

117TH CONGRESS
1ST SESSION

S. 835

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

MARCH 18, 2021

Mrs. BLACKBURN introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Connecting Commu-
3 nities Post Disasters Act of 2021”.

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

6 (a) DEFINITIONS.—In this section:

7 (1) COMMISSION.—The term “Commission”
8 means the Federal Communications Commission.

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

11 (A) any wireless or wireline infrastructure
12 for the transmission of writing, signs, signals,
13 data, images, pictures, or sounds of all kinds;

14 (B) any transmitting device, tower, or sup-
15 port structure, and any equipment, switches,
16 wiring, cabling, power sources, shelters, or cabi-
17 nets, associated with the provision of commu-
18 nications services; and

19 (C) any antenna or apparatus that—

20 (i) is designed for the purpose of
21 emitting radio frequency;

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

24 (iii) is added to a tower, building, or
25 other structure.

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

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

7 (A) is to be carried out within an area for
8 which the President has declared a major dis-
9 aster or an emergency under the Robert T.
10 Stafford Disaster Relief and Emergency Assist-
11 ance Act (42 U.S.C. 5121 et seq.);

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

15 (C)(i) replaces a communications facility
16 damaged by the disaster or emergency; or

17 (ii) makes improvements to a communica-
18 tions facility—

19 (I) that could reasonably be consid-
20 ered as necessary for recovery from the
21 disaster or emergency; or

22 (II) to prevent or mitigate damage to
23 the communications facility from a future
24 disaster or emergency.

1 (b) NEPA CONSIDERATIONS.—The Commission shall
2 treat a covered project as a class of action categorically
3 excluded from any requirement to prepare an environ-
4 mental assessment or environmental impact statement
5 under section 102(2)(C) of the National Environmental
6 Policy Act of 1969 (42 U.S.C. 4332(2)(C)) in accordance
7 with section 1501.4 of title 40, Code of Federal Regula-
8 tions (or a successor regulation).

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

12 (1) for which the Commission is required to
13 issue a permit; or

14 (2) that is otherwise subject to the jurisdiction
15 of the Commission.

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