

Calendar No. 159

109TH CONGRESS
1ST SESSION**S. 1374**

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:

1 **“SEC. 447. BORDER PREPAREDNESS PILOT PROGRAM ON**
2 **INDIAN LAND.**

3 “(a) DEFINITIONS.—In this section:

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

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

8 “(B) any land the title to which is—

9 “(i) held in trust by the United States
10 for the benefit of an Indian tribe or indi-
11 vidual; or

12 “(ii) held by any Indian tribe or indi-
13 vidual—

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

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

19 “(2) INDIAN TRIBE.—The term ‘Indian tribe’
20 means any Indian tribe, band, nation, or other orga-
21 nized group or community that is recognized by the
22 Secretary as—

23 “(A) eligible for the special programs and
24 services provided by the United States to Indi-
25 ans because of their status as Indians; and

26 “(B) possessing powers of self-government.

1 “(3) TRIBAL GOVERNMENT.—The term ‘tribal
2 government’ means the governing body of an Indian
3 tribe.

4 “(b) PURPOSE.—The purpose of this section is to re-
5 quire the Secretary, acting through the Office of Domestic
6 Preparedness, to establish a pilot program for not fewer
7 than 6 tribal governments on Indian land located on or
8 near the border of the United States with Canada or Mex-
9 ico in order to—

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

14 “(2) enhance the capability of an Indian tribe
15 as a first responder to an illegal crossing of an im-
16 migrant over an international border of the United
17 States;

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

22 “(4) provide technical advice and assistance to
23 Indian tribes to plan and implement strategies to de-
24 tect and prevent—

1 “(A) any illegal entry by a person into the
2 land of the tribes; and

3 “(B) the transportation of any illegal sub-
4 stance within or near the boundaries of the land
5 of the tribes.

6 “(c) PILOT PROGRAM.—

7 “(1) IN GENERAL.—Not later than 180 days
8 after the date of enactment of this section, the Sec-
9 retary, acting through the Office of Domestic Pre-
10 paredness, shall establish a pilot program under
11 which the Secretary provides direct grants to eligible
12 tribal governments, as determined by the Secretary,
13 to achieve the purposes of this section.

14 “(2) USE OF FUNDS AND ASSISTANCE.—

15 “(A) IN GENERAL.—A tribal government
16 shall use any funds or assistance provided
17 under paragraph (1) consistent with the pur-
18 poses of this section.

19 “(B) ADMINISTRATION BY TRIBAL GOV-
20 ERNMENTS.—A tribal government that receives
21 any funds or assistance under paragraph (1)
22 shall administer the funds or assistance in ac-
23 cordance with any requirement or regulation
24 promulgated by the Secretary.

1 “(3) SELECTION CRITERIA.—In selecting a trib-
 2 al government to receive funds or assistance under
 3 paragraph (1), the Secretary may take into consider-
 4 ation—

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

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

10 “(i) a border enforcement effort; or

11 “(ii) the threat of illegal immigration;

12 and

13 “(C) the interests of the Indian tribe.

14 “(d) REPORTS.—

15 “(1) TRIBAL GOVERNMENTS.—

16 “(A) IN GENERAL.—Not later than 1 year
 17 after receiving funds or assistance under sub-
 18 section (c) and annually thereafter, a tribal gov-
 19 ernment shall submit to the Secretary a report
 20 in such a manner and containing such informa-
 21 tion as the Secretary may require.

22 “(B) INCLUSION.—A report under sub-
 23 paragraph (A) shall include a description of—

1 “(i) any funds or assistance received
2 by the tribal government under this sec-
3 tion;

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

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

9 “(iv) any accomplishment made or ob-
10 stacle encountered by the tribal govern-
11 ment in developing a cooperative effort
12 with another Indian tribe, the Federal
13 Government, or a State or local govern-
14 ment, and the effect of the accomplishment
15 or obstacle on the tribe.

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

19 “(A) the information contained in the re-
20 ports under paragraph (1);

21 “(B) the degree of success of—

22 “(i) the Secretary in implementing the
23 pilot program; and

1 “(ii) each project under the pilot pro-
2 gram under subsection (c) in achieving the
3 goals of the pilot program; and

4 “(C) any recommendation, including a leg-
5 islative recommendation, of the Secretary relat-
6 ing to the pilot program.

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

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

11 “(2) any authority of an Indian tribe, tribal or-
12 ganization, or tribal government participating in a
13 program under this section.

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

18 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
19 is authorized to be appropriated to carry out this section
20 \$3,500,000 for each of fiscal years 2006 through 2008.”.

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