

118TH CONGRESS
1ST SESSION

H. R. 3289

To provide that a project for the collocation of a personal wireless service facility is not subject to requirements to prepare certain environmental or historical preservation reviews.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2023

Mr. JOHNSON of Ohio 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 a project for the collocation of a personal wireless service facility 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 “Wireless Broadband
5 Competition and Efficient Deployment Act”.

1 **SEC. 2. APPLICATION OF NEPA AND NHPA TO COLLOCA-**
2 **TION OF CERTAIN PERSONAL WIRELESS**
3 **SERVICE FACILITIES.**

4 (a) NEPA EXEMPTION.—A Federal authorization
5 with respect to a covered project may not be considered
6 a major Federal action under section 102(2)(C) of the Na-
7 tional Environmental Policy Act of 1969 (42 U.S.C.
8 4332(2)(C)).

9 (b) NATIONAL HISTORIC PRESERVATION ACT EX-
10 EMPTION.—A covered project may not be considered an
11 undertaking under section 300320 of title 54, United
12 States Code.

13 (c) DEFINITIONS.—In this section:

14 (1) COMMISSION.—The term “Commission”
15 means the Federal Communications Commission.

16 (2) COVERED PROJECT.—The term “covered
17 project” means a project—

18 (A) for—

19 (i) the mounting or installation of an
20 eligible personal wireless service facility
21 with another eligible personal wireless serv-
22 ice facility that exists at the time at which
23 a complete request for authorization of
24 such mounting or installation is filed with
25 a State or local government or instrumen-
26 tality thereof or with an Indian Tribe; or

1 (ii) the modification of an eligible per-
2 sonal wireless service facility; 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 (3) ELIGIBLE PERSONAL WIRELESS SERVICE
8 FACILITY.—The term “eligible personal wireless
9 service facility” means any antenna, apparatus, or
10 transmitting device, and any equipment, switches,
11 wiring, cabling, power sources, shelters, or cabinets,
12 for the provision of a personal wireless service.

13 (4) FEDERAL AUTHORIZATION.—The term
14 “Federal authorization”—

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

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

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

1 (6) PERSONAL WIRELESS SERVICES.—The term
2 “personal wireless services”—

3 (A) has the meaning given such term in
4 section 332(c)(7)(C) of the Communications
5 Act of 1934 (47 U.S.C. 332(c)(7)(C)); and

6 (B) also includes commercial mobile data
7 service (as defined in section 6001 of the Mid-
8 dle Class Tax Relief and Job Creation Act of
9 2012 (47 U.S.C. 1401)).

10 (7) STATE.—The term “State” means each
11 State of the United States, the District of Columbia,
12 and each territory or possession of the United
13 States.

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