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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

To streamline broadband permitting process for broadband services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CURTIS introduced the following bill; which was referred to the Committee
on _____

A BILL

To streamline broadband permitting process for broadband services, 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.**

4 This Act may be cited as the “Broadband Permitting
5 Modernization Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 2. Enhancing Administrative Reviews for Broadband Deployment Act.
- Sec. 3. DIGITAL Applications Act.

Sec. 4. Facilitating DIGITAL Applications Act.

Sec. 5. Rural Broadband Permitting Efficiency Act of 2021.

1 **SEC. 3. ENHANCING ADMINISTRATIVE REVIEWS FOR**
2 **BROADBAND DEPLOYMENT ACT.**

3 (a) **SHORT TITLE.**—This section may be cited as the
4 “Enhancing Administrative Reviews for Broadband De-
5 ployment Act”.

6 (b) **ENABLING ADMINISTRATIVE REVIEW.**—

7 (1) **DEFINITIONS.**—In this section:

8 (A) **APPROPRIATE COMMITTEES OF CON-**
9 **GRESS.**—The term “appropriate committees of
10 Congress” means—

11 (i) the Committee on Energy and
12 Commerce of the House of Representa-
13 tives;

14 (ii) the Committee on Natural Re-
15 sources of the House of Representatives;

16 (iii) the Committee on Commerce,
17 Science, and Transportation of the Senate;
18 and

19 (iv) the Committee on Environment
20 and Public Works of the Senate.

21 (B) **COMMUNICATIONS FACILITY.**—The
22 term “communications facility” includes—

23 (i) any infrastructure, including any
24 transmitting device, tower, or support

1 structure, and any equipment, switch, wir-
2 ing, cabling, power source, shelter, or cabi-
3 net, associated with the licensed or per-
4 mitted unlicensed wireless or wireline
5 transmission of any writing, sign, signal,
6 data, image, picture, and sound of any
7 kind; and

8 (ii) any antenna or apparatus that—

9 (I) is designed for the purpose of
10 emitting radio frequency;

11 (II) is designed to be operated, or
12 is operating, from a fixed location
13 pursuant to authorization by the
14 Commission or is using a duly author-
15 ized device that does not require an
16 individual license; and

17 (III) is added to a tower, build-
18 ing, or other structure.

19 (C) COMMUNICATIONS SITE.—The term
20 “communications site” means an area of cov-
21 ered land designated for communications uses.

22 (D) COMMUNICATIONS USE.—The term
23 “communications use” means the placement
24 and operation of communications facility.

1 (E) COMMUNICATIONS USE AUTHORIZA-
2 TION.—The term “communications use author-
3 ization” means an easement, right-of-way,
4 lease, license, or other authorization to locate or
5 modify a communications facility on covered
6 land by the Department concerned for the pri-
7 mary purpose of authorizing the occupancy and
8 use of the covered land for communications use.

9 (F) COVERED LAND.—The term “covered
10 land” means—

11 (i) public land administered by the
12 Secretary of the Interior; and

13 (ii) National Forest System land.

14 (G) DEPARTMENT CONCERNED.—The
15 term “Department concerned” means the De-
16 partment of the Interior or the Department of
17 Agriculture.

18 (H) ORGANIZATIONAL UNIT.—The term
19 “organizational unit” means—

20 (i) with respect to public land admin-
21 istered by the Secretary of the Interior—

22 (I) a State office;

23 (II) a district office; or

24 (III) a field office; and

25 (ii) within the Forest Service—

- 1 (I) a regional office;
- 2 (II) the headquarters;
- 3 (III) a management unit; or
- 4 (IV) a ranger district office.

5 (I) SECRETARY CONCERNED.—The term
6 “Secretary concerned” means—

- 7 (i) the Secretary of the Interior, with
8 respect to public land; and
- 9 (ii) the Secretary of Agriculture, with
10 respect to National Forest System land.

