threats.

9 (7) Indian tribes shall be treated as State, as  
10 appropriate, for purposes of planning, consultation,  
11 coordination, eligibility for grant monies and other  
12 purposes to improve the United States capacity to  
13 prepare, prevent and respond to terrorist activities.

14 (b) PURPOSES.—The purposes of this Act are as fol-  
15 lows:

16 (1) To establish within the Department of  
17 Homeland Security an office known as the Office of  
18 Tribal Government Homeland Security.

19 (2) To authorize the Secretary of Homeland Se-  
20 curity to appoint, in consultation with Indian tribes,  
21 a Director of Tribal Government Homeland Secu-  
22 rity.

23 (3) To provide for more effective management  
24 of, and accountability for the proper discharge of,  
25 the Secretary's trust responsibility to Indian tribes

1 and individual American Indians and Alaska Natives  
2 by establishing in the Department of Homeland Se-  
3 curity an Office of Tribal Government Homeland Se-  
4 curity.

5 (4) To integrate and coordinate the efforts of  
6 the Department of Homeland Security and Indian  
7 tribes to prepare for, prevent, protect against, re-  
8 spond to, and recover from terrorist attacks.

9 (5) To provide strategic integration of the  
10 Homeland Security activities of Indian tribes that  
11 will complement the operational consolidation of the  
12 various directorates within the Department.

13 (6) To supplement the capacity of the Indian  
14 Health Service and the Bureau of Indian Affairs to  
15 respond to the homeland security needs of American  
16 Indians and Alaska Natives, without jeopardizing  
17 the nonsecurity missions of the Indian Health Serv-  
18 ice and the Bureau of Indian Affairs.

19 (7) To serve as an information clearinghouse  
20 and to enhance the integration and coordination of  
21 Indian tribes and in the activities of the Department  
22 of Homeland Security.

23 (8) To establish an organizational framework  
24 within the Department of Homeland Security  
25 through which the Federal Government, Indian

1 tribes, and State and local governments can work ef-  
2 fectively and collaboratively on public health and  
3 safety, terrorism detection, prevention, response, and  
4 protection of critical infrastructure.

5 **SEC. 3. DEFINITIONS.**

6 In this Act:

7 (1) DIRECTOR.—The term “Director” means  
8 the Director of the Office of Tribal Government  
9 Homeland Security.

10 (2) INDIAN TRIBE.—The term “Indian tribe”  
11 has the meaning given that term in section 4(e) of  
12 the Indian Self-Determination and Education Assist-  
13 ance Act (25 U.S.C. 450b(e)).

14 (3) OFFICE.—The term “Office” means the Of-  
15 fice of Tribal Government Homeland Security estab-  
16 lished in section 4.

17 (4) SECRETARY.—The term “Secretary” means  
18 the Secretary of Homeland Security.

19 **SEC. 4. OFFICE OF TRIBAL GOVERNMENT HOMELAND SE-**  
20 **CURITY.**

21 (a) IN GENERAL.—

22 (1) ESTABLISHMENT.—There is hereby estab-  
23 lished within the Department of Homeland Security  
24 an office to be known as the “Office of Tribal Gov-  
25 ernment Homeland Security”.

1           (2) DIRECTOR.—The Office shall be headed by  
2           a Director, appointed by the Secretary in consulta-  
3           tion with Indian tribes, whose title shall be the Di-  
4           rector of Tribal Government Homeland Security.  
5           The Director shall be equal in pay and authority of  
6           an Assistant Secretary.

7           (b) DUTIES OF SECRETARY; DIRECTOR.—

8           (1) DUTIES OF THE SECRETARY.—The Sec-  
9           retary shall—

10                   (A) ensure the coordination of Federal pro-  
11                   grams that provide assistance (including finan-  
12                   cial and technical assistance) to eligible Indian  
13                   tribes and provide those governments with  
14                   treatment as State governments, as appro-  
15                   priate, for planning, consultation, and coordina-  
16                   tion and for eligibility for Federal grant monies  
17                   and funds to improve capacity and help pre-  
18                   pare, prevent, and respond to terrorist activi-  
19                   ties, and for other related purposes in and near  
20                   tribal communities;

21                   (B) ensure Indian tribes are included in  
22                   the coordination activities of the Homeland Se-  
23                   curity Department's Border and Transportation  
24                   functions in the same manner as State and  
25                   local law enforcement entities;

1           (C) ensure Indian tribes with jurisdiction  
2           over lands adjacent to the Canadian and Mexi-  
3           can borders are adequately prepared to help  
4           protect United States borders, territorial wa-  
5           ters, waterways, and other transportation sys-  
6           tems;

