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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To authorize the integration and administrative streamlining of Federal funding for Indian Tribes that have reservations, other Tribal lands, or ways of life at risk due to environmental impacts and natural disasters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. RANDALL introduced the following bill; which was referred to the Committee on _____

A BILL

To authorize the integration and administrative streamlining of Federal funding for Indian Tribes that have reservations, other Tribal lands, or ways of life at risk due to environmental impacts and natural disasters, 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 Emergency Response Resources Act” or the
6 “TERRA 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. Statement of purpose.
- Sec. 3. Definitions.
- Sec. 4. Lead agency.

TITLE I—PROGRAM COMPONENTS; PLAN DEVELOPMENT AND
APPROVAL

- Sec. 101. Integration of Federal programs authorized.
- Sec. 102. Eligible Federal programs.
- Sec. 103. Activities authorized under a Plan.
- Sec. 104. Plan requirements.
- Sec. 105. Technical assistance.
- Sec. 106. Plan submission and review.
- Sec. 107. Waiver authority.
- Sec. 108. Plan approval or denial.

TITLE II—PLAN IMPLEMENTATION; FUNDING ADMINISTRATION;
INTERDEPARTMENTAL MEMORANDUM OF AGREEMENT; REPORT

- Sec. 201. Reduced reporting requirements.
- Sec. 202. Streamlined permitting and review implementation.
- Sec. 203. Expedited fee-to-trust process for Plan implementation.
- Sec. 204. Streamlined funding framework implementation.
- Sec. 205. Transfer and distribution of funds.
- Sec. 206. Administration of funds.
- Sec. 207. No reduction in amounts.
- Sec. 208. Interdepartmental memorandum of agreement.
- Sec. 209. Report required.

3 **SEC. 2. STATEMENT OF PURPOSE.**

4 The purpose of this Act is to empower Indian Tribes
5 that have reservations, other Tribal lands, or ways of life
6 at risk due to environmental impacts and natural disas-
7 ters, including but not limited to flooding, erosion, sea
8 level rise, permafrost degradation, ocean acidification, ex-
9 tended drought, extreme temperatures, tsunamis, storm
10 surges, and more frequent and severe wildfires, hurri-
11 canes, and tornadoes, to integrate funding from multiple
12 eligible Federal programs into comprehensive Plans de-

1 signed to meet the needs of those Indian Tribes and their
2 communities with respect to preventing or addressing
3 those environmental impacts or natural disasters, includ-
4 ing by community-driven relocation, if applicable, while—

5 (1) reducing administrative, reporting, and ac-
6 counting costs; and

7 (2) serving Tribally determined goals consistent
8 with the policy of self-determination, the unique
9 Government-to-Government relationship between the
10 Government of the United States and the Govern-
11 ments of Indian Tribes, and the unique Federal
12 trust responsibility to Indian Tribes and Indian peo-
13 ple assumed by the United States, including all Fed-
14 eral agencies.

15 **SEC. 3. DEFINITIONS.**

16 For the purposes of this Act:

17 (1) **AFFECTED AGENCY.**—The term “affected
18 agency” means a Federal agency that administers a
19 program that has been integrated, or is being pro-
20 posed for integration, into a Plan.

21 (2) **COMMUNITY-DRIVEN RELOCATION.**—The
22 term “community-driven relocation” means any vol-
23 untary, Tribally led climate adaptation strategy that
24 may involve moving all or part of a Tribal commu-
25 nity from an area prone to environmental hazards to

1 a safer area, such as plans and projects for protect-
2 in-place, managed retreat, and full-scale relocation
3 efforts, which may include, but are not limited to,
4 demolition and construction of new housing, utilities,
5 and infrastructure.

6 (3) COORDINATED PROJECT SCHEDULE.—The
7 term “coordinated project schedule” means the co-
8 ordinated project schedule required under section
9 202(c)(1).

10 (4) DEPARTMENT.—The term “Department”
11 means the Department of the Interior.

12 (5) FEDERAL AGENCY.—The term “Federal
13 agency” has the meaning given the term “agency”
14 in section 551 of title 5, United States Code.

15 (6) FEDERAL PARTNER.—The term “Federal
16 partner” means each of—

17 (A) the Department;

18 (B) the Department of Agriculture;

19 (C) the Department of Commerce;

20 (D) the Department of Defense;

21 (E) the Department of Energy;

22 (F) the Department of Health and Human
23 Services;

24 (G) the Department of Homeland Security;

1 (H) the Department of Housing and
2 Urban Development;

3 (I) the Department of Justice;

4 (J) the Department of Transportation;

5 (K) the Department of the Treasury;

6 (L) the Environmental Protection Agency;

7 (M) the Federal Communications Commis-
8 sion;

9 (N) the Federal Energy Regulatory Com-
10 mission;

11 (O) the Advisory Council on Historic Pres-
12 ervation; and

13 (P) any other Federal agency that operates
14 a program that is proposed by an Indian Tribe
15 and determined eligible by the Secretary for in-
16 tegration into a Plan under this Act.

17 (7) FEDERAL PROGRAM.—The term “Federal
18 program” means any Federal program or Federal
19 funding source that an Indian Tribe integrates or
20 seeks to integrate into the Plan of the Indian Tribe.

21 (8) INDIAN TRIBE.—The term “Indian Tribe”
22 has the meaning given the term in section 4 of the
23 Indian Self-Determination and Education Assistance
24 Act (25 U.S.C. 5304).

1 (9) NEPA.—The term “NEPA” means the Na-
2 tional Environmental Policy Act of 1969 (42 U.S.C.
3 4321 et seq.).

4 (10) PARTICIPATING AGENCY.—The term “par-
5 ticipating agency” means a Federal agency that, re-
6 gardless of whether the Federal agency is a Federal
7 partner or an affected agency—

8 (A) has review, permitting, or other au-
9 thorization responsibility with respect to the
10 services or activities to be carried out under a
11 Plan, including but not limited to responsibil-
12 ities that require review under NEPA, section
13 306108 of title 54, United States Code (com-
14 monly known as the “National Historic Preser-
15 vation Act”), or other applicable Federal law;

16 (B) is designated by the Secretary as a
17 participating agency for that Plan; and

18 (C) participates in the streamlined permit-
19 ting and review procedures for implementing
20 that Plan, in accordance with section 202.

21 (11) PLAN.—The term “Plan” means a Plan
22 authorized under this Act.

23 (12) SECRETARY.—The term “Secretary”
24 means the Secretary of the Interior.