11 (2) STUDY REQUIRED.—Not later than 1 year
12 after the date of enactment of this Act, the Sec-
13 retary concerned shall submit to the appropriate
14 committees of Congress a report that—

15 (A) provides an assessment on pro-
16 grammatic or administrative barriers to review-
17 ing communications use authorizations by the
18 Department concerned or organizational units
19 of the Department concerned;

20 (B) provides an assessment whether there
21 are rules or regulations of the Department con-
22 cerned that could be revised to improve the effi-
23 ciency of reviewing a communications use au-
24 thorization;

1 (C) describes the process for prioritizing
2 the review of a communications use authoriza-
3 tion; and

4 (D) provides a plan to ensure adequate
5 staffing throughout organizational units of the
6 Department concerned to review communica-
7 tions use authorizations in a timely manner.

8 **SEC. 4. DIGITAL APPLICATIONS ACT.**

9 (a) **SHORT TITLE.**—This section may be cited as the
10 “Deploying Infrastructure with Greater Internet Trans-
11 actions And Legacy Applications Act” or the “DIGITAL
12 Applications Act”.

13 (b) **ESTABLISHMENT OF AN ONLINE PORTAL FOR**
14 **FORM 299.**—

15 (1) **DEFINITIONS.**—In this section:

16 (A) **APPROPRIATE COMMITTEES OF CON-**
17 **GRESS.**—The term “appropriate committees of
18 Congress” means—

19 (i) the Committee on Energy and
20 Commerce of the House of Representa-
21 tives;

22 (ii) the Committee on Natural Re-
23 sources of the House of Representatives;

1 (iii) the Committee on Commerce,
2 Science, and Transportation of the Senate;
3 and

4 (iv) the Committee on Environment
5 and Public Works of the Senate.

6 (B) ASSISTANT SECRETARY.—The term
7 “Assistant Secretary” means the Assistant Sec-
8 retary of Commerce for Communications and
9 Information.

10 (C) DEPARTMENT CONCERNED.—The term
11 “Department concerned” means the Depart-
12 ment of the Interior or the Department of Agri-
13 culture.

14 (D) FORM 299.—The term “Form 299”
15 means the form established under section
16 6409(b)(2)(A) of the Middle Class Tax Relief
17 and Job Creation Act of 2012 (47 U.S.C.
18 1455(b)(2)(A)) or any successor form.

19 (E) SECRETARY CONCERNED.—The term
20 “Secretary concerned” means—

21 (i) the Secretary of the Interior, with
22 respect to land administered by such Sec-
23 retary; and

24 (ii) the Secretary of Agriculture, with
25 respect to National Forest System land.

1 (2) ESTABLISHMENT OF ONLINE PORTAL.—

2 (A) ESTABLISHMENT.—Not later than 1
3 year after the date of enactment of this Act, the
4 Secretary concerned shall establish an online
5 portal for the acceptance, processing, and dis-
6 posal of a Form 299.

7 (B) NOTIFICATION.—Not later than 3
8 business days after the date on which the online
9 portal has been established pursuant to sub-
10 paragraph (A), the Secretary concerned shall
11 notify the Assistant Secretary of such establish-
12 ment.

13 (3) AVAILABILITY OF ONLINE PORTAL.—The
14 Assistant Secretary shall publish on the website of
15 the National Telecommunications and Information
16 Administration a link to each online portal estab-
17 lished pursuant to paragraph (1)(A).

18 **SEC. 5. FACILITATING DIGITAL APPLICATIONS ACT.**

19 (a) SHORT TITLE.—This section may be cited as the
20 “Facilitating the Deployment of Infrastructure with
21 Greater Internet Transactions And Legacy Applications
22 Act” or the “Facilitating DIGITAL Applications Act”.

23 (b) BARRIERS TO IMPLEMENTATION OF AN ONLINE
24 PORTAL FOR FORM 299.—

25 (1) DEFINITIONS.—In this section:

1 (A) APPROPRIATE COMMITTEES OF CON-
2 GRESS.—The term “appropriate committees of
3 Congress” means—

4 (i) the Committee on Energy and
5 Commerce of the House of Representa-
6 tives;

7 (ii) the Committee on Natural Re-
8 sources of the House of Representatives;

9 (iii) the Committee on Commerce,
10 Science, and Transportation of the Senate;
11 and

12 (iv) the Committee on Environment
13 and Public Works of the Senate.