7           (D) ensure the broad spectrum of infra-  
8           structure throughout Indian Country, including  
9           nuclear and electrical power plants, water and  
10          sanitation facilities, agricultural, food proc-  
11          essing, oil, timber, and other natural resources  
12          is adequately protected against terrorist  
13          threats;

14          (E) ensure that Indian tribes are properly  
15          equipped to prepare for, prevent, and respond  
16          to terrorist activities in the same manner as  
17          State and local governments;

18          (F) provide Indian tribes the necessary  
19          equipment for detection, protection, and decon-  
20          tamination in emergencies involving weapons of  
21          mass destruction;

22          (G) provide Indian tribes with emergency  
23          preparedness training and exercise programs  
24          and further assistance for any emergency, in-  
25          cluding natural disasters or disease;



1 (H) include Indian tribes in all facets of  
2 research, development, resource assessment,  
3 and risk analysis in the same manner as State  
4 and local governments; and

5 (I) include Indian tribes, as appropriate, in  
6 the coordination of the Homeland Security De-  
7 partment's Immigration and Nationality func-  
8 tions in the same manner as State and local law  
9 enforcement entities.

10 (2) DUTIES OF THE DIRECTOR.—The Director  
11 shall—

12 (A) coordinate homeland security activities  
13 among Indian tribes and related Federal agen-  
14 cies, including integration and coordination of  
15 the efforts of the Department of Homeland Se-  
16 curity and Indian tribes to prepare for, prevent,  
17 protect against, respond to, and recover from  
18 terrorist attacks;

19 (B) provide strategic integration to com-  
20 plement the operational consolidation of the  
21 various directorates within the Department of  
22 Homeland Security, with respect to Indian  
23 tribes;

24 (C) ensure that Indian tribes are included  
25 in the gathering and analysis of terrorist

1 threats and other information in the same man-  
2 ner as Federal, State, and local law enforce-  
3 ment entities;

4 (D) serve as the Secretary's key point of  
5 contact for Indian tribes in need of assistance  
6 and information homeland security grants for  
7 purposes of planning, consultation, coordina-  
8 tion, eligibility for grant monies and other pur-  
9 poses to improve the United States capacity to  
10 prepare, prevent and respond to terrorist activi-  
11 ties and to work with Indian tribes and execu-  
12 tive agencies in promoting homeland security;

13 (E) serve as the coordinating center in-  
14 tended to facilitate communication between and  
15 integration with Indian tribes and other Fed-  
16 eral departments that have homeland security  
17 responsibilities, including but not limited to  
18 health surveillance, emergency preparation and  
19 response, border security, critical infrastructure  
20 protection, technology, and communication;

21 (F) establish a network through which the  
22 Federal Government, Indian tribes, and State  
23 and local governments work collaboratively on  
24 public health and safety, terrorism detection,

1 prevention, response, and protection of critical  
2 infrastructure targets; and

3 (G) establish a mechanism for the distribu-  
4 tion of warnings and information to tribal com-  
5 munities.

6 (c) TREATMENT OF INDIAN TRIBES AS STATES.—

7 (1) IN GENERAL.—The Secretary shall—

8 (A) treat Indian tribes as States, as appro-  
9 priate, for the purpose of homeland security  
10 consultation, planning, coordination, bioter-  
11 rorism preparedness, prevention, and response,  
12 emergency preparedness and response, border  
13 and transportation security, and for other pur-  
14 poses related to protecting the homeland;

15 (B) include Indian tribes in funding meth-  
16 odologies for purposes of allocating any finan-  
17 cial resources; and

18 (C) support and facilitate the capacity nec-  
19 essary for the Indian Health Service and Bu-  
20 reau of Indian Affairs to respond to the home-  
21 land security needs of American Indians and  
22 Alaska Natives, without jeopardizing their non-  
23 security missions.

24 (2) DISCRETIONARY AUTHORITY.—The Sec-  
25 retary may delegate to such Indian tribes primary

1 responsibility for homeland security activities within  
2 its respective jurisdiction.

3 (d) INFORMATION SHARING.—The Secretary shall  
4 provide assistance to enhance information technology ca-  
5 pabilities of Indian tribes and ensure—

6 (1) the active participation of Indian tribes in  
7 the coordination with Federal, State, and local gov-  
8 ernments and the private sector as related to Home-  
9 land Security activities; and

10 (2) provide Indian tribes access to the same  
11 type of information being exchanged between Fed-  
12 eral, State, and local authorities for the purpose of  
13 providing government personnel, agencies, and au-  
14 thorities, with appropriate intelligence information,  
15 including warnings, regarding threats posed by ter-  
16 rorism in a timely and secure manner.