1 (13) TRADITIONAL ECOLOGICAL KNOWL-
2 EDGE.—The term “Traditional Ecological Knowl-
3 edge” means a body of observations, oral and writ-
4 ten knowledge, innovations, practices, and beliefs de-
5 veloped by Indian Tribes through long-term inter-
6 action and experience with the environment passed
7 from generation to generation, that continues to
8 evolve and may only be obtained with an Indian
9 Tribe’s free, prior, and informed consent.

10 **SEC. 4. LEAD AGENCY.**

11 Notwithstanding any other provision of law—

12 (1) the lead Federal agency responsible for im-
13 plementation of this Act is the Department; and

14 (2) unless otherwise provided in this Act, the
15 Secretary possesses sole and exclusive decision-
16 making authority for all Federal actions under this
17 Act, including but not limited to the sole and exclu-
18 sive authority to determine whether a Federal pro-
19 gram is eligible for integration into a Plan.

1 **TITLE I—PROGRAM COMPO-**
2 **NENTS; PLAN DEVELOPMENT**
3 **AND APPROVAL**

4 **SEC. 101. INTEGRATION OF FEDERAL PROGRAMS AUTHOR-**
5 **IZED.**

6 The Secretary shall, on approving a proposed Plan
7 submitted by an Indian Tribe under this Act, authorize
8 the Indian Tribe, in accordance with the Plan, to—

9 (1) integrate funding from eligible Federal pro-
10 grams (referred to in this section as the “integrated
11 Federal programs”), including but not limited to im-
12 plementing any waivers of statutory, regulatory, and
13 administrative requirements, regulations, policies,
14 and procedures granted under section 107;

15 (2) carry out the core services and activities
16 that would otherwise be provided through the inte-
17 grated Federal programs in accordance with the des-
18 ignated purposes of the Plan;

19 (3) reallocate, reprogram, consolidate, or re-
20 budget funds from the integrated Federal programs,
21 as needed, among the various services and activities
22 to be carried out under the Plan in accordance with
23 the designated purposes of the Plan, without the
24 need for any waiver to be granted under section 107;

1 (4) if appropriate, and in accordance with the
2 designated purposes of the Plan, reallocate, repro-
3 gram, consolidate, or rebudget some or all of the
4 funds from the integrated Federal programs to costs
5 associated with community-driven relocation; and

6 (5) provide a single report each year, based on
7 the model report developed under section 201(b)—

8 (A) in lieu of reporting, recordkeeping, au-
9 diting, or similar requirements or procedures
10 associated with the integrated Federal pro-
11 grams; and

12 (B) without the need for a waiver to be
13 granted under section 107.

14 **SEC. 102. ELIGIBLE FEDERAL PROGRAMS.**

15 For a Federal program to be eligible for integration
16 into a Plan, the following criteria must be met with respect
17 to the purpose and nature of funding:

18 (1) PURPOSE.—An Indian Tribe plans to imple-
19 ment the Federal program for a purpose that helps
20 to address environmental resiliency, which may in-
21 clude, but is not limited to, advancing such purpose
22 through—

23 (A) climate resilience, mitigation, or com-
24 munity-driven relocation;

- 1 (B) disaster relief, preparedness, or pre-
2 vention;
3 (C) environmental remediation;
4 (D) housing;
5 (E) infrastructure maintenance or develop-
6 ment;
7 (F) economic development;
8 (G) land management (including but not
9 limited to purchasing, leasing, and fee-to-trust);
10 (H) capacity building;
11 (I) real estate services;
12 (J) natural resources management or de-
13 velopment;
14 (K) energy or utility services;
15 (L) public health or welfare; and
16 (M) any purpose relating to, or otherwise
17 supporting or facilitating, a purpose described
18 in subparagraphs (A) through (L).

19 (2) NATURE OF FUNDING.—The funding of the
20 Federal program is provided to an Indian Tribe
21 based on at least one of the following:

- 22 (A) The eligibility of an Indian Tribe or
23 members of an Indian Tribe to receive funds—
24 (i) under a statutory or administrative
25 formula making funds available to the In-

1 dian Tribe or members of the Indian
2 Tribe; or

3 (ii) based solely or in part on the sta-
4 tus of the Indian Tribe or members of the
5 Indian Tribe as Indians under Federal law.

6 (B) The fact that an Indian Tribe or mem-
7 bers of an Indian Tribe have secured funds as
8 a result of a noncompetitive process or a spe-
9 cific designation.

10 (C) A competitive process under which In-
11 dian Tribes are designated eligible recipients,
12 regardless of whether the competitive funding is
13 for the benefit of the Indian Tribe because of
14 the status of the Indian Tribe or the status of
15 the beneficiaries the funding serves.

16 (D) Block grant funds provided to an In-
17 dian Tribe, regardless of whether the block
18 grant is for the benefit of the Indian Tribe be-
19 cause of the status of the Indian Tribe or the
20 status of the beneficiaries the grant serves.

21 **SEC. 103. ACTIVITIES AUTHORIZED UNDER A PLAN.**

22 Federal funding integrated into a Plan shall be ex-
23 pended (including but not limited to reallocating, re-
24 programming, consolidating, or rebudgeting the funds) for
25 purposes—

1 (1) consistent with the core services or activities
2 that otherwise would have been provided or carried
3 out under the Federal programs integrated into the
4 Plan; or

5 (2) relating to community-driven relocation.

6 **SEC. 104. PLAN REQUIREMENTS.**

7 (a) IN GENERAL.—A Plan submitted by an Indian
8 Tribe to the Secretary for approval shall—

9 (1) identify the Federal programs to be inte-
10 grated into the Plan;

11 (2) be consistent with the purpose of this Act;

12 (3) describe, at the option of the Indian
13 Tribe—

14 (A) the nature and severity of the environ-
15 ment-related threats to the existing reservation,
16 other Tribal lands, or ways of life of the Indian
17 Tribe; and

18 (B) if applicable, a strategy for commu-
19 nity-driven relocation to be addressed by the
20 Plan, that identifies—

21 (i) the general location of the pro-
22 posed relocation efforts; and

23 (ii) a summary of geospatial informa-
24 tion, if available, illustrating—

1 (I) the proposed relocation area;
2 and

3 (II) if applicable, the locations of
4 environmental, cultural, and historic
5 resources;

6 (4) describe the way in which Federal program
7 funds and services are to be integrated, consolidated,
8 and delivered to provide services and carry out ac-
9 tivities under the designated purposes of the Plan,
10 including but not limited to provisions that detail
11 how funding sources are anticipated to be coordi-
12 nated, consistent with section 204(b);

