

**Amendment to H.R. 4824**  
**Offered by Mr. Curtis of Utah**

Page 2, strike lines 1 through 23 and redesignate the following sections accordingly.

Page 3, strike lines 1 through 5 and insert the following:

(1) BROADBAND PROJECT.—The term “broadband project” means an installation by a broadband provider of wireless or broadband infrastructure, including but not limited to, copper lines, fiber optic lines, communications towers, buildings, or other improvements on Federal land.

Page 3, line 7, strike “facilities-based”.

Page 3, line 8, strike “broadband capability” and insert “wireless or broadband infrastructure”.

Page 3, after line 10 insert the following and redesignate the following paragraphs accordingly:

(3) INDIAN LANDS.—The term “Indian Lands” means:

(A) any land owned by an Indian tribe, located within the boundaries of an Indian reservation, pueblo, or rancharia;

(B) any land located within the boundaries of an Indian reservation, pueblo, or rancharia, the title to which is held—

(i) in trust by the United States for the benefit of an Indian tribe or an individual Indian;

(ii) by an Indian tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

(iii) by a dependent Indian community.

(4) INDIAN TRIBE.—The term “Indian Tribe” means a federally-recognized Indian tribe.

Page 3, strike lines 22 through 24, and redesignate the following paragraphs accordingly.

Beginning on page 4, line 7, strike “Bureau of Land Management (including land held for the benefit of an Indian tribe)” and insert “Department of the Interior (including land held in trust for an Indian Tribe”.

Page 4, line 10, insert “OR TRIBAL” after “STATE”.

Page 4, strike lines 11 through 17 and insert the following:

(a) IN GENERAL.—The Secretary concerned shall establish (or in the case where both Department of the Interior and National Forest system land would be affected, shall jointly establish) a voluntary program under which any State or Indian Tribe may offer, and the Secretary concerned may agree, to enter into a memorandum of understanding to allow for the State or Indian Tribe to prepare environmental analyses required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the permitting of broadband projects within an operational right-of-way on National Forest System land, land managed by the Department of the Interior; and Indian Lands. Under such a memorandum of understanding, an Indian Tribe or State may volunteer to cooperate with the signatories to the memorandum in the preparation of the analyses required under the National Environmental Policy Act of 1969.

Page 4, line 21, insert “or Indian Tribe” after “State”.

Page 4, line 22, insert “or Indian Tribe” after “State”.

Beginning on page 4, line 24, strike “review, consultation” and all that follows through page 5, line 2, and insert “analyses under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).”.

Page 5, line 3, insert “OR INDIAN TRIBE” after “STATE”.

Page 5, line 4, insert “or Indian Tribe” after “State”.

Page 5, line 11, insert “or Indian Tribe” after “State”.

Page 5, line 12, insert “, including financial responsibility” after “bility”.

Page 5, line 17, strike “(f)” and insert “(g)”.

Page 5, line 18, insert “or Indian Tribe” after “State”.

Page 5, line 21, strike “part 771 of title 23” and insert “parts 1500-1508 of title 40”.

Page 5, line 23, insert “and the regulations of the Secretary concerned” before the period.

Page 6, line 1, insert “or Indian Tribe” after “State”.

Page 6, line 4, insert “or Indian Tribe” after “State”.

Page 6, line 7, insert “or Indian Tribe” after “State”.

Page 6, line 8, insert “or Indian Tribe” after “State”.

Page 6, after line 9 insert the following and redesignate the following subsections accordingly:

(d) TRIBAL CONSULTATION.—Within 90 days of entering into any memorandum of understanding with a State, the Secretary concerned shall initiate consultation with relevant Indian Tribes.

Page 6, strike lines 13 through 15 and insert the following:

(1) be executed by the Governor or the Governor’s designee, or in the case of an Indian Tribe, by an officer designated by the governing body of the Indian Tribe;

Page 6, line 18, strike “and”.

Page 6, line 19, insert “or Indian Tribe” after “State”.

Page 6, line 23, insert “including through the adoption of express waivers of sovereign immunity,” after “consents,”.

Page 6, line 24, insert “or Indian Tribe” after “State”.

Page 7, line 2, insert “or Indian Tribe” after “State”.

Page 7, strike lines 3 and 4 and insert the following:

(C) certify that State laws and regulations, with respect to States, or tribal laws and regulations, with respect to Indian Tribes, are in effect that—

Page 7, line 5, insert “or Indian Tribe” after “State”.

Page 7, line 16, strike “and”.