17 (e) FEDERAL GRANTS.—

18 (1) GENERAL ELIGIBILITY.—Indian tribes shall  
19 be eligible to apply for, receive, direct, and supervise  
20 any homeland security-related Federal grant pro-  
21 grams.

22 (2) AUTHORITY TO AWARD GRANTS.—The Sec-  
23 retary may award grants to Indian tribes for the fol-  
24 lowing purposes:

1           (A) Planning, consultation, and coordina-  
2           tion to improve infrastructure, to prevent ter-  
3           rorist activities.

4           (B) Training and education of employees  
5           responsible for public health, safety and emer-  
6           gency response activities.

7           (C) Addressing communication gaps and  
8           infrastructure needs related to homeland secu-  
9           rity.

10          (D) Increasing the capacity of Indian  
11          tribes to help prepare, prevent, and respond to  
12          terrorist activities and other public health and  
13          safety emergencies.

14          (E) Development of a comprehensive plan  
15          to help prepare, prevent, and respond to ter-  
16          rorist activities and other public health and  
17          safety emergencies.

18          (F) Implementation of plans to help pre-  
19          pare, prevent, and respond to terrorist activities  
20          and other public health and safety emergencies.

21          (G) The preparation of reports assessing  
22          the emergency preparedness of Indian tribes,  
23          including an assessment of Indian tribes' co-  
24          ordination with the Department.

1           (H) Such other purposes related to the  
2           purposes of this Act the Secretary considers ap-  
3           propriate.

4           (f) TECHNICAL ASSISTANCE.—The Secretary shall—

5           (1) directly or by contract, provide Indian tribes  
6           with technical assistance in developing, imple-  
7           menting and managing emergency response plans.

8           (2) Ensure that legal, financial, and other ex-  
9           pertise of the Department of Homeland Security is  
10          made fully available in an advisory capacity to In-  
11          dian tribes to assist in the development, implementa-  
12          tion, and management of emergency response plans.

13          (3) Provide Department of Homeland Security  
14          programs designed to provide legal, accounting, fi-  
15          nancial, or technical assistance to eligible Indian  
16          tribes.

17          (4) Facilitate cooperation with the heads of ap-  
18          propriate Federal agencies working on Homeland  
19          Security initiatives.

20          (5) Any other activity that the Secretary, in  
21          consultation with the Director, considers appropriate  
22          to carry out this section.

23          (g) ASSESSMENT.—Not later than 6 months after the  
24          date of the enactment of this Act, the Secretary shall sub-  
25          mit an assessment report detailing the baseline readiness

1 of Indian tribes to the Committee on Indian Affairs of  
2 the Senate and the Committee on Resources of the House  
3 of Representatives. In addition to an assessment of base-  
4 line readiness, the report shall contain any legislative rec-  
5 ommendations necessary to improve coordination and inte-  
6 gration of Indian tribes in the National Homeland Secu-  
7 rity Strategy.

8 (h) REPORTING.—The Secretary shall determine the  
9 effectiveness of the Office through the preparation of re-  
10 ports assessing the emergency preparedness of Indian  
11 tribes, including an assessment of Indian tribes' coordina-  
12 tion with the Department of Homeland Security.

13 (i) PROHIBITION.—The Secretary may not provide  
14 assistance under this section for any activity related to  
15 the operation of a gaming activity on Indian lands pursu-  
16 ant to the Indian Gaming Regulatory Act (25 U.S.C. 2701  
17 et seq.).

18 **SEC. 5. REPORT TO CONGRESS.**

19 (a) IN GENERAL.—Not later than 1 year after the  
20 date of the enactment of this Act, and annually thereafter,  
21 the Secretary, in consultation with the Director, shall pre-  
22 pare and submit to the Committee on Indian Affairs of  
23 the Senate and the Committee on Resources of the House  
24 of Representatives a report on the operation of the Office.

1 (b) CONTENTS OF REPORT.—Each report prepared  
2 under subsection (a) shall include—

3 (1) for the period covered by the report, a sum-  
4 mary of the activities conducted by the Secretary, in  
5 carrying out subsections (b) through (h) of section  
6 4; and

7 (2) any recommendations for legislation that  
8 the Secretary, in consultation with the Director, de-  
9 termines to be necessary to carry out such sections.

10 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated such sums  
12 are necessary to carry out this Act, to remain available  
13 until expended.

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