13 (5) identify any need for taking land into trust
14 for the benefit of the Indian Tribe for environment-
15 related purposes, pursuant to section 203;

16 (6) identify the projected expenditures under
17 the Plan in a single budget covering all consolidated
18 funds;

19 (7) identify any Federal environmental or his-
20 toric preservation reviews, permits, or other author-
21 izations anticipated to be required to be completed
22 or obtained to implement the Plan, including but not
23 limited to any reviews that may be required under
24 NEPA or section 306108 of title 54, United States

1 Code (commonly known as the “National Historic
2 Preservation Act”);

3 (8) identify any statutory, regulatory, or admin-
4 istrative requirements, regulations, policies, or proce-
5 dures that the Indian Tribe believes need to be
6 waived to efficiently and effectively implement the
7 Plan; and

8 (9) be approved by the governing body of the
9 Indian Tribe, by resolution or other applicable
10 means.

11 (b) CONFIDENTIALITY.—Traditional Ecological
12 Knowledge, including but not limited to information relat-
13 ing to natural, cultural, and historical resources, sub-
14 mitted in a Plan shall be—

15 (1) kept confidential; and

16 (2) exempt from the disclosure requirements
17 under—

18 (A) section 552(b)(3) of title 5, United
19 States Code (commonly known as the “Freedom
20 of Information Act”);

21 (B) chapter 10 of part I of title 5, United
22 States Code (commonly known as the “Federal
23 Advisory Committee Act”);

1 (C) the Open, Public, Electronic, and Nec-
2 essary Government Data Act (title II of Public
3 Law 115–435);

4 (D) NEPA; and

5 (E) similar disclosure statutes and require-
6 ments, as applicable.

7 **SEC. 105. TECHNICAL ASSISTANCE.**

8 (a) IN GENERAL.—On request of an Indian Tribe,
9 the Secretary shall provide technical assistance to the In-
10 dian Tribe with respect to any phase or aspect of a Plan,
11 including but not limited to—

12 (1) project planning and design to develop a
13 proposed Plan for submission; and

14 (2) review by the Secretary of a draft proposed
15 Plan, in accordance with subsection (b).

16 (b) REVIEW BY SECRETARY.—If an Indian Tribe re-
17 quests review of a draft proposed Plan under subsection
18 (a)(2), the Secretary shall—

19 (1) identify any issues or missing information
20 that may prevent the approval of the draft proposed
21 Plan; and

22 (2) provide followup technical assistance to re-
23 solve any issues identified in paragraph (1), as ap-
24 plicable.

1 (c) REVIEW NOT A DECISION.—A review of a draft
2 proposed Plan under subsection (b) shall not constitute
3 an official Federal agency determination or decision.

4 (d) AGENCY CONSULTATION.—

5 (1) IN GENERAL.—In providing technical assist-
6 ance under subsection (a), on request of the Indian
7 Tribe receiving technical assistance, or as the Sec-
8 retary determines appropriate, the Secretary shall
9 consult with any Federal agencies anticipated to be
10 affected agencies or participating agencies with re-
11 spect to the applicable Plan.

12 (2) SCOPE.—Federal agencies with which the
13 Secretary consults under paragraph (1) shall provide
14 technical assistance with respect to any requested
15 phase or aspect of a Plan, including but not limited
16 to—

17 (A) waiver requests under section 107;

18 (B) streamlined funding frameworks under
19 section 204; and

20 (C) coordinated project scheduling under
21 section 202(c).

22 **SEC. 106. PLAN SUBMISSION AND REVIEW.**

23 (a) LETTER OF INTENT.—An Indian Tribe shall no-
24 tify the Secretary, in writing, of the intent of the Indian
25 Tribe to prepare a proposed Plan.

1 (b) PLAN CONSULTATION.—On receipt of notice from
2 an Indian Tribe under subsection (a), the Secretary shall
3 consult with the Indian Tribe—

4 (1) to identify potential Federal programs that
5 may be integrated into the proposed Plan; and

6 (2) to identify any waivers of applicable statu-
7 tory, regulatory, or administrative requirements, reg-
8 ulations, policies, or procedures necessary to enable
9 the Indian Tribe to efficiently and effectively imple-
10 ment the proposed Plan.

11 (c) PLAN SUBMISSION.—A proposed Plan submitted
12 by an Indian Tribe to the Secretary shall satisfy the re-
13 quirements of this Act.

14 **SEC. 107. WAIVER AUTHORITY.**

15 (a) TRIBAL WAIVER REQUEST.—In consultation with
16 the Secretary, an Indian Tribe submitting a proposed Plan
17 may include in the proposed Plan a request that the head
18 of an affected agency waive any statutory, regulatory, or
19 administrative requirement, regulation, policy, or proce-
20 dure that the Indian Tribe considers necessary to enable
21 the Indian Tribe to efficiently and effectively implement
22 the proposed Plan.

23 (b) WAIVER AUTHORITY.—

24 (1) IN GENERAL.—Notwithstanding any other
25 provision of law, but subject to paragraph (2), the

1 head of an affected agency shall waive any applica-
2 ble statutory, regulatory, or administrative require-
3 ment, regulation, policy, or procedure for which an
4 Indian Tribe has requested a waiver under sub-
5 section (a), including but not limited to—

6 (A) matching requirements;

7 (B) competition procedures and other com-
8 petitive funding requirements;

9 (C) formula funding limitations;

10 (D) repayment obligations;

11 (E) requirements to partner with a State
12 or local government or agency, or community
13 organization;

14 (F) deadlines; and

15 (G) any statutory requirements that may
16 be interpreted to prevent—

17 (i) the Indian Tribe from receiving
18 funds from multiple, or overlapping,
19 sources of Federal funding; or

20 (ii) the creation by the head of the af-
21 fected agency of a funding set-aside for In-
22 dian Tribes.

23 (2) LIMITATION.—A waiver requested by an In-
24 dian Tribe under paragraph (1) shall not be granted

1 if the head of the affected agency determines grant-
2 ing the waiver will be inconsistent with—

3 (A) the purpose of this Act; or

4 (B) the provision of law from which the
5 Federal program included in the Plan derives
6 its authority that is specifically applicable to In-
7 dians.

8 (c) WAIVER SUBMISSION AND REVIEW.—

9 (1) DETERMINATION ON WAIVER REQUEST.—

10 Not later than 45 days after the date on which an
11 Indian Tribe submits a waiver request under sub-
12 section (a), the head of the affected agency shall—

13 (A) make a determination on whether to
14 grant or deny the request; and

15 (B) provide written notice of the deter-
16 mination and the reasons for the determination
17 to the requesting Indian Tribe and the Sec-
18 retary.

19 (2) DEEMED APPROVAL.—If the head of an af-
20 fected agency does not provide written notice to the
21 Indian Tribe of a determination on a waiver request
22 within the 45-day period described in paragraph (1),
23 the waiver request shall be deemed to be granted.

24 (3) INTERAGENCY DISPUTE RESOLUTION.—

1 (A) IN GENERAL.—On request of an In-
2 dian Tribe that submitted a waiver request
3 under subsection (a), the Secretary shall ini-
4 tiate an interagency dispute resolution process
5 involving—

- 6 (i) the Secretary;
7 (ii) the Indian Tribe; and
8 (iii) the head of the affected agency.

9 (B) TIMELINE.—A dispute initiated under
10 subparagraph (A) shall be resolved not later
11 than 30 days after the date on which the pro-
12 cess is initiated under that subparagraph.

13 (C) FINAL AUTHORITY.—If the dispute
14 resolution process fails to resolve the dispute
15 between the Indian Tribe and the affected
16 agency, the head of the affected agency shall
17 have the final authority to resolve the dispute.

18 (D) NOTICE TO INDIAN TRIBE.—Not later
19 than 10 days after the date on which the dis-
20 pute is resolved under this paragraph, the Sec-
21 retary shall provide the Indian Tribe with—

- 22 (i) the final determination on the
23 waiver request; and
24 (ii) notice of the right to file a civil
25 action in accordance with section 108(f).

1 **SEC. 108. PLAN APPROVAL OR DENIAL.**

2 (a) IN GENERAL.—The Secretary shall have the sole
3 and exclusive authority to approve or disapprove—

4 (1) a Plan submitted by an Indian Tribe; and

5 (2) the integration of individual Federal pro-
6 grams into the Plan.

7 (b) PRESUMPTION OF APPROVAL.—Because Plans
8 promote the policy of self-determination, the Secretary
9 shall review Plans with the presumption of approval.

10 (c) APPROVAL OR DENIAL PROCESS.—

11 (1) IN GENERAL.—Except as provided in sub-
12 section (d), not later than 90 days after the date on
13 which the Secretary receives a proposed Plan sub-
14 mitted by an Indian Tribe, the Secretary shall—

15 (A) approve or deny the Plan; and

16 (B) provide written notice of that decision
17 to the Indian Tribe.

18 (2) APPROVAL.—If the Secretary approves a
19 Plan, the Secretary shall authorize the transfer and
20 distribution of funds associated with the Federal
21 programs integrated into the Plan.

22 (3) DENIAL.—If the Secretary denies a Plan,
23 the Secretary shall provide to the Indian Tribe writ-
24 ten notification of disapproval that—

25 (A) contains a specific finding that clearly
26 demonstrates, or that is supported by control-

1 ling legal authority, that the Plan does not
2 meet the requirements of this Act; and

3 (B) clearly states any objections contrib-
4 uting to the denial.

5 (4) PARTIAL APPROVAL.—If the Secretary de-
6 termines a Plan cannot be approved in its entirety,
7 the Secretary shall approve, with the consent of the
8 applicable Indian Tribe, any portion of the Plan that
9 can be approved and deny any portion of the pro-
10 posed Plan that cannot be approved, pursuant to the
11 processes described in paragraph (5).

12 (5) DENIAL PENDING WAIVER APPROVAL.—

13 (A) PARTIAL APPROVAL.—If a Plan is de-
14 nied under paragraph (3) solely on the basis
15 that a waiver request that is part of the Plan
16 has not been approved or is subject to dispute
17 resolution under section 107, on request of the
18 applicable Indian Tribe, the Secretary shall
19 grant partial approval for those portions of the
20 Plan not affected by the waiver request.

21 (B) APPROVAL AFTER RESOLUTION.—With
22 respect to a Plan described in subparagraph
23 (A), upon approval or resolution of the waiver
24 request under section 107 and on request of the
25 applicable Indian Tribe, the Secretary shall ap-

1 prove the Plan or amended Plan not later than
2 45 days after the date on which the Secretary
3 receives the request.

4 (6) DEEMED APPROVAL.—If the Secretary does
5 not provide written notice to an Indian Tribe of a
6 decision on a Plan within the 90-day period de-
7 scribed in paragraph (1), the Plan shall be deemed
8 approved.

9 (d) EXTENSION OF TIME.—

10 (1) IN GENERAL.—Subject to paragraph (2),
11 the Secretary may extend or otherwise alter the 90-
12 day period described in subsection (c)(1) if, before
13 expiration of the original 90-day period, the Sec-
14 retary obtains the express written consent of the In-
15 dian Tribe that submitted the applicable Plan.

16 (2) EXTENSION RESTRICTIONS.—An extension
17 or alteration of the 90-day period under paragraph
18 (1) may only be—

19 (A) provided once; and

20 (B) for a period of not more than 90 days.

21 (e) REVIEW OF DENIAL.—In addition to the require-
22 ments of subsection (c)(3), if the Secretary denies or par-
23 tially denies a proposed Plan the Secretary shall—

24 (1) provide technical assistance to the applica-
25 ble Indian Tribe with respect to the denied proposed

1 Plan, or the denied portion of the proposed Plan, to
2 overcome any stated objections and ensure the pro-
3 posed Plan meets the requirements of this Act, to
4 the maximum extent possible; and

5 (2) notwithstanding the right to bring a civil
6 action under subsection (f), on request of the Indian
7 Tribe, provide the Indian Tribe with a hearing on
8 the record with the right to engage in full discovery
9 relevant to any issue raised in the matter and the
10 opportunity for appeal on the objections raised by
11 the Secretary under subsection (c)(3), under such
12 rules and regulations as the Secretary may issue.

13 (f) CIVIL ACTIONS.—

14 (1) IN GENERAL.—An Indian Tribe may bring
15 a civil action in a district court of the United States
16 against—

17 (A) the Secretary for a Plan denial under
18 this section;

19 (B) the head of an affected agency whose
20 recommendation contributed to a Plan denial
21 under this section;

22 (C) the head of an affected agency for a
23 waiver denial under section 107; and

24 (D) the Secretary or head of an affected
25 agency or participating agency for failure to

1 comply with any applicable obligations or re-
2 sponsibilities under this Act.

