

117TH CONGRESS
1ST SESSION

H. R. 1073

To provide that construction, rebuilding, or hardening of communications facilities following a major emergency declared by a Governor relating to a wildfire are not subject to requirements to prepare certain environmental or historical preservation reviews.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2021

Mrs. RODGERS of Washington introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide that construction, rebuilding, or hardening of communications facilities following a major emergency declared by a Governor relating to a wildfire are not subject to requirements to prepare certain environmental or historical preservation reviews.

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 “Wildfire Wireless Re-
5 siliency Act”.

1 **SEC. 2. APPLICATION OF NEPA AND NHPA TO COVERED**
2 **COMMUNICATIONS PROJECTS.**

3 (a) NEPA EXEMPTION.—A covered project shall not
4 be subject to the requirements of section 102(2)(C) of the
5 National Environmental Policy Act of 1969 (42 U.S.C.
6 4332(2)(C)).

7 (b) NATIONAL HISTORIC PRESERVATION ACT EX-
8 EMPTION.—A covered project shall not be considered an
9 undertaking under section 300320 of title 54, United
10 States Code.

11 (c) DEFINITIONS.—In this section:

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

14 (A) any wireless or wireline infrastructure
15 for the transmission of writing, sign, signal,
16 data, image, picture, or sound of any kind;

17 (B) any transmitting device, tower, or sup-
18 port structure, and any equipment, switch, wir-
19 ing, cabling, power source, shelter, or cabinet,
20 associated with the provision of communications
21 services; and

22 (C) any antenna or apparatus that—

23 (i) is designed for the purpose of
24 emitting radio frequency;

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

1 (iii) is added to a tower, building, or
2 other structure.

3 (2) COMMUNICATIONS SERVICE.—The term
4 “communications service” means a service for the
5 transmission of any writing, sign, signal, data,
6 image, picture, or sound of any kind.

7 (3) COVERED PROJECT.—The term “covered
8 project” means a project that—

9 (A) is to be carried out entirely within an
10 area for which a Governor has declared a major
11 disaster or an emergency related to a wildfire;

12 (B) is to be carried out not later than 5
13 years after the date the Governor made such
14 declaration; and

15 (C) replaces a communications facility
16 damaged by such disaster or emergency or
17 makes improvements to a communications facil-
18 ity in such area that could reasonably be con-
19 sidered as necessary for recovery from such dis-
20 aster or emergency or to prevent or mitigate
21 any future disaster or emergency.

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