

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE
OFFERED BY _____**

At the end of subtitle D, add the following new chapter:

1 CHAPTER 4—OTHER MATTER
2 SEC. 3331. APPLICATION OF NEPA AND NHPA TO COVERED
3 COMMUNICATIONS PROJECTS.

4 (a) NEPA EXEMPTION.—A covered project shall not
5 be subject to the requirements of section 102(2)(C) of the
6 National 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 shall not be considered an
10 undertaking under section 300320 of title 54, United
11 States Code.

12 (c) DEFINITIONS.—In this section:

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

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

1 (B) any transmitting device, tower, or sup-
2 port structure, and any equipment, switch, wir-
3 ing, cabling, power source, shelter, or cabinet,
4 associated with the provision of communications
5 services; and

6 (C) any antenna or apparatus that—

7 (i) is designed for the purpose of
8 emitting radio frequency;

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

11 (iii) is added to a tower, building, or
12 other structure.

13 (2) COMMUNICATIONS SERVICE.—The term
14 “communications service” means a service for the
15 transmission of any writing, sign, signal, data,
16 image, picture, or sound of any kind.

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

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

22 (B) is to be carried out not later than 5
23 years after the date the Governor made such
24 declaration; and

1 (C) replaces a communications facility
2 damaged by such disaster or emergency or
3 makes improvements to a communications facil-
4 ity in such area that could reasonably be con-
5 sidered as necessary for recovery from such dis-
6 aster or emergency or to prevent or mitigate
7 any future disaster or emergency.