3 (2) ADMINISTRATIVE EXHAUSTION NOT RE-
4 QUIRED.—An Indian Tribe may bring a civil action
5 under paragraph (1) without regard to whether the
6 Indian Tribe had an administrative hearing for a
7 Plan denial under subsection (e)(2), engaged in the
8 dispute resolution process for a waiver denial under
9 section 107(c)(3), or sought other available adminis-
10 trative remedies.

11 (3) RELIEF.—In a civil action brought by an
12 Indian Tribe under paragraph (1), a district court of
13 the United States may order appropriate relief (in-
14 cluding injunctive relief to reverse a denial of a Plan
15 or a waiver to compel an officer or employee of the
16 United States, or any agency thereof, to perform a
17 duty provided under this Act or regulations promul-
18 gated under this Act) against any action by an offi-
19 cer or employee of the United States or any Federal
20 agency contrary to this Act or regulations promul-
21 gated under this Act.

22 (4) ATTORNEY FEES.—If an Indian Tribe sub-
23 stantially prevails in a civil action brought by the In-
24 dian Tribe under this subsection or secures a court
25 order under section 202(f), a district court of the

1 United States may award attorneys' fees, expert wit-
2 ness fees, and other costs of participating in such
3 action, as the court deems reasonable.

4 (g) FINAL AGENCY ACTION.—Notwithstanding any
5 other provision of law, a decision by an official of the De-
6 partment that constitutes final agency action and that re-
7 lates to an appeal within the Department that is con-
8 ducted under this section shall be made by an official who
9 holds a position at a higher organizational level within the
10 Department than the level of the departmental agency at
11 which the decision that is the subject of the appeal was
12 made.

13 **TITLE II—PLAN IMPLEMENTA-**
14 **TION; FUNDING ADMINISTRA-**
15 **TION; INTERDEPARTMENTAL**
16 **MEMORANDUM OF AGREE-**
17 **MENT; REPORT**

18 **SEC. 201. REDUCED REPORTING REQUIREMENTS.**

19 (a) CERTAIN FEDERAL PROGRAM REQUIREMENTS
20 SUPERSEDED.—An Indian Tribe with a Plan approved by
21 the Secretary under section 108—

22 (1) shall be required to submit a single report
23 each year based on the model report developed by
24 the Secretary under subsection (b)(1) in accordance
25 with the Plan of the Indian Tribe; and

1 (2) shall not be required to comply with report-
2 ing, recordkeeping, auditing, or similar requirements
3 or procedures required by affected agencies and indi-
4 vidual Federal programs integrated into the Plan of
5 the Indian Tribe.

6 (b) DUTIES OF SECRETARY.—The Secretary shall—

7 (1) develop a model report, to be made available
8 to the Indian Tribes, that describes all services or
9 activities undertaken and expenditures made under a
10 Plan;

11 (2) develop and use a single monitoring and
12 oversight system for Plans, which shall record all in-
13 formation relevant to the administration of Plans,
14 including but not limited to, with respect to each
15 Plan—

16 (A) annual reports submitted by Indian
17 Tribes under this section;

18 (B) streamlined funding frameworks, as
19 updated by the Secretary pursuant to section
20 204(b)(2)(B); and

21 (C) coordinated project schedules, includ-
22 ing any environmental review timetables in-
23 cluded in those coordinated project schedules,
24 as updated by the Secretary pursuant to section
25 202(c)(2)(B); and

1 (3) maintain and make available to Indian
2 Tribes a list of all—

3 (A) Federal programs approved and denied
4 for integration into Plans; and

5 (B) waiver requests granted and denied
6 under section 107.

7 (c) MODEL REPORT FORMAT.—

8 (1) REQUIREMENTS.—The model report devel-
9 oped under subsection (b)(1) shall contain informa-
10 tion sufficient to—

11 (A) determine whether the Indian Tribe
12 has complied with the requirements of the Plan
13 of the Indian Tribe; and

14 (B) enable the head of each affected agen-
15 cy to determine whether the Indian Tribe has
16 complied with all directly applicable statutory
17 and regulatory requirements of the integrated
18 Federal programs of each affected agency that
19 are not—

20 (i) superseded on integration into a
21 Plan; or

22 (ii) waived under section 107.

23 (2) LIMITATION.—The model report developed
24 under subsection (b)(1) shall not require an Indian
25 Tribe to report on the expenditure of funds ex-

1 pressed by fund source or single agency code trans-
2 ferred to the Indian Tribe under a Plan.

3 **SEC. 202. STREAMLINED PERMITTING AND REVIEW IMPLE-**
4 **MENTATION.**

5 (a) IDENTIFICATION OF FEDERAL AGENCIES.—

6 (1) IN GENERAL.—On approval of a Plan by
7 the Secretary under section 108, the Secretary, in
8 consultation with the Indian Tribe, shall identify
9 and invite all Federal agencies that have permitting,
10 review, approval, or other authorization responsibil-
11 ities with respect to the services or activities to be
12 carried out under the Plan, including but not limited
13 to responsibilities that require review under NEPA,
14 section 306108 of title 54, United States Code (com-
15 monly known as the “National Historic Preservation
16 Act”), and other applicable Federal law, to partici-
17 pate in the streamlined permitting and review proc-
18 ess described in this section.

19 (2) LEAD AGENCY.—The Department shall be
20 the lead Federal agency responsible for implementa-
21 tion of this Act.

22 (b) PARTICIPATING AGENCIES.—

23 (1) IN GENERAL.—A Federal agency invited
24 under subsection (a) shall be designated as a partici-
25 pating agency for a Plan, unless the Federal agency

1 informs the Secretary in writing not later than 14
2 days after the date on which the Federal agency re-
3 ceives the invitation from the Secretary under that
4 subsection that the Federal agency—

5 (A) has no jurisdiction or review, permit-
6 ting, or other authorization responsibility with
7 respect to the services or activities to be carried
8 out under the Plan; or

9 (B) does not intend to exercise review, per-
10 mitting, or other authorization responsibility re-
11 lating to, or submit comments on, implementa-
12 tion of the Plan.

13 (2) CHANGED CIRCUMSTANCES.—On request of
14 a Federal agency based on a showing of changed cir-
15 cumstances, the Secretary may designate a Federal
16 agency that has opted out under paragraph (1) to
17 be a participating agency.

