

AMENDMENT TO SUBTITLE L
OFFERED BY _____

Add at the end the following:

1 **SEC. 3__.** **APPLICATION OF NEPA AND NHPA TO**
2 **FLOODPLAINS.**

3 (a) NEPA EXEMPTION.—A covered project shall not
4 be subject to the requirements of section 102(2)(C) of the
5 National Environmental Policy Act of 1969 (42 U.S.C.
6 4332(2)(C)).

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

11 (c) DEFINITIONS.—In this section:

12 (1) COMMISSION.—The term “Commission”
13 means the Federal Communications Commission.

14 (2) COMMUNICATIONS FACILITY.—The term
15 “communications facility” includes—

16 (A) any wireless or wireline infrastructure
17 for the transmission of writing, signs, signals,
18 data, images, pictures, or sounds of all kinds;

19 (B) any transmitting device, tower, or sup-
20 port structure, and any equipment, switches,

1 wiring, cabling, power sources, shelters, or cabi-
2 nets, associated with the provision of commu-
3 nications service; and

4 (C) any antenna or apparatus that—

5 (i) is designed for the purpose of
6 emitting radio frequency;

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

9 (iii) is added to a tower, building, or
10 other structure.

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

15 (4) COVERED PROJECT.—The term “covered
16 project” means a project—

17 (A) for the deployment or modification of
18 a communications facility that is to be carried
19 out entirely within a floodplain (as defined in
20 section 9.4 of title 44, Code of Federal Regula-
21 tions, as in effect on the date of the enactment
22 of this Act); and

23 (B) for which a permit, license, or approval
24 from the Commission is required or that is oth-

1 otherwise subject to the jurisdiction of the Com-
2 mission.

