

116TH CONGRESS
2D SESSION

H. R. 7373

To provide that construction, rebuilding, or hardening of communications facilities following a major emergency declared by a Governor relating to a wildfire is categorically excluded from the requirement to prepare certain environmental or historical preservation reviews.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2020

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 is categorically excluded from the requirement 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 CATEGORICAL EXCLUSION.—

4 (1) IN GENERAL.—A covered project shall be
5 categorically excluded from the requirement to pre-
6 pare an environmental assessment or an environ-
7 mental impact statement under section 102 of the
8 National Environmental Policy Act of 1969 (42
9 U.S.C. 4332).

10 (2) RELATION TO EXTRAORDINARY CIR-
11 CUMSTANCES PROCEDURES.—The use of the cat-
12 egorical exclusion under paragraph (1) shall not be
13 considered to include extraordinary circumstances
14 under section 220.6 of title 36, Code of Federal
15 Regulations, or section 1508.4 of title 40, Code of
16 Federal Regulations (or any successor to those regu-
17 lations).

18 (b) NATIONAL HISTORIC PRESERVATION ACT EX-
19 EMPTION.—A covered project shall not be considered an
20 undertaking under section 300320 of title 54, United
21 States Code.

22 (c) DEFINITIONS.—In this Act:

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

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

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

9 (C) any antenna or apparatus that—

10 (i) is designed for the purpose of
11 emitting radio frequency;

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

14 (iii) is added to a tower, building, or
15 other structure.

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

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

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

1 (B) is to be carried out not later than 5
2 years after the date the Governor made such
3 declaration; and

4 (C) replaces a communications facility
5 damaged by such disaster or emergency or
6 makes improvements to a communications facil-
7 ity in such area that could reasonably be con-
8 sidered as necessary for recovery from such dis-
9 aster or emergency or to prevent or mitigate fu-
10 ture disasters or emergencies.

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