18 (3) EFFECT.—Designation as a participating
19 agency under paragraph (1) shall not grant the par-
20 ticipating agency authority or jurisdiction over—

21 (A) the Plan; or

22 (B) the services and activities to be carried
23 out under the Plan beyond the existing statu-
24 tory authority of the participating agency, if

1 any, to approve particular services or activities
2 under the Plan.

3 (c) COORDINATED PROJECT SCHEDULE.—

4 (1) IN GENERAL.—Not later than 60 days after
5 the date on which a Plan submitted to the Secretary
6 is approved by the Secretary under section 108, the
7 Secretary, in consultation with the applicable Indian
8 Tribe and each participating agency designated
9 under subsection (b)(1), shall develop a coordinated
10 project schedule for completing any review and ob-
11 taining any permit or other authorization required to
12 carry out the services and activities under the Plan,
13 except those requirements waived under section 107.

14 (2) REQUIRED INFORMATION.—

15 (A) IN GENERAL.—A coordinated project
16 schedule shall include, but is not limited to, the
17 following information collected by the Secretary:

18 (i) A list of, and roles and responsibil-
19 ities for, all participating agencies with re-
20 view, permitting, or other authorization re-
21 sponsibility for services or activities under
22 the Plan.

23 (ii) A discussion of potential avoid-
24 ance, minimization, and mitigation strate-

1 gies, if known and required by applicable
2 Federal law.

3 (iii) A plan and schedule for public
4 and Tribal outreach and coordination, to
5 the extent required by applicable Federal
6 law.

7 (iv) If applicable, an environmental
8 review timetable, as described in subsection
9 (d).

10 (B) UPDATES.—The information described
11 in subparagraph (A) shall be updated by the
12 Secretary not less frequently than every 6
13 months.

14 (d) ENVIRONMENTAL REVIEW TIMETABLE.—

15 (1) ESTABLISHMENT.—As part of a coordinated
16 project schedule, the Secretary, in consultation with
17 the applicable Indian Tribe, each participating agen-
18 cy, and, if appropriate, any State in which the rel-
19 evant services or activities in the Plan are located,
20 shall establish an environmental review timetable
21 that includes but is not limited to intermediate and
22 final completion dates for all required environmental
23 reviews necessary for each permit or other author-
24 ization required by a participating agency to support
25 completion of the services or activities in the Plan

1 that have not otherwise been waived under section
2 107, including but not limited to any review required
3 pursuant to NEPA.

4 (2) TERM.—To the maximum extent prac-
5 ticable, and consistent with applicable Federal law,
6 an environmental review timetable established under
7 paragraph (1) shall not exceed an overall term of 1
8 year after a Plan is approved.

9 (3) DETERMINATIONS.—If a participating agen-
10 cy is required to issue a determination with respect
11 to an environmental review, permit, or other author-
12 ization as part of the coordinated project schedule
13 described in paragraph (1), the participating agency
14 shall issue the determination not later than 90 days
15 after all the required information for the environ-
16 mental review, permit, or other authorization is in
17 possession of the participating agency.

18 (4) DELAY.—If the Secretary determines that
19 an environmental review, permit, or other authoriza-
20 tion will not be completed or issued in accordance
21 with this subsection and the applicable environ-
22 mental review timetable, the Secretary shall—

23 (A) notify the participating agency respon-
24 sible for completing the environmental review or

1 issuing the permit or other authorization of the
2 discrepancy; and

3 (B) request that the participating agency
4 take such measures as the Secretary, in con-
5 sultation with the participating agency, deter-
6 mines appropriate to comply with that environ-
7 mental review timetable.

8 (e) COORDINATION OF REQUIRED REVIEWS AND AU-
9 THORIZATIONS.—

10 (1) CONCURRENT REVIEWS.—To efficiently in-
11 tegrate the exercise of review, permitting, and other
12 authorization responsibilities, each participating
13 agency shall, to the maximum extent practicable—

14 (A) carry out the responsibilities of the
15 participating agency with respect to a Plan con-
16 currently, and in conjunction with, the respon-
17 sibilities of other participating agencies, includ-
18 ing reviews required under NEPA and section
19 306108 of title 54, United States Code (com-
20 monly known as the “National Historic Preser-
21 vation Act”), unless the participating agency
22 determines that doing so would impair the abil-
23 ity of the participating agency to carry out the
24 other statutory obligations of the participating
25 agency;

1 (B) formulate and implement administra-
2 tive, policy, and procedural mechanisms to en-
3 able the participating agency to ensure comple-
4 tion of the process for reviews and issuance of
5 permits and other authorizations in a timely,
6 coordinated, and responsible manner; and

7 (C) where an environmental impact state-
8 ment is required for services or activities in a
9 Plan pursuant to section 102(2)(C) of NEPA
10 (42 U.S.C. 4332(2)(C)), prepare a single, inter-
11 agency environmental impact statement for the
12 services or activities unless the Secretary pro-
13 vides justification in the coordinated project
14 schedule that multiple environmental impact
15 statements are more efficient.

16 (2) ADOPTION, INCORPORATION BY REF-
17 ERENCE, AND USE OF DOCUMENTS.—

18 (A) IN GENERAL.—On request of an In-
19 dian Tribe, the Secretary shall consider and, as
20 appropriate, adopt or incorporate by reference,
21 the analysis and documentation prepared for a
22 Plan under the laws and procedures of the In-
23 dian Tribe as the documentation, or part of the
24 documentation, required to complete a review or

1 issue a permit or other authorization for the
2 Plan.

3 (B) NEPA COMPLIANCE.—A document
4 adopted under subparagraph (A) or a document
5 that includes documentation incorporated under
6 that subparagraph may serve as the documenta-
7 tion required for an environmental review or a
8 supplemental environmental review required to
9 be prepared by a lead agency pursuant to
10 NEPA.

11 (3) PRESUMPTION OF NEGATIVE IMPACTS OF
12 TAKING NO ACTION.—For all environmental reviews
13 required pursuant to NEPA that require consider-
14 ation of a no action alternative, there shall be a pre-
15 sumption that, given the ongoing threats addressed
16 by this Act, the effects of taking no action will be
17 negative for the Indian Tribe.

18 (f) PETITION TO COURT.—

19 (1) RIGHT TO PETITION.—An Indian Tribe may
20 obtain a review of an alleged failure by a partici-
21 pating agency to act in accordance with an applica-
22 ble deadline described in a coordinated project
23 schedule by filing a written petition with a district
24 court of the United States or other court of com-

1 trust for the benefit of the Indian Tribe any land owned
2 by the Indian Tribe and intended for use pursuant to a
3 Plan, regardless of when the land was acquired, in accord-
4 ance with this section and the procedures described in part
5 151 of title 25, Code of Federal Regulations (as in effect
6 on the date of the enactment of this Act), except that—

7 (1) the Indian Tribe shall—

8 (A) not be subject to the documentation
9 requirements described in that part; but

10 (B) ensure, in consultation with the Sec-
11 retary, that sufficient information for the trust
12 acquisition request is included in the Plan (or
13 in subsequent materials); and

14 (2) the Secretary shall—

15 (A) regardless of the actual location of the
16 land, evaluate the trust acquisition request
17 using the procedures for evaluating—

18 (i) an on-reservation acquisition pur-
19 suant to section 151.9(c) of title 25, Code
20 of Federal Regulations (as in effect on the
21 date of the enactment of this Act); or

22 (ii) as applicable, an initial Indian ac-
23 quisition pursuant to section 151.12(c) of
24 title 25, Code of Federal Regulations (as

1 in effect on the date of the enactment of
2 this Act);

3 (B) as applicable, evaluate the request
4 using the environmental review process de-
5 scribed in section 202; and

6 (C) act on the request of an Indian Tribe
7 in accordance with the timeframe for approving
8 or denying a Plan under section 108.

9 **SEC. 204. STREAMLINED FUNDING FRAMEWORK IMPLE-**
10 **MENTATION.**

11 (a) IN GENERAL.—The Secretary, in consultation
12 with the applicable Indian Tribe, shall function as the lead
13 Federal agency in developing and implementing the
14 streamlined funding frameworks described in this section.

15 (b) STREAMLINED FUNDING FRAMEWORK.—

16 (1) IN GENERAL.—In consultation with the ap-
17 plicable Indian Tribe, the Secretary shall develop a
18 streamlined funding framework for each Plan that
19 details how funding sources for the Federal pro-
20 grams integrated into the Plan will be transferred in
21 an efficient manner to the Department for distribu-
22 tion to the Indian Tribe, consistent with the require-
23 ments of this Act.

24 (2) REQUIRED INFORMATION.—

1 (A) IN GENERAL.—Each streamlined fund-
2 ing framework developed under paragraph (1)
3 shall include, but is not limited to, the following
4 information:

5 (i) A list of, and roles and responsibil-
6 ities for, all affected agencies with Federal
7 programs integrated into a Plan.

8 (ii) A funding timetable establishing a
9 comprehensive schedule of dates by
10 which—

11 (I) all funds are expected to be
12 apportioned to the affected agencies;
13 and

14 (II) those funds shall be trans-
15 ferred to the Secretary and disbursed
16 to the Indian Tribe, in accordance
17 with the requirements of section 205.

18 (B) UPDATES.—The information described
19 in subparagraph (A) shall be updated by the
20 Secretary not less frequently than once per
21 year.

22 (3) AFFECTED AGENCIES.—To efficiently and
23 effectively integrate funding from Federal programs
24 according to a Plan, each affected agency shall, to
25 the maximum extent practicable—

1 (A) prioritize the ease of use of Plan funds
2 by Indian Tribes;

3 (B) formulate and implement administra-
4 tive, policy, and procedural mechanisms to en-
5 able the affected agency to coordinate funding
6 with the funding sources of other affected agen-
7 cies; and

8 (C) carry out the obligations of the af-
9 fected agency with respect to a Plan under any
10 other applicable Federal law concurrently, and
11 in conjunction with, other affected agencies, un-
12 less the affected agency determines that doing
13 so would impair the ability of the affected agen-
14 cy to carry out other statutory obligations of
15 the affected agency.

16 **SEC. 205. TRANSFER AND DISTRIBUTION OF FUNDS.**

17 (a) **RESPONSIBILITY.**—The Secretary shall be re-
18 sponsible for—

19 (1) the receipt of all funds covered by a Plan
20 approved by the Secretary; and

21 (2) the distribution of those funds to the appli-
22 cable Indian Tribe by not later than 45 days after
23 the date on which the Secretary receives those funds
24 from the affected agency.

1 (b) SET-ASIDES.—Notwithstanding any other provi-
2 sion of law—

3 (1) an affected agency may establish and imple-
4 ment, for the purposes of carrying out this Act, a
5 set-aside of funding for Indian Tribes from any Fed-
6 eral program the affected agency administers; and

7 (2) the amount for a set-aside described in
8 paragraph (1) shall be not less than 10 percent of
9 the total appropriations made available for the appli-
10 cable Federal program.

11 (c) TRANSFER OF FUNDS.—Notwithstanding any
12 other provision of law, not later than 30 days after the
13 date on which funds are apportioned to an affected agency
14 to carry out a Federal program integrated into a Plan,
15 the head of the affected agency that administers the Fed-
16 eral program integrated into the Plan shall transfer those
17 funds, through a nonexpenditure transfer, to the Secretary
18 for distribution to an Indian Tribe.

19 (d) DISTRIBUTION OF FUNDS.—Notwithstanding any
20 other provision of law, on request of an Indian Tribe, all
21 funds distributed to the Indian Tribe in accordance with
22 a Plan shall be distributed to the Indian Tribe pursuant
23 to an existing contract, compact, or funding agreement en-
24 tered into under the Indian Self-Determination and Edu-
25 cation Assistance Act (25 U.S.C. 5301 et seq.).

1 (e) EMERGENCY DISTRIBUTION OF FUNDS.—Not-
2 withstanding any other provision of law, the Secretary
3 may, on request of an Indian Tribe, distribute limited
4 funding on an interim basis before the date on which the
5 Secretary approves a Plan under section 108.

6 **SEC. 206. ADMINISTRATION OF FUNDS.**

7 (a) REQUIREMENTS.—

8 (1) IN GENERAL.—

9 (A) CONSOLIDATION AND REALLOCATION
10 OF FUNDS.—Notwithstanding any other provi-
11 sion of law, an Indian Tribe may reallocate, re-
12 program, consolidate, or rebudget any funds
13 transferred to the Indian Tribe pursuant to a
14 Plan to further any purpose covered by the
15 Plan and to best meet the needs of the Indian
16 Tribe, without the need for additional Federal
17 approval or a waiver under section 107.

18 (B) AUTHORIZED USE OF FUNDS.—Funds
19 used to carry out a Plan shall be administered
20 in such a manner as the Secretary determines
21 to be appropriate to ensure the funds are spent
22 on services and activities carrying out the pur-
23 poses authorized under the Plan.

