

116TH CONGRESS
2D SESSION

H. R. 7378

To provide that a request for the deployment or modification of a communications facility entirely within a brownfields site is categorically excluded from the requirement to prepare certain environmental or historical preservation reviews.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2020

Mr. WALBERG 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 a request for the deployment or modification of a communications facility entirely within a brownfields site is categorically excluded from the requirement 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 “Brownfields
5 Broadband Deployment Act”.

1 **SEC. 2. APPLICATION OF NEPA AND NHPA TO**
2 **BROWNFIELDS.**

3 (a) DEFINITIONS.—In this section:

4 (1) COMMUNICATIONS FACILITY.—The term
5 “communications facility” includes—

6 (A) any wireless or wireline infrastructure
7 for the transmission of writing, signs, signals,
8 data, images, pictures, or sounds of all kinds;

9 (B) any transmitting device, tower, or sup-
10 port structure, and any equipment, switches,
11 wiring, cabling, power sources, shelters, or cabi-
12 nets, associated with the provision of commu-
13 nications service; and

14 (C) any antenna or apparatus that—

15 (i) is designed for the purpose of
16 emitting radio frequency;

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

19 (iii) is added to a tower, building, or
20 other structure.

21 (2) COMMUNICATIONS SERVICE.—The term
22 “communications service” means a service for the
23 transmission of writing, signs, signals, data, images,
24 pictures, or sounds of all kinds.

25 (3) COVERED PROJECT.—The term “covered
26 project” means a project for the deployment or

1 modification of a communications facility that is to
2 be carried out entirely within a brownfield site (as
3 defined in section 101 of the Comprehensive Envi-
4 ronmental Response, Compensation, and Liability
5 Act of 1980 (42 U.S.C. 9601)).

6 (b) NEPA CATEGORICAL EXCLUSION.—

7 (1) IN GENERAL.—A covered project subject to
8 the approval of the Commission shall be categorically
9 excluded from the requirement to prepare an envi-
10 ronmental assessment or an environmental impact
11 statement under section 102 of the National Envi-
12 ronmental Policy Act of 1969 (42 U.S.C. 4332).

13 (2) RELATION TO EXTRAORDINARY CIR-
14 CUMSTANCES PROCEDURES.—The use of the cat-
15 egorical exclusion under paragraph (1) shall not be
16 considered to include extraordinary circumstances
17 under section 220.6 of title 36, Code of Federal
18 Regulations, or section 1508.4 of title 40, Code of
19 Federal Regulations (or any successor to such regu-
20 lations).

21 (c) NATIONAL HISTORIC PRESERVATION ACT EX-
22 EMPTION.—A covered project for which the Commission
23 is required to issue a permit or that is otherwise subject
24 to the jurisdiction of the Commission shall not be consid-

- 1 ered an undertaking under section 300320 of title 54,
- 2 United States Code.

