

118TH CONGRESS
1ST SESSION

H. R. 3297

To ensure that certain broadband projects are not subject to requirements to prepare certain environmental or historical preservation reviews, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2023

Mr. FULCHER 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 ensure that certain broadband projects are not subject to requirements to prepare certain environmental or historical preservation reviews, and for other purposes.

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 “Reducing Barriers for
5 Broadband on Federal Lands Act of 2023”.

1 **SEC. 2. EXEMPTIONS FOR CERTAIN BROADBAND**
2 **PROJECTS.**

3 (a) NEPA EXEMPTION.—The issuance of a Federal
4 authorization with respect to a broadband project carried
5 out in a right-of-way may not be considered a major Fed-
6 eral action under section 102(2)(C) of the National Envi-
7 ronmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

8 (b) NATIONAL HISTORIC PRESERVATION ACT EX-
9 EMPTION.—A broadband project carried out in a right-
10 of-way may not be considered an undertaking under sec-
11 tion 300320 of title 54, United States Code.

12 (c) DEFINITIONS.—In this section:

13 (1) BROADBAND PROJECT.—The term
14 “broadband project” means an installation, by a
15 broadband provider on Federal land, of wireline or
16 wireless broadband infrastructure that enables a
17 user to originate and receive high-quality voice, data,
18 graphics, and video telecommunications, including
19 copper lines, fiber optic lines, communications tow-
20 ers, buildings, or other improvements.

21 (2) BROADBAND PROVIDER.—The term
22 “broadband provider” means a provider of wireline
23 or wireless broadband infrastructure that enables a
24 user to originate and receive high-quality voice, data,
25 graphics, and video telecommunications.

1 (3) FEDERAL AUTHORIZATION.—The term
2 “Federal authorization”—

3 (A) means any authorization required
4 under Federal law with respect to a project;
5 and

6 (B) includes any permits, special use au-
7 thorizations, certifications, opinions, or other
8 approvals as may be required under Federal law
9 with respect to a project.

10 (4) RIGHT-OF-WAY.—The term “right-of-
11 way”—

12 (A) means—

13 (i) the area on, below, or above a
14 roadway, highway, street, sidewalk, alley,
15 or similar property (whether currently or
16 previously used in such manner); and

17 (ii) any land immediately adjacent to
18 and contiguous with property described in
19 clause (i) that is within the right-of-way
20 grant; and

21 (B) does not include a portion of the Inter-
22 state System (as such term is defined in section
23 101(a) of title 23, United States Code).

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