14 (B) ASSISTANT SECRETARY.—The term
15 “Assistant Secretary” means the Assistant Sec-
16 retary of Commerce for Communications and
17 Information.

18 (C) COMMUNICATIONS FACILITY.—The
19 term “communications facility” includes—

20 (i) any infrastructure, including any
21 transmitting device, tower, or support
22 structure, and any equipment, switch, wir-
23 ing, cabling, power source, shelter, or cabi-
24 net, associated with the licensed or per-
25 mitted unlicensed wireless or wireline

1 transmission of any writing, sign, signal,
2 data, image, picture, and sound of any
3 kind; and

4 (ii) any antenna or apparatus that—
5 (I) is designed for the purpose of
6 emitting radio frequency;

7 (II) is designed to be operated, or
8 is operating, from a fixed location
9 pursuant to authorization by the
10 Commission or is using a duly author-
11 ized device that does not require an
12 individual license; and

13 (III) is added to a tower, build-
14 ing, or other structure.

15 (D) COMMUNICATIONS USE.—The term
16 “communications use” means the placement
17 and operation of a communications facility.

18 (E) COMMUNICATIONS USE AUTHORIZA-
19 TION.—The term “communications use author-
20 ization” means an easement, right-of-way,
21 lease, license, or other authorization to locate or
22 modify a communications facility on covered
23 land by the Department concerned for the pri-
24 mary purpose of authorizing the occupancy and
25 use of the covered land for communications use.

1 (F) COVERED LAND.—The term “covered
2 land” means—

3 (i) public land administered by the
4 Secretary of the Interior; and

5 (ii) National Forest System land.

6 (G) DEPARTMENT CONCERNED.—The
7 term “Department concerned” means the De-
8 partment of the Interior or the Department of
9 Agriculture.

10 (H) FORM 299.—The term “Form 299”
11 means the form established under section
12 6409(b)(2)(A) of the Middle Class Tax Relief
13 and Job Creation Act of 2012 (47 U.S.C.
14 1455(b)(2)(A)), or any successor form.

15 (I) SECRETARY CONCERNED.—The term
16 “Secretary concerned” means—

17 (i) the Secretary of the Interior, with
18 respect to land administered by such Sec-
19 retary; and

20 (ii) the Secretary of Agriculture, with
21 respect to National Forest System land.

22 (2) BARRIERS TO IMPLEMENTATION.—

23 (A) IN GENERAL.—Not later than 90 days
24 after the date of enactment of this section, and
25 every 60 days thereafter until the notification

1 described in subparagraph (B), the Assistant
2 Secretary shall submit to the appropriate com-
3 mittees in Congress a report that—

4 (i) describes whether the Department
5 concerned has established an online portal
6 for the acceptance, processing, and dis-
7 posal of a Form 299; and

8 (ii) describes any barrier to the estab-
9 lishment of an online portal for the accept-
10 ance, processing, and disposal of a Form
11 299.

12 (B) NOTIFICATION DESCRIBED.—The Sec-
13 retary concerned shall notify the Assistant Sec-
14 retary not later than 3 business days after the
15 Department concerned has established an online
16 portal for the acceptance, processing, and dis-
17 posal of a Form 299.

18 **SEC. 6. RURAL BROADBAND PERMITTING EFFICIENCY ACT**
19 **OF 2021.**

20 (a) SHORT TITLE.—This section may be cited as the
21 “Rural Broadband Permitting Efficiency Act of 2021”.

22 (b) DEFINITIONS.—In this section:

23 (1) BROADBAND PROJECT.—The term “broad-
24 band project” means an installation by a broadband
25 provider of wireless or broadband infrastructure, in-

1 including but not limited to, copper lines, fiber optic
2 lines, communications towers, buildings, or other im-
3 provements on Federal land.

4 (2) BROADBAND PROVIDER.—The term “broad-
5 band provider” means a provider of wireless or
6 broadband infrastructure that enables a user to
7 originate and receive high-quality voice, data, graph-
8 ics, and video telecommunications.

