H. R. 1074

To provide that the deployment of a small personal wireless service facility shall not constitute an undertaking under section 300320 of title 54, United States Code, or a major Federal action for the purposes of section 102(2)(C) of the National Environmental Policy Act of 1969, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

February 15, 2021

Mr. Scalise 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 shall not constitute an undertaking under section 300320 of title 54, United States Code, or a major Federal action for the purposes of section 102(2)(C) of the National Environmental Policy Act of 1969, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Reducing Antiquated Permitting for Infrastructure Deployment Act” or the “RAPID Act”.

SEC. 2. REBUTTABLE PRESUMPTION ON SHOT CLOCK TIMELINE BEGINNING FOR PURPOSES OF NHPA.

(a) DEFINITIONS.—In this section:

(1) PERSONAL WIRELESS SERVICE.—The term “personal wireless service” means—

(A) commercial mobile service (as defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)));

(B) commercial mobile data service (as defined in section 6001 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401));

(C) unlicensed wireless service; and

(D) common carrier wireless exchange access service.

(2) PERSONAL WIRELESS SERVICE FACILITY.—The term “personal wireless service facility” means a facility for the provision of personal wireless service.
(3) **Small Personal Wireless Service Facility.**—The term “small personal wireless service facility”—

(A) means a personal wireless service facility in which each antenna is not more than 3 cubic feet in volume; and

(B) does not include a wireline backhaul facility.

(4) **Wireline Backhaul Facility.**—The term “wireline backhaul facility” means an above-ground or underground wireline facility used to transport communications service or other electronic communications from a small personal wireless service facility or its adjacent network interface device to a communications network.

(b) **In General.**—The deployment of a small personal wireless service facility shall not constitute an undertaking under section 300320 of title 54, United States Code, or a major Federal action for the purposes of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(c) **Rebuttable Presumption.**—

(1) **In General.**—If an Indian Tribe or Native Hawaiian Organization is shown to have received a complete Form 620 or Form 621 (or any successor...
form), or can be reasonably expected to have re-
ceived a complete Form 620 or Form 621 (or any
successor form), and has not acted on a complete re-
quest contained in the form within 45 days after
such receipt—

(A) the Commission and a court of com-
petent jurisdiction (as the case may be) shall
presume the applicant has made a good faith
effort to provide the information reasonably
necessary for Indian Tribes and Native Hawai-
ian Organizations to ascertain whether historic
properties of religious and cultural significance
to them may be affected by the undertaking;
and

(B) the Indian Tribe or Native Hawaiian
Organization (as the case may be) shall be pre-
sumed to have disclaimed interest in the appli-
cation.

(2) OVERCOMING PRESUMPTION.—

(A) IN GENERAL.—An Indian Tribe or Na-
tive Hawaiian Organization may overcome the
presumption under paragraph (1) upon favor-
ably demonstrating one or more of the factors
to be considered under subparagraph (B).
(B) FACTORS CONSIDERED.—The review by the Commission or a court of competent jurisdiction under paragraph (1) shall give substantial weight to—

(i) whether the applicant made a reasonable attempt to follow up with the Indian Tribe or Native Hawaiian Organization not earlier than 30 days, and not later than 50 days, after the applicant submitted a complete Form 620 or Form 621 (as the case may be) to the Indian Tribe or Native Hawaiian Organization; and

(ii) whether the rules of the Commission and Form 620 or Form 621 is found to be in violation of a Nationwide Programmatic Agreement of the Commission.