

118TH CONGRESS
1ST SESSION

H. R. 3296

To provide that construction, rebuilding, or hardening of communications facilities following a major disaster or an emergency related to a wildfire is not subject to requirements to prepare certain environmental or historical preservation reviews.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2023

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 disaster or an emergency related to a wildfire is 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 Communica-
5 tions Resiliency Act”.

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

3 (a) NEPA EXEMPTION.—A Federal authorization
4 with respect to a covered project may not be considered
5 a major Federal action under section 102(2)(C) of the Na-
6 tional Environmental Policy Act of 1969 (42 U.S.C.
7 4332(2)(C)).

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

12 (c) DEFINITIONS.—In this section:

13 (1) CHIEF EXECUTIVE.—The term “Chief Ex-
14 ecutive” has the meaning given such term in section
15 102 of the Robert T. Stafford Disaster Relief and
16 Emergency Assistance Act (42 U.S.C. 5122).

17 (2) COMMUNICATIONS FACILITY.—The term
18 “communications facility” has the meaning given the
19 term “communications facility installation” in sec-
20 tion 6409(d) of the Middle Class Tax Relief and Job
21 Creation Act of 2012 (47 U.S.C. 1455(d)).

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

24 (A) is to be carried out entirely within an
25 area for which the President, the Governor of
26 a State, or the Chief Executive of an Indian

1 tribal government has declared a major disaster
2 or an emergency related to a wildfire;

3 (B) is to be carried out not later than 5
4 years after the date on which the President,
5 Governor, or Chief Executive made such dec-
6 laration; and

7 (C) replaces a communications facility
8 damaged by such disaster or emergency or
9 makes improvements to a communications facil-
10 ity in such area that could reasonably be con-
11 sidered as necessary for recovery from such dis-
12 aster or emergency or to prevent or mitigate
13 any future disaster or emergency.

14 (4) EMERGENCY.—The term “emergency”
15 means—

16 (A) in the case of an emergency declared
17 by the President, an emergency declared by the
18 President under section 501 of the Robert T.
19 Stafford Disaster Relief and Emergency Assist-
20 ance Act (42 U.S.C. 5191); and

21 (B) in the case of an emergency declared
22 by the Governor of a State or the Chief Execu-
23 tive of an Indian tribal government, any occa-
24 sion or instance with respect to which the Gov-
25 ernor or Chief Executive declares that an emer-

1 agency exists (or makes a similar declaration)
2 under State or Tribal law (as the case may be).

3 (5) FEDERAL AUTHORIZATION.—The term
4 “Federal authorization”—

5 (A) means any authorization required
6 under Federal law with respect to a covered
7 project; and

8 (B) includes any permits, special use au-
9 thorizations, certifications, opinions, or other
10 approvals as may be required under Federal law
11 with respect to a covered project.

12 (6) GOVERNOR.—The term “Governor” means
13 the chief executive of any State.

14 (7) INDIAN TRIBAL GOVERNMENT.—The term
15 “Indian tribal government” has the meaning given
16 such term in section 102 of the Robert T. Stafford
17 Disaster Relief and Emergency Assistance Act (42
18 U.S.C. 5122).

19 (8) MAJOR DISASTER.—The term “major dis-
20 aster” means—

21 (A) in the case of a major disaster de-
22 clared by the President, a major disaster de-
23 clared by the President under section 401 of
24 the Robert T. Stafford Disaster Relief and

1 Emergency Assistance Act (42 U.S.C. 5170);
2 and

3 (B) in the case of a major disaster de-
4 clared by the Governor of a State or the Chief
5 Executive of an Indian tribal government, any
6 occasion or instance with respect to which the
7 Governor or Chief Executive declares that a dis-
8 aster exists (or makes a similar declaration)
9 under State or Tribal law (as the case may be).

10 (9) STATE.—The term “State” means each
11 State of the United States, the District of Columbia,
12 and each territory or possession of the United
13 States.

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