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

11 (A) any land owned by an Indian Tribe, lo-
12 cated within the boundaries of an Indian res-
13 ervation, pueblo, or rancheria; or

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

17 (i) in trust by the United States for
18 the benefit of an Indian Tribe or an indi-
19 vidual Indian;

20 (ii) by an Indian Tribe or an indi-
21 vidual Indian, subject to restriction against
22 alienation under laws of the United States;

23 or

24 (iii) by a dependent Indian commu-
25 nity.

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

3 (5) OPERATIONAL RIGHT-OF-WAY.—The term
4 “operational right-of-way” means all real property
5 interests (including easements) acquired for the con-
6 struction or operation of a project, including the lo-
7 cations of the roadway, bridges, interchanges, cul-
8 verts, drainage, clear zone, traffic control signage,
9 landscaping, copper and fiber optic lines, utility shel-
10 ters, and broadband infrastructure as installed by
11 broadband providers, and any rest areas with direct
12 access to a controlled access highway or the National
13 Highway System.

14 (6) SECRETARY CONCERNED.—The term “Sec-
15 retary concerned” means—

16 (A) the Secretary of Agriculture (acting
17 through the Chief of the Forest Service), with
18 respect to National Forest System land; and

19 (B) the Secretary of the Interior, with re-
20 spect to land managed by the Department of
21 the Interior (including land held in trust for an
22 Indian Tribe).

23 (c) STATE OR TRIBAL PERMITTING AUTHORITY.—

24 (1) IN GENERAL.—The Secretary concerned
25 shall establish (or in the case where both Depart-

1 ment of the Interior and National Forest System
2 land would be affected, shall jointly establish) a vol-
3 untary program under which any State or Indian
4 Tribe may offer, and the Secretary concerned may
5 agree, to enter into a memorandum of under-
6 standing to allow for the State or Indian Tribe to
7 prepare environmental analyses required under the
8 National Environmental Policy Act of 1969 (42
9 U.S.C. 4321 et seq.) for the permitting of
10 broadband projects within an operational right-of-
11 way on National Forest System land, land managed
12 by the Department of the Interior, and Indian
13 Lands. Under such a memorandum of under-
14 standing, an Indian Tribe or State may volunteer to
15 cooperate with the signatories to the memorandum
16 in the preparation of the analyses required under the
17 National Environmental Policy Act of 1969.

18 (2) ASSUMPTION OF RESPONSIBILITIES.—

19 (A) IN GENERAL.—In entering into a
20 memorandum of understanding under this sub-
21 section, the Secretary concerned may assign to
22 the State or Indian Tribe, and the State or In-
23 dian Tribe may agree to assume, all or part of
24 the responsibilities of the Secretary concerned
25 for environmental analyses under the National

1 Environmental Policy Act of 1969 (42 U.S.C.
2 4321 et seq.).

3 (B) STATE OR INDIAN TRIBE RESPONSIBILITY.—
4

5 (i) IN GENERAL.—A State or Indian
6 Tribe that assumes any responsibility
7 under subparagraph (A) shall be subject to
8 the same procedural and substantive re-
9 quirements as would apply if the responsi-
10 bility were carried out by the Secretary
11 concerned.

12 (ii) EFFECT OF ASSUMPTION OF RE-
13 sponsibility.—A State or Indian Tribe
14 that assumes any responsibility, including
15 financial responsibility, under subpara-
16 graph (A) shall be solely responsible and
17 solely liable for carrying out, in lieu of the
18 Secretary concerned, the responsibilities
19 assumed under that subparagraph until
20 the date on which the program is termi-
21 nated under paragraph (7).

22 (iii) ENVIRONMENTAL REVIEW.—A
23 State or Indian Tribe that assumes any re-
24 sponsibility under subparagraph (A) shall
25 comply with the environmental review pro-

1 cedures under parts 1500–1508 of title 40,
2 Code of Federal Regulations (or successor
3 regulations), and the regulations of the
4 Secretary concerned.

5 (C) FEDERAL RESPONSIBILITY.—Any re-
6 sponsibility of the Secretary concerned de-
7 scribed in subparagraph (A) that is not explic-
8 itly assumed by the State or Indian Tribe in
9 the memorandum of understanding shall remain
10 the responsibility of the Secretary concerned.

