

[~117H1074]

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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

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

M____. _____ introduced the following bill; which was referred to the
Committee on _____

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 or Native
15 Hawaiian organization is shown to have received a com-
16 plete FCC Form 620 or FCC Form 621 (or any successor
17 form), or can be reasonably expected to have received a
18 complete FCC Form 620 or FCC Form 621 (or any suc-
19 cessor form), and has not acted on a request contained
20 in such complete form by the date that is 45 days after
21 the date of such receipt or reasonably 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 or Na-

1 tive Hawaiian organization to ascertain whether his-
2 toric properties of religious or cultural significance
3 to such Indian Tribe or Native Hawaiian organiza-
4 tion may be affected by the undertaking related to
5 such complete form; and

6 (2) such Indian Tribe or Native Hawaiian orga-
7 nization shall be presumed to have disclaimed inter-
8 est in such undertaking.

9 (b) OVERCOMING PRESUMPTION.—

10 (1) IN GENERAL.—An Indian Tribe or Native
11 Hawaiian organization may overcome a presumption
12 under subsection (a) upon making, to the Commis-
13 sion or a court of competent jurisdiction, a favorable
14 demonstration with respect to 1 or more of the fac-
15 tors described in paragraph (2).

16 (2) FACTORS CONSIDERED.—In making a de-
17 termination regarding a presumption under sub-
18 section (a), the Commission or court of competent
19 jurisdiction shall give substantial weight to—

20 (A) whether the applicant with respect to
21 the relevant complete form failed to make a
22 reasonable attempt to follow up with the appli-
23 cable Indian Tribe or Native Hawaiian organi-
24 zation not earlier than 30 days, and not later
25 than 50 days, after the applicant submitted a

1 complete FCC Form 620 or FCC Form 621 (as
2 the case may be) to such Indian Tribe or Na-
3 tive Hawaiian organization; and

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

8 **SEC. 4. DEFINITIONS.**

9 In this Act:

10 (1) COMMISSION.—The term “Commission”
11 means the Federal Communications Commission.

12 (2) FEDERAL AUTHORIZATION.—The term
13 “Federal authorization”—

14 (A) means any authorization required
15 under Federal law with respect to a project;
16 and

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

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

1 (4) NATIVE HAWAIIAN ORGANIZATION.—The
2 term “Native Hawaiian organization” has the mean-
3 ing given that term in section 300314 of title 54,
4 United States Code.

5 (5) PERSONAL WIRELESS SERVICE.—The term
6 “personal wireless service”—

7 (A) means any service described in section
8 332(c)(7)(C)(i) of the Communications Act of
9 1934 (47 U.S.C. 332(c)(7)(C)(i)); and

10 (B) includes commercial mobile data serv-
11 ice (as defined in section 6001 of the Middle
12 Class Tax Relief and Job Creation Act of 2012
13 (47 U.S.C. 1401)).

14 (6) PERSONAL WIRELESS SERVICE FACILITY.—
15 The term “personal wireless service facility” means
16 a facility for the provision of personal wireless serv-
17 ice.

18 (7) SMALL PERSONAL WIRELESS SERVICE FA-
19 CILITY.—The term “small personal wireless service
20 facility”—

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

24 (B) does not include a wireline backhaul
25 facility.

1 (8) WIRELINE BACKHAUL FACILITY.—The term
2 “wireline backhaul facility” means an above-ground
3 or underground wireline facility used to transport
4 communications service or other electronic commu-
5 nications from a small personal wireless service facil-
6 ity or its adjacent network interface device to a com-
7 munications network.