

TERRA ACT – Section-by-Section Summary

(Tribal Emergency Response Resources Act)

Section 1. Short title

The legislation may be cited as the “Tribal Emergency Response Resources Act,” or the “TERRA Act.”

Section 2. Statement of purpose

The Act will empower Tribes to address the risks of natural disasters and related dangers by integrating diverse federal resources into comprehensive Plans tailored to each Tribal community’s specific needs.

Section 3. Definitions

Key terms include: *federal partners*, meaning any federal agencies, including those listed in the Act, that operate programs determined eligible for integration into a Plan; *affected agencies*, meaning federal agencies that administer programs integrated into a Plan; and *participating agencies*, meaning federal agencies with review, permitting, or other authorization responsibility regarding the services or activities to be carried out under a Plan. These categories are not mutually exclusive, but refer to different roles.

Section 4. Lead agency

The Department of the Interior (DOI) is the lead agency responsible for the Act’s implementation, with sole and exclusive decision-making authority, unless otherwise provided, for all federal actions, including determining whether a federal program is eligible for integration into a Plan.

Title I—Program Components; Plan Development and Approval

Section 101. Integration of federal programs authorized

Tribes are authorized to integrate funding from eligible federal programs into comprehensive Plans and carry out the core services of the integrated federal programs in accordance with a Plan, including by implementing waivers of restrictive program requirements. In accordance with its Plan, a Tribe may reallocate Plan funds among the integrated federal program services, and only one annual report is required for each Plan.

Section 102. Eligible federal programs

A federal program is eligible for integration into a Plan if it is: (1) implemented for a purpose that helps to address natural disaster and environmental resilience, including by advancing such purpose through housing, infrastructure, economic development, or other means provided; and (2) funded based on Tribal status or provided to Tribes via block grants or other processes.

Section 103. Activities authorized under a plan

Plan expenditures must be for purposes consistent with the core services or activities of the integrated federal programs. If applicable, Tribes may also use funds for community-driven relocation projects.

Section 104. Plan requirements

Submitted Plans must identify, among other things: federal programs to be integrated; a strategy for implementation and funding coordination; a single projected budget; any anticipated federal reviews, permits, or other authorizations; and any administrative waivers requested by the Tribe. Sensitive information shared in a Plan will be confidential and protected from disclosure under applicable federal law.

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Section 105. Technical assistance

On a Tribe's request, DOI must provide technical assistance at any phase and on any aspect of a Plan. Other federal agencies may also be involved in this process, per the Tribe's request or as DOI determines appropriate.

Section 106. Plan submission and review

Once a Tribe notifies DOI of its intent to prepare a proposed Plan, DOI must consult with the Tribe to identify potential federal programs and administrative waivers to achieve the Tribe's goals. Proposed Plans are submitted to DOI.

Section 107. Waiver authority

An affected agency must grant any administrative waiver requested by a Tribe, unless the affected agency determines that doing so would be inconsistent with the Act or the federal program's underlying statutory authority. Waivers may involve matching requirements, competitive procedures, deadlines, funding formulas, set-asides, or other matters. Affected agencies have 45 days to respond to a waiver request, which is deemed approved if no action is taken during this time. On a Tribe's request, denial of a waiver request is subject to an interagency dispute resolution process.

Section 108 – Plan approval or denial

DOI has exclusive authority to approve or deny a Plan, in whole or in part. A Plan is deemed approved if DOI takes no action after 90 days from receipt of a proposed Plan. If denied, DOI must state the reasons for Plan denial with specificity and provide technical assistance to the Tribe to overcome those reasons, if possible. Partial approval is also an option. Both administrative and judicial remedies for Plan and waiver denials are available, and administrative exhaustion is not required.

Title II—Plan Implementation; Funding Administration; Interdepartmental Memorandum of Agreement; Report

Section 201 – Reduced reporting requirements

Instead of complying with program-specific reporting requirements, Plans are subject to a single model report for all integrated federal programs, submitted to DOI once annually. DOI will develop a model report and use a single oversight system for monitoring all Plan-related information. DOI must also maintain and make available to Tribes a list of all federal programs and administrative waivers that have been approved and denied.

Section 202 – Streamlined permitting and review implementation

When a Plan is approved, DOI and the Tribe will work with all participating agencies for the Plan, including those with responsibilities that trigger review under the National Environmental Policy Act (NEPA) or the National Historic Preservation Act (NHPA), to establish a coordinated project schedule for all reviews to be completed in a timely and efficient manner. Participating agencies must carry out concurrent reviews and consolidate reporting to the maximum extent practicable. While DOI oversees compliance with the coordinated project schedule, Tribes also have access to administrative and judicial enforcement remedies.

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Section 203 – Expedited fee-to-trust process for Plan implementation

DOI must take land into trust, upon a Tribe's request, when the Tribe acquires the land using funds distributed in accordance with a Plan, or when DOI determines the Tribe faces imminent risk if not able to use previously acquired land for community-driven relocation purposes. DOI may take land owned by a Tribe into trust, upon the Tribe's request, when the Tribe intends to use the pursuant to a Plan. In such cases, DOI will use a streamlined process that limits administrative burdens, including by applying the most simplified analyses found in 25 C.F.R. Part 151.

Section 204 – Streamlined funding framework implementation

DOI, in consultation with the Tribe, will lead affected agencies in developing and implementing a streamlined funding framework governing how funds will flow through DOI to the Tribe. Affected agencies must prioritize ease of use of Plan funds by Tribes, collaborate and operate concurrently with other affected agencies, and comply with funding deadlines. DOI has compliance oversight responsibility for the streamlined funding framework and affected agencies.

Section 205 – Transfer and distribution of funds

DOI will receive Plan funds transferred from affected agencies and distribute them to Tribes. Affected agencies must transfer Plan funds to DOI within 30 days of apportionment, and DOI must distribute them to the Tribe within 45 days of receipt. At a Tribe's request, funds may be distributed via an existing ISDEAA agreement. Affected agencies may also establish funding set-asides for implementing the Act.

Section 206 – Administration of funds

Tribes may reallocate distributed Plan funds without additional federal approval or waiver. Plan funds are available without fiscal year limitation, and Tribes retain interest earned. Tribes are entitled to full administrative costs and to indirect costs associated with the transfer of funds, and Plan funds are treated as non-federal funds for purposes of meeting matching requirements under any other federal law.

Section 207 – No reduction in amounts

Neither the Act nor any Plan under it decreases the amount of federal funds otherwise available to a Tribe, nor does a federal program's inclusion in a Plan otherwise affect that federal program's eligibility for inclusion in an ISDEAA agreement.

Section 208 – Interdepartmental memorandum of agreement

The Office of the Assistant Secretary for Indian Affairs will lead all federal partners in negotiating a memorandum of agreement providing for Act implementation, to be reached within 180 days of the Act's enactment. Tribal representatives shall consult in this process, and a Tribal working group will be created to advise the federal partners on at least an annual basis.

Section 209. Report required

Within two years of enactment, DOI, in consultation with affected agencies and Tribal representatives, will submit a report to Congress on the status of the Act's implementation.