24 (C) EFFECT.—Nothing in this section
25 interferes with the ability of the Secretary to

1 use accounting procedures that conform to gen-
2 erally accepted accounting principles, auditing
3 procedures, and safeguarding of funds that con-
4 form to chapter 75 of title 31, United States
5 Code (commonly known as the “Single Audit
6 Act of 1984”).

7 (2) SEPARATE RECORDS AND AUDITS NOT RE-
8 QUIRED.—Notwithstanding any other provision of
9 law (including but not limited to regulations and cir-
10 culars of any agency (including but not limited to
11 Office of Management and Budget Circular A-
12 133)), an Indian Tribe that has in place a Plan ap-
13 proved under section 108 shall not be required to—

14 (A) maintain separate records that trace
15 any service or activity conducted under the Plan
16 to the Federal program for which the funds
17 were initially authorized or transferred;

18 (B) allocate expenditures among those
19 Federal programs;

20 (C) audit expenditures by the original
21 source of the Federal program; or

22 (D) report on or in accordance with any
23 requirements associated with the underlying
24 Federal program, where instead only 1 annual
25 report on the Plan is required pursuant to the

1 model report developed by the Secretary under
2 section 201(b)(1).

3 (b) CARRYOVER.—

4 (1) IN GENERAL.—Any funds transferred to an
5 Indian Tribe under section 205(c) that are not obli-
6 gated or expended prior to the beginning of the fis-
7 cal year after the fiscal year for which the funds
8 were appropriated shall remain available for obliga-
9 tion or expenditure, without fiscal year limitation,
10 subject to the condition that the funds shall be obli-
11 gated or expended in accordance with the Plan of
12 the Indian Tribe.

13 (2) NO ADDITIONAL DOCUMENTATION.—An In-
14 dian Tribe shall not be required to provide any addi-
15 tional justification or documentation of the purposes
16 of a Plan as a condition of receiving or expending
17 carryover funds described in paragraph (1).

18 (c) INDIRECT COSTS.—Notwithstanding any other
19 provision of law, an Indian Tribe shall be entitled to re-
20 cover 100 percent of any indirect costs incurred by the
21 Indian Tribe as a result of the transfer of funds to the
22 Indian Tribe under section 205(c).

23 (d) MATCHING FUNDS.—Notwithstanding any other
24 provision of law, any funds transferred to an Indian Tribe
25 under section 205(c) shall be treated as non-Federal funds

1 for purposes of meeting matching requirements under any
2 other Federal law.

3 (e) INTEREST OR OTHER INCOME.—An Indian Tribe
4 shall be entitled to retain interest earned on any funds
5 transferred to the Indian Tribe under section 205(c) and
6 that interest shall not diminish the amount of funds the
7 Indian Tribe is authorized to receive under the Plan in
8 the year the interest is earned (or in any subsequent fiscal
9 year).

10 **SEC. 207. NO REDUCTION IN AMOUNTS.**

11 (a) IN GENERAL.—In no case shall the amount of
12 Federal funds available to an Indian Tribe that seeks to
13 propose a Plan under section 106 be reduced as a result
14 of the—

15 (1) enactment of this Act; or

16 (2) approval or implementation of a Plan of the
17 Indian Tribe.

18 (b) INTERACTION WITH OTHER LAWS.—The integra-
19 tion of a Federal program into a Plan shall not—

20 (1) modify, limit, or otherwise affect the eligi-
21 bility of the Federal program for contracting under
22 the Indian Self-Determination and Education Assist-
23 ance Act (25 U.S.C. 5301 et seq.); or

24 (2) eliminate the applicability of any provision
25 of that Act, as the provision relates to a specific

1 Federal program eligible for contracting under that
2 Act.

3 **SEC. 208. INTERDEPARTMENTAL MEMORANDUM OF AGREE-**
4 **MENT.**

5 (a) MEMORANDUM OF AGREEMENT REQUIRED.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of enactment of this Act, the Office
8 of the Assistant Secretary for Indian Affairs shall
9 lead the Federal partners in negotiating and enter-
10 ing into an interdepartmental memorandum of
11 agreement providing for the implementation of this
12 Act.

13 (2) TRIBAL CONSULTATION.—In negotiating
14 and entering to an interdepartmental memorandum
15 of agreement under paragraph (1), the Department
16 and the Federal partners shall consult with rep-
17 resentatives of Indian Tribes.

18 (b) REQUIREMENTS AND RESTRICTIONS.—The inter-
19 departmental memorandum of agreement required under
20 subsection (a)(1)—

21 (1) shall include, but is not limited to, provi-
22 sions relating to—

23 (A) interagency cooperation with respect to
24 the procedures for approval of Plans by the
25 Secretary under section 108 and the granting

1 of waivers by affected agencies under section
2 107;

3 (B) establishing a Tribal working group to
4 advise the Federal partners on overall program
5 management and implementation; and

6 (C) ensuring an annual meeting between
7 the Federal partners and the Tribal working
8 group described in subparagraph (B); but

9 (2) shall not—

10 (A) introduce additional criteria for Fed-
11 eral program eligibility;

12 (B) limit the role of the Department as the
13 lead Federal agency responsible for implementa-
14 tion of this Act; or

15 (C) restrict the role of the Secretary and
16 the sole and exclusive decisionmaking authority
17 of the Secretary for all Federal actions under
18 this Act, unless otherwise provided in this Act,
19 including but not limited to the sole and exclu-
20 sive authority to determine whether a Federal
21 program is eligible for integration into a Plan.

22 (c) APPLICABILITY.—Chapter 10 of title 5, United
23 States Code (commonly known as the “Federal Advisory
24 Committee Act”), shall not apply to the Tribal working

1 group described in subsection (b)(1)(B) or any Federal
2 agency coordinating with that Tribal working group.

3 (d) **DETAIL OF FEDERAL EMPLOYEES.**—An em-
4 ployee of the Federal Government may be detailed to the
5 Department for the purposes of carrying out this Act with-
6 out reimbursement and without interruption or loss of civil
7 service status or privilege.

8 **SEC. 209. REPORT REQUIRED.**

9 Not later than 2 years after the date of enactment
10 of this Act, the Secretary, in consultation with affected
11 agencies and representatives of Indian Tribes, shall sub-
12 mit to the Committee on Indian Affairs of the Senate and
13 the Committee on Natural Resources of the House of Rep-
14 resentatives a report on the status of the implementation
15 of this Act.