

*Aarsha Blackburn*

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To provide that the Federal Communications Commission and communications service providers regulated by the Commission under the Communications Act of 1934 shall not be subject to certain provisions of the National Environmental Policy Act of 1969 and the National Historic Preservation Act with respect to the construction, rebuilding, or hardening of communications facilities following a major disaster or an emergency declared by the President, and for other purposes.

IN THE SENATE OF THE UNITED STATES

**AMENDMENT N<sup>o</sup> 2326**

By *Blackburn*

To author program To: *Amct. No. 2137*

Referred \_\_\_\_\_

*4*  
**Page(s)**

GPO: 2020 42-568 (mac)

AMENDMENT intended to be proposed by Mrs. BLACKBURN to the amendment (No. 2137) proposed by Ms. SINEMA (for herself and Mr. PORTMAN)

Viz:

- 1 At the appropriate place in division F, insert the fol-
- 2 lowing:
- 3 **SEC. \_\_\_\_ . APPLICATION OF NEPA AND NHPA TO COV-**
- 4 **ERED COMMUNICATIONS PROJECTS.**
- 5 (a) DEFINITIONS.—In this section:
- 6 (1) COMMISSION.—The term “Commission”
- 7 means the Federal Communications Commission.

1           (2) COMMUNICATIONS FACILITY.—The term  
2 “communications facility” includes—

3           (A) any wireless or wireline infrastructure  
4 for the transmission of writing, signs, signals,  
5 data, images, pictures, or sounds of all kinds;

6           (B) any transmitting device, tower, or sup-  
7 port structure, and any equipment, switches,  
8 wiring, cabling, power sources, shelters, or cabi-  
9 nets, associated with the provision of commu-  
10 nications services; and

11           (C) any antenna or apparatus that—

12           (i) is designed for the purpose of  
13 emitting radio frequency;

14           (ii) is designed to be operated, or is  
15 operating, from a fixed location; and

16           (iii) is added to a tower, building, or  
17 other structure.

18           (3) COMMUNICATIONS SERVICE.—The term  
19 “communications service” means a service for the  
20 transmission of writing, signs, signals, data, images,  
21 pictures, or sounds of all kinds.

22           (4) COVERED PROJECT.—The term “covered  
23 project” means a project that—

24           (A) is to be carried out within an area for  
25 which the President has declared a major dis-

1 aster or an emergency under the Robert T.  
2 Stafford Disaster Relief and Emergency Assist-  
3 ance Act (42 U.S.C. 5121 et seq.);

4 (B) is to be carried out not later than 5  
5 years after the date on which the President  
6 made the declaration; and

7 (C)(i) replaces a communications facility  
8 damaged by the disaster or emergency; or

9 (ii) makes improvements to a communica-  
10 tions facility—

11 (I) that could reasonably be consid-  
12 ered as necessary for recovery from the  
13 disaster or emergency; or

14 (II) to prevent or mitigate damage to  
15 the communications facility from a future  
16 disaster or emergency.

17 (b) NEPA CONSIDERATIONS.—The Commission shall  
18 treat a covered project as a class of action categorically  
19 excluded under section 1508.4 of title 40, Code of Federal  
20 Regulations (or a successor regulation), from any require-  
21 ment to prepare an environmental assessment or environ-  
22 mental impact statement under section 102(2)(C) of the  
23 National Environmental Policy Act of 1969 (42 U.S.C.  
24 4332(2)(C)).

1           (c) NATIONAL HISTORIC PRESERVATION CONSIDER-  
2 ATIONS.—Section 306108 of title 54, United States Code,  
3 shall not apply with respect to a covered project—

4           (1) for which the Commission is required to  
5 issue a permit; or

6           (2) that is otherwise subject to the jurisdiction  
7 of the Commission.