

116TH CONGRESS
2D SESSION

H. R. 7374

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

JUNE 25, 2020

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. REBUTTABLE PRESUMPTION ON SHOT CLOCK**
6 **TIMELINE BEGINNING FOR PURPOSES OF**
7 **NHPA.**

8 (a) DEFINITIONS.—In this section:

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

11 (A) commercial mobile service (as defined
12 in section 332(d) of the Communications Act of
13 1934 (47 U.S.C. 332(d)));

14 (B) commercial mobile data service (as de-
15 fined in section 6001 of the Middle Class Tax
16 Relief and Job Creation Act of 2012 (47 U.S.C.
17 1401));

18 (C) unlicensed wireless service; and

19 (D) common carrier wireless exchange ac-
20 cess service.

21 (2) PERSONAL WIRELESS SERVICE FACILITY.—

22 The term “personal wireless service facility” means
23 a facility for the provision of personal wireless serv-
24 ice.

1 (3) SMALL PERSONAL WIRELESS SERVICE FA-
2 CILITY.—The term “small personal wireless service
3 facility”—

4 (A) means a personal wireless service facil-
5 ity in which each antenna is not more than 3
6 cubic feet in volume; and

7 (B) does not include a wireline backhaul
8 facility.

9 (4) WIRELINE BACKHAUL FACILITY.—The term
10 “wireline backhaul facility” means an above-ground
11 or underground wireline facility used to transport
12 communications service or other electronic commu-
13 nications from a small personal wireless service facil-
14 ity or its adjacent network interface device to a com-
15 munications network.

16 (b) IN GENERAL.—The deployment of a small per-
17 sonal wireless service facility shall not constitute an under-
18 taking under section 300320 of title 54, United States
19 Code, or a major Federal action for the purposes of sec-
20 tion 102(2)(C) of the National Environmental Policy Act
21 of 1969 (42 U.S.C. 4332).

22 (c) REBUTTABLE PRESUMPTION.—

23 (1) IN GENERAL.—If an Indian Tribe or Native
24 Hawaiian Organization is shown to have received a
25 complete Form 620 or Form 621 (or any successor

1 form), or can be reasonably expected to have re-
2 ceived a complete Form 620 or Form 621 (or any
3 successor form), and has not acted on a complete re-
4 quest contained in the form within 45 days after
5 such receipt—

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

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

19 (2) OVERCOMING PRESUMPTION.—

20 (A) IN GENERAL.—An Indian Tribe or Na-
21 tive Hawaiian Organization may overcome the
22 presumption under paragraph (1) upon favor-
23 ably demonstrating one or more of the factors
24 to be considered under subparagraph (B).

1 (B) FACTORS CONSIDERED.—The review
2 by the Commission or a court of competent ju-
3 risdiction under paragraph (1) shall give sub-
4 stantial weight to—

5 (i) whether the applicant made a rea-
6 sonable attempt to follow up with the In-
7 dian Tribe or Native Hawaiian Organiza-
8 tion not earlier than 30 days, and not later
9 than 50 days, after the applicant sub-
10 mitted a complete Form 620 or Form 621
11 (as the case may be) to the Indian Tribe
12 or Native Hawaiian Organization; and

13 (ii) whether the rules of the Commis-
14 sion and Form 620 or Form 621 is found
15 to be in violation of a Nationwide Pro-
16 grammatic Agreement of the Commission.

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