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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.

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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 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-

1       tain whether historic properties of religious or cul-  
2       tural significance to such Indian Tribe may be af-  
3       fected by the undertaking related to such complete  
4       form; and

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

7       (b) OVERCOMING PRESUMPTION.—

8           (1) IN GENERAL.—An Indian Tribe may over-  
9       come a presumption under subsection (a) upon mak-  
10      ing, to the Commission or a court of competent ju-  
11      risdiction, a favorable demonstration with respect to  
12      1 or more of the factors described in paragraph (2).

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

17           (A) whether the applicant with respect to  
18      the relevant complete form failed to make a  
19      reasonable attempt to follow up with the appli-  
20      cable Indian Tribe not earlier than 30 days,  
21      and not later than 50 days, after the applicant  
22      submitted a complete FCC Form 620 or FCC  
23      Form 621 (as the case may be) to such Indian  
24      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.