

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

At the end of subtitle D, add the following:

1 **CHAPTER 4—OTHER MATTER**
2 **SEC. 3331. APPLICATION OF NEPA AND NHPA TO**
3 **FLOODPLAINS.**

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) COMMISSION.—The term “Commission”
14 means the Federal Communications Commission.

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

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

1 (B) any transmitting device, tower, or sup-
2 port structure, and any equipment, switches,
3 wiring, cabling, power sources, shelters, or cabi-
4 nets, associated with the provision of commu-
5 nications service; 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 (3) COMMUNICATIONS SERVICE.—The term
14 “communications service” means a service for the
15 transmission of writing, signs, signals, data, images,
16 pictures, or sounds of all kinds.

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

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

1 (B) for which a permit, license, or approval
2 from the Commission is required or that is oth-
3 erwise subject to the jurisdiction of the Com-
4 mission.