Page 7, line 19, insert “or Indian Tribe” after “State”.

Page 7, line 21, strike the period and insert “or Indian Tribe;”.

Page 7, after line 21 insert the following:

(F) agrees to return revenues generated from the use of public lands authorized under this section to the United States annually, in accordance with the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(G) agrees to send a copy of all authorizing documents to the United States for proper notation and recordkeeping;

(5) prioritize and expedite any analyses under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) under the memorandum of understanding;

(6) not be granted to a State on Indian Lands without the consent of the relevant Indian Tribe; and

(7) not be granted to an Indian Tribe on State lands without the consent of the relevant State.

Page 7, strike lines 22 through 24 and insert the following:

(f) LIMITATION.—Nothing in this section permits a State or Indian Tribe to assume--

(1) any rulemaking authority of the Secretary concerned under any Federal law; and

(2) Federal government responsibilities for government-to-government consultation with Indian Tribes.

Page 8, line 3, insert “or Indian Tribe” after “State”.

Page 8, line 6, insert “or Indian Tribe” after “State”.

Page 8, line 8, insert “or Indian Tribe” after “State”.

Page 8, line 10, insert “or Indian Tribe” after “State”.

Page 8, line 18, insert “or Indian Tribe” after “State”.

Page 8, line 22, strike “.—A State” and insert “OR INDIAN TRIBE.—A State or Indian Tribe”.

Page 8, line 23, insert “or Indian Tribe” after “State”.

Page 9, after line 2 insert the following:

**(3) TERMINATION OF MEMORANDUM OF UNDERSTANDING**

**WITH STATE OR INDIAN TRIBE**—A State or an Indian Tribe may terminate a joint memorandum of understanding under this section at any time by providing to the Secretary concerned a notice of intent to terminate by no later than the date that is 90 days before the date of termination.

Page 9, strike lines 5 through 17 and insert the following:

(a) CATEGORICAL EXCLUSION ESTABLISHED.—Broadband projects carried out in an operational right-of-way are a category of actions hereby designated as being categorically excluded from the preparation of an environmental assessment or an

environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(b) AVAILABILITY OF CATEGORICAL EXCLUSION.—On and after the date of the enactment of this Act, the Secretary concerned may use the categorical exclusion established under subsection (a) in accordance with this section.

Page 9, strike lines 19 through 24 and insert the following:

(a) ESTABLISHMENT.—The Secretary concerned shall establish a broadband permit streamlining team comprised of qualified staff under subsection (b)(4) in each State or regional office that has been delegated responsibility for issuing permits for broadband projects.

Page 9, line 25, strike “(c)” and insert “(b)”.

Page 10, line 2, insert “concerned” after “Secretary”.

Page 10, line 4, insert “and the National Tribal Historic Preservation Officers Association” after “Officers”.

Page 10, line 7, insert “or of the Interior, as appropriate” after “Agriculture”.

Page 10, strike lines 8 and 9 and redesignate the subparagraphs accordingly.

Page 10, strike lines 10 and 11 and insert the following:

(C) the Director of the Bureau of Indian Affairs; and

Page 10, strikes lines 14 through 19 and insert—

(2) PURPOSE.—The purpose of the memorandum of understanding under paragraph (1) is to coordinate and expedite permitting decisions for broadband projects.

Page 10, line 20, insert “OR TRIBAL” after “STATE”.

Page 10, line 20, insert “concerned” after “Secretary”.

Page 10, line 21, insert “or the officer designated by the governing body of the Indian Tribe” after “State”.

Page 11, line 6, strike “Secretary) shall” and insert “Secretary concerned) may”.

Page 11, beginning on line 8, strike “Bureau of Land Management field” and insert “State or regional”.

Page 11, line 15, strike the semicolon and insert “and planning under the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701 et seq.);”.

Page 11, strike lines 19 and 20.

Page 11, line 22, strike “(iv)” and insert “(iii)”.

Page 12, strike lines 3 through 6 and redesignate the following clauses accordingly.

Page 12, beginning on line 5, strike “Bureau of Land Management field” and insert “State or regional”.

Page 12, line 9, strike “field” and insert “State or regional”.

Page 12, line 18, insert “or Indian Tribe” after “State”.

Page 12, line 20, strike “4(b)(1)” and insert “(3)(b)(1)”.

Page 12, line 21, strike “(ii)” and insert “(i)”.

Page 12, strike lines 22 through 24.

**Amend the title to read:** To allow certain State and tribal permitting authority to encourage expansion of broadband service to rural and tribal communities, and for other purposes.