11 (3) OFFER AND NOTIFICATION.—A State or In-
12 dian Tribe that intends to offer to enter into a
13 memorandum of understanding under this sub-
14 section shall provide to the Secretary concerned no-
15 tice of the intent of the State or Indian Tribe not
16 later than 90 days before the date on which the
17 State or Indian Tribe submits a formal written offer
18 to the Secretary concerned.

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

23 (5) MEMORANDUM OF UNDERSTANDING.—A
24 memorandum of understanding entered into under
25 this subsection shall—

1 (A) be executed by the Governor or the
2 Governor's designee, or in the case of an Indian
3 Tribe, by an officer designated by the governing
4 body of the Indian Tribe;

5 (B) be for a term not to exceed 10 years;

6 (C) be in such form as the Secretary con-
7 cerned may prescribe;

8 (D) provide that the State or Indian
9 Tribe—

10 (i) agrees to assume all or part of the
11 responsibilities of the Secretary concerned
12 described in paragraph (2)(A);

13 (ii) expressly consents, including
14 through the adoption of express waivers of
15 sovereign immunity, on behalf of the State
16 or Indian Tribe, to accept the jurisdiction
17 of the Federal courts for the compliance,
18 discharge, and enforcement of any respon-
19 sibility of the Secretary concerned assumed
20 by the State or Indian Tribe;

21 (iii) certify that State laws and regu-
22 lations, with respect to States, or Tribal
23 laws and regulations, with respect to In-
24 dian Tribes, are in effect that—

1 (I) authorize the State or Indian
2 Tribe to take the actions necessary to
3 carry out the responsibilities being as-
4 sumed; and

5 (II) are comparable to section
6 552 of title 5, United States Code, in-
7 cluding providing that any decision re-
8 garding the public availability of a
9 document under the State laws is re-
10 viewable by a court of competent ju-
11 risdiction;

12 (iv) agrees to maintain the financial
13 resources necessary to carry out the re-
14 sponsibilities being assumed;

15 (v) agrees to provide to the Secretary
16 concerned any information the Secretary
17 concerned considers necessary to ensure
18 that the State or Indian Tribe is ade-
19 quately carrying out the responsibilities as-
20 signed to and assumed by the State or In-
21 dian Tribe;

22 (vi) agrees to return revenues gen-
23 erated from the use of public lands author-
24 ized under this section to the United
25 States annually, in accordance with the

1 Federal Land Policy Management Act of
2 1976 (43 U.S.C. 1701 et seq.); and

3 (vii) agrees to send a copy of all au-
4 thorizing documents to the United States
5 for proper notation and recordkeeping;

6 (E) prioritize and expedite any analyses
7 under the National Environmental Policy Act of
8 1969 (42 U.S.C. 4321 et seq.) under the memo-
9 randum of understanding;

10 (F) not be granted to a State on Indian
11 Lands without the consent of the relevant In-
12 dian Tribe; and

13 (G) not be granted to an Indian Tribe on
14 State lands without the consent of the relevant
15 State.

16 (6) LIMITATION.—Nothing in this subsection
17 permits a State or Indian Tribe to assume—

18 (A) any rulemaking authority of the Sec-
19 retary concerned under any Federal law; and

20 (B) Federal Government responsibilities
21 for government-to-government consultation with
22 Indian Tribes.

23 (7) TERMINATION.—

24 (A) TERMINATION BY THE SECRETARY.—

25 The Secretary concerned may terminate the

1 participation of any State or Indian Tribe in
2 the program established under this subsection
3 if—

4 (i) the Secretary concerned deter-
5 mines that the State or Indian Tribe is not
6 adequately carrying out the responsibilities
7 assigned to and assumed by the State or
8 Indian Tribe;

9 (ii) the Secretary concerned provides
10 to the State or Indian Tribe—

11 (I) notification of the determina-
12 tion of noncompliance; and

13 (II) a period of at least 30 days
14 during which to take such corrective
15 action as the Secretary concerned de-
16 termines is necessary to comply with
17 the applicable agreement; and

18 (iii) the State or Indian Tribe, after
19 the notification and period provided under
20 clause (ii), fails to take satisfactory correc-
21 tive action, as determined by the Secretary
22 concerned.

23 (B) TERMINATION BY THE STATE OR IN-
24 DIAN TRIBE.—A State or Indian Tribe may ter-
25minate the participation of the State or Indian

1 Tribe in the program established under this
2 subsection at any time by providing to the Sec-
3 retary concerned a notice of intent to terminate
4 by not later than the date that is 90 days be-
5 fore the date of termination.

6 (C) TERMINATION OF MEMORANDUM OF
7 UNDERSTANDING WITH STATE OR INDIAN
8 TRIBE.—A State or an Indian Tribe may termi-
9 nate a joint memorandum of understanding
10 under this subsection at any time by providing
11 to the Secretary concerned a notice of intent to
12 terminate by no later than the date that is 90
13 days before the date of termination.

14 (d) FEDERAL BROADBAND PERMIT COORDINA-
15 TION.—

16 (1) ESTABLISHMENT.—The Secretary con-
17 cerned shall establish a broadband permit stream-
18 lining team comprised of qualified staff under para-
19 graph (2)(D) in each State or regional office that
20 has been delegated responsibility for issuing permits
21 for broadband projects.

22 (2) MEMORANDUM OF UNDERSTANDING.—

23 (A) IN GENERAL.—Not later than 90 days
24 after the date of enactment of this Act, the Sec-
25 retary concerned, in consultation with the Na-

1 tional Conference of State Historic Preservation
2 Officers and the National Tribal Historic Pres-
3 ervation Officers Association, shall enter into a
4 memorandum of understanding to carry out
5 this subsection with—

6 (i) the Secretary of Agriculture or of
7 the Interior, as appropriate;

8 (ii) the Director of the Bureau of In-
9 dian Affairs; and

10 (iii) the Director of the United States
11 Fish and Wildlife Service.

12 (B) PURPOSE.—The purpose of the memo-
13 randum of understanding under subparagraph
14 (A) is to coordinate and expedite permitting de-
15 cisions for broadband projects.

16 (C) STATE OR TRIBAL PARTICIPATION.—
17 The Secretary concerned may request that the
18 Governor of any State or the officer designated
19 by the governing body of the Indian Tribe with
20 one or more broadband projects be a party to
21 the memorandum of understanding under sub-
22 paragraph (A).

23 (D) DESIGNATION OF QUALIFIED
24 STAFF.—

1 (i) IN GENERAL.—Not later than 30
2 days after the date of entrance into the
3 memorandum of understanding under sub-
4 paragraph (A), the head of each Federal
5 agency that is a party to the memorandum
6 of understanding (other than the Secretary
7 concerned) may, if the head of the Federal
8 agency determines it to be appropriate,
9 designate to each State or regional office
10 an employee of that Federal agency with
11 expertise in regulatory issues relating to
12 that Federal agency, including, as applica-
13 ble, particular expertise in—

14 (I) planning under the Forest
15 and Rangeland Renewable Resources
16 Planning Act of 1974 (16 U.S.C.
17 1600 et seq.) and planning under the
18 Federal Land Policy and Management
19 Act of 1976 (43 U.S.C. 1701 et seq.);

20 (II) the preparation of analyses
21 under the National Environmental
22 Policy Act of 1969 (42 U.S.C. 4321
23 et seq.); or

24 (III) consultation and the prepa-
25 ration of biological opinions under sec-

1 tion 7 of the Endangered Species Act
2 of 1973 (16 U.S.C. 1536).

3 (ii) DUTIES.—Each employee des-
4 ignated under clause (i) shall—

5 (I) be responsible for any issue
6 relating to any broadband project
7 within the jurisdiction of the State or
8 regional office under the authority of
9 the Federal agency from which the
10 employee is assigned;

11 (II) participate as part of the
12 team of personnel working on one or
13 more proposed broadband projects, in-
14 cluding planning and environmental
15 analyses; and

16 (III) serve as the designated
17 point of contact with any applicable
18 State or Indian Tribe that assumes
19 any responsibility under subsection
20 (e)(2)(A) relating to any issue de-
21 scribed in subelause (A).