

TERRA ACT

(Tribal Emergency Response Resources Act)

Problem—Tribal Disaster Resilience.

Tribal communities, homelands, and traditional ways of life are uniquely endangered by natural disasters and related threats, such as flooding, drought, wildfires, erosion, extreme temperatures, hurricanes, and tornadoes. Due to these threats, many Tribal Nations have already made difficult decisions to protect their citizens, including by moving entire communities to safer ground.

Need—Coordinated Federal Resources.

There is no interagency framework for coordinating federal resources for Tribal disaster resilience, leaving Tribes to navigate the jumble of programs scattered among dozens of Federal agencies. The Bureau of Indian Affairs (BIA) warned in 2020 that this “patchwork approach” leaves critical gaps in Tribes’ ability to plan for natural disasters, while the Government Accountability Office (GAO) has named “unclear federal leadership [a]s the key challenge” to Tribal disaster resilience.

This lack of coordination contributes to government inefficiency and waste. In one example, a Tribe moving its community away from a disaster-prone area has struggled to assemble resources for its long-term solution, while a single federal agency continually rebuilds a temporary seawall that is doomed to fail. The cost of the latest rebuild *alone* exceeded the *total* amount the Tribe yet has obtained for its new village site. Even once federal resources are gathered, red tape makes it difficult to utilize them to their fullest extent, wrapped up as they are in burdensome, inconsistent, and duplicative program requirements.

Solution—TERRA Act.

Under this legislation, Tribes and federal agencies would coordinate together on natural disaster preparedness, response, and relief efforts, working through the Department of the Interior. This model, based on the framework of the successful P.L. 102-477 program, empowers Tribes to identify federal resources to address their communities’ disaster resilience needs, then integrate those resources into unitary, comprehensive plans. The TERRA Act cuts through red tape by streamlining the bureaucratic process. Rather than reporting requirements for each individual federal program, for example, only a single annual report would be required. Similarly, federal agencies would coordinate the delivery of funding and services, and work to consolidate or eliminate as many duplicative requirements as possible.

Tribal and Bipartisan Support.

Many individual Tribes and Tribal organizations, collectively representing hundreds of Tribes all over the country, have supported this legislative effort, including NCAI, NIHB, AFN, ANHB, ATNI, MAST, SGCETC and USET. This bill as introduced in the 118th Congress received strong bipartisan support.

Key Elements.

- Eligible Federal Programs. Federal programs must be implemented for a purpose that helps to address community and disaster resilience, including through economic development, infrastructure, housing, or other means.
- Cutting Red Tape. Just one annual report per plan is required, and agencies can waive or modify other program restrictions to efficiently and effectively carry out a plan, including those related to Tribal cost-shares, partnerships with non-Tribal entities, funding formulas, deadlines, and more.
- Permitting Reform. Agencies with programs involved in a plan must coordinate to execute any NEPA or other required reviews on an efficient and expedited basis.
- Fiscal Responsibility. No appropriations are necessary, since only existing federal resources are implicated. The federal government will save money through implementation by reducing inefficiencies and mitigating clean-up costs associated with future natural disasters.