

118TH CONGRESS
1ST SESSION

H. R. 3323

To provide that the deployment of a small personal wireless service facility is 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. HUDSON 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 the deployment of a small personal wireless service facility is 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 Antiquated
5 Permitting for Infrastructure Deployment Act” or the
6 “RAPID Act”.

1 **SEC. 2. EXEMPTIONS FOR SMALL PERSONAL WIRELESS**
2 **SERVICE FACILITIES.**

3 (a) NEPA EXEMPTION.—A Federal authorization
4 with respect to a project to deploy a small personal wire-
5 less service facility may not be considered a major Federal
6 action under section 102(2)(C) of the National Environ-
7 mental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

8 (b) NATIONAL HISTORIC PRESERVATION ACT EX-
9 EMPTION.—A project to deploy a small personal wireless
10 service facility may not be considered an undertaking
11 under section 300320 of title 54, United States Code.

12 **SEC. 3. PRESUMPTION WITH RESPECT TO CERTAIN COM-**
13 **plete FCC FORMS.**

14 (a) PRESUMPTION.—If an Indian Tribe is shown to
15 have received a complete FCC Form 620 or FCC Form
16 621 (or any successor form), or can be reasonably ex-
17 pected to have received a complete FCC Form 620 or FCC
18 Form 621 (or any successor form), and has not acted on
19 a request contained in such complete form by the date that
20 is 45 days after the date of such receipt or reasonably
21 expected receipt—

22 (1) the Commission and a court of competent
23 jurisdiction (as the case may be) shall presume the
24 applicant with respect to such complete form has
25 made a good faith effort to provide the information
26 reasonably necessary for such Indian Tribe to ascer-

tain whether historic properties of religious or cultural significance to such Indian Tribe may be affected by the undertaking related to such complete form; and

(2) such Indian Tribe shall be presumed to have disclaimed interest in such undertaking.

(b) OVERCOMING PRESUMPTION.—

(1) IN GENERAL.—An Indian Tribe may overcome a presumption under subsection (a) upon making, to the Commission or a court of competent jurisdiction, a favorable demonstration with respect to 1 or more of the factors described in paragraph (2).

(2) FACTORS CONSIDERED.—In making a determination regarding a presumption under subsection (a), the Commission or court of competent jurisdiction shall give substantial weight to—

(A) whether the applicant with respect to the relevant complete form failed to make a reasonable attempt to follow up with the applicable Indian Tribe not earlier than 30 days, and not later than 50 days, after the applicant submitted a complete FCC Form 620 or FCC Form 621 (as the case may be) to such Indian Tribe; and

1 (B) whether the rules of the Commission,
2 or FCC Form 620 or FCC Form 621, are
3 found to be in violation of a Nationwide Pro-
4 grammatic Agreement of the Commission.

5 **SEC. 4. DEFINITIONS.**

6 In this Act:

7 (1) COMMISSION.—The term “Commission”
8 means the Federal Communications Commission.

9 (2) FEDERAL AUTHORIZATION.—The term
10 “Federal authorization”—

11 (A) means any authorization required
12 under Federal law with respect to a project;
13 and

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

18 (3) INDIAN TRIBE.—The term “Indian Tribe”
19 has the meaning given the term “Indian tribe” in
20 section 102 of the Federally Recognized Indian
21 Tribe List Act of 1994 (25 U.S.C. 5130).

22 (4) PERSONAL WIRELESS SERVICE.—The term
23 “personal wireless service”—

1 (A) means any service described in section
2 332(c)(7)(C)(i) of the Communications Act of
3 1934 (47 U.S.C. 332(c)(7)(C)(i)); and

4 (B) includes commercial mobile data serv-
5 ice (as defined in section 6001 of the Middle
6 Class Tax Relief and Job Creation Act of 2012
7 (47 U.S.C. 1401)).

8 (5) PERSONAL WIRELESS SERVICE FACILITY.—
9 The term “personal wireless service facility” means
10 a facility for the provision of personal wireless serv-
11 ice.

12 (6) SMALL PERSONAL WIRELESS SERVICE FA-
13 CILITY.—The term “small personal wireless service
14 facility”—

15 (A) means a personal wireless service facil-
16 ity with respect to which each antenna is not
17 more than 3 cubic feet in volume; and

18 (B) does not include a wireline backhaul
19 facility.

20 (7) WIRELINE BACKHAUL FACILITY.—The term
21 “wireline backhaul facility” means an above-ground
22 or underground wireline facility used to transport
23 communications service or other electronic commu-
24 nications from a small personal wireless service facil-

- 1 ity or its adjacent network interface device to a com-
- 2 munications network.

