

118TH CONGRESS  
1ST SESSION

# H. R. 3292

To provide that a project for the deployment or modification of a communications facility entirely within a brownfield site is not subject to requirements to prepare certain environmental or historical preservation reviews.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2023

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

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## A BILL

To provide that a project for the deployment or modification of a communications facility entirely within a brownfield site is not subject to requirements 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) NEPA EXEMPTION.—A Federal authorization  
4 with respect to a covered project may not be considered  
5 a major Federal action under section 102(2)(C) of the Na-  
6 tional 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 may 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” has the meaning given the  
17 term “communications facility installation” in sec-  
18 tion 6409(d) of the Middle Class Tax Relief and Job  
19 Creation Act of 2012 (47 U.S.C. 1455(d)).

20 (3) COVERED PROJECT.—The term “covered  
21 project” means a project—

22 (A) for the deployment or modification of  
23 a communications facility that is to be carried  
24 out entirely within a brownfield site (as defined  
25 in section 101 of the Comprehensive Environ-

1           mental Response, Compensation, and Liability  
2           Act of 1980 (42 U.S.C. 9601)); and

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

7           (4) FEDERAL AUTHORIZATION.—The term  
8           “Federal authorization”—

9           (A) means any authorization required  
10          under Federal law with respect to a covered  
11          project; and

12          (B) includes any permits, special use au-  
13          thorizations, certifications, opinions, or other  
14          approvals as may be required under Federal law  
15          with respect to a covered project.

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