

H.R. 4141, BARS Act

As ordered reported by the House Committee on Natural Resources on July 26, 2023

By Fiscal Year, Millions of Dollars	2024	2024-2029	2024-2034
Direct Spending (Outlays)	*	*	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	*	*	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Statutory pay-as-you-go procedures apply?	Yes
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Mandate Effects	
		Contains intergovernmental mandate?	No
		Contains private-sector mandate?	Yes, Under Threshold
* = between zero and \$500,000.			

H.R. 4141 would exempt federally funded projects to deploy wired and wireless broadband infrastructure from the requirements of the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA). Those laws require that major construction projects financed by the federal government undergo reviews to determine if they would significantly affect the environment or historic properties.

Using information from the Federal Communications Commission (FCC), National Telecommunications and Information Administration (NTIA), and Bureau of Land Management, CBO estimates that the cost to issue and update existing guidance would be insignificant. Any spending would be subject to the availability of appropriated funds. Because the FCC is authorized to collect fees each year sufficient to offset the appropriated costs of its regulatory activities, CBO estimates that the net cost to the FCC would be negligible, assuming appropriation actions consistent with that authority.

CBO expects enacting the bill could change the pace of spending in existing federal broadband deployment programs, such as the Broadband Equity, Access, and Deployment Program or the Tribal Broadband Connectivity Program administered by the NTIA. (Any change in spending under the bill for previously appropriated funds would be classified as direct spending.) CBO is uncertain about the direction and magnitude of those effects.

See also

[CBO's Cost Estimates Explained](#), [CBO Describes Its Cost-Estimating Process](#), [Glossary](#)



The Fiscal Responsibility Act (Public Law 118-5), enacted June 3, 2023, generally requires agencies to complete NEPA reviews within two years. If federally funded broadband projects were exempt from that review process, the entities managing those projects might be able to spend funds faster than under current law. Projects would still need to meet the permitting requirements of state and local governments and exempting projects from NEPA review could expose those projects to litigation, which might mitigate some of the effect on spending from waiving NEPA and NHPA reviews. However, because CBO anticipates all major federal broadband projects will be completed by the end of 2033 under current law, any increase in spending early in the budget window would be offset by a decrease in spending later in the window. Thus, enacting the bill would not increase net direct spending over the 2024-2034 period.

If the FCC increased annual fee collections to offset the costs of implementing provisions in the bill, H.R. 4141 would increase the cost of an existing private-sector mandate on entities required to pay those fees. CBO estimates that the incremental cost of the mandate would be small and would fall well below the annual threshold established in the Unfunded Mandates Reform Act (UMRA) for private-sector mandates (\$200 million in 2024, adjusted annually for inflation).

H.R. 4141 contains no intergovernmental mandates as defined in UMRA.

The CBO staff contacts for this estimate are David Hughes (for federal costs) and Erich Dvorak (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

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