

115TH CONGRESS
2D SESSION

H. R. 4845

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 HOUSE OF REPRESENTATIVES

JANUARY 19, 2018

Mr. OLSON 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 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Connecting Commu-
5 nities Post Disasters Act of 2018”.

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

8 (a) NEPA CONSIDERATIONS.—The Federal Commu-
9 nications Commission shall treat covered projects as a
10 class of action categorically excluded under section 1508.4
11 of title 40, Code of Federal Regulations (or successor reg-
12 ulation), from any requirement to prepare an environ-
13 mental assessment or environmental impact statement
14 under section 102(2)(C) of the National Environmental
15 Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

16 (b) NATIONAL HISTORIC PRESERVATION CONSIDER-
17 ATIONS.—Section 306108 of title 54, United States Code,
18 shall not apply with respect to a covered project for which
19 the Federal Communications Commission is required to
20 issue a permit or that is otherwise subject to the jurisdic-
21 tion of the Federal Communications Commission.

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 within an area for
23 which the President has declared a major dis-
24 aster or an emergency under the Robert T.

1 Stafford Disaster Relief and Emergency Assist-
2 ance Act (42 U.S.C. 5121 et seq.);

3 (B) is to be carried out not later than 5
4 years after the date that the President made
5 such declaration; and

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

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