

118TH CONGRESS
1ST SESSION

H. R. 3342

To amend the Communications Act of 1934 to provide that certain projects for the placement and installation of communications facilities are not subject to requirements to prepare certain environmental or historical preservation reviews, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2023

Mr. PENCE 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 amend the Communications Act of 1934 to provide that certain projects for the placement and installation of communications facilities are 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 “Streamlining Permit-
5 ting to Enable Efficient Deployment for Broadband Infra-

1 structure Act of 2023” or the “SPEED for Broadband
2 Infrastructure Act of 2023”.

3 **SEC. 2. EXEMPTION FROM REVIEW FOR CERTAIN COMMU-
4 NICATIONS FACILITIES.**

5 Title I of the Communications Act of 1934 (47
6 U.S.C. 151 et seq.) is amended by adding at the end the
7 following:

8 **“SEC. 14. EXEMPTION FROM REVIEW FOR CERTAIN COMMU-
9 NICATIONS FACILITIES.**

10 “(a) PERMITTING OF COVERED PROJECTS.—

11 “(1) NEPA EXEMPTION.—A Federal authoriza-
12 tion with respect to a covered project may not be
13 considered a major Federal action under section
14 102(2)(C) of the National Environmental Policy Act
15 of 1969 (42 U.S.C. 4332(2)(C)).

16 “(2) NATIONAL HISTORIC PRESERVATION ACT
17 EXEMPTION.—A covered project may not be consid-
18 ered an undertaking under section 300320 of title
19 54, United States Code.

20 “(3) SAVINGS CLAUSE.—Nothing in this sub-
21 section may be construed to affect—

22 “(A) the obligation of the Commission to
23 evaluate radiofrequency exposure under the Na-
24 tional Environmental Policy Act of 1969 (42
25 U.S.C. 4321 et seq.);

1 “(B) except as explicitly provided in this
2 subsection, the obligation of a provider of a
3 communications service to comply with the Na-
4 tional Environmental Policy Act of 1969 or di-
5 vision A of subtitle III of title 54, United
6 States Code;

7 “(C) the authority of a State or local gov-
8 ernment to apply and enforce the zoning and
9 other land use regulations of the State or local
10 government to the extent consistent with this
11 subsection and sections 253, 332(e)(7), and
12 621; or

13 “(D) the authority or obligations estab-
14 lished under section 20156(e) of title 49,
15 United States Code.

16 “(b) GRANT OF EASEMENT ON FEDERAL PROP-
17 erty.—

18 “(1) NEPA EXEMPTION.—A Federal authoriza-
19 tion with respect to a covered easement for a com-
20 munications facility may not be considered a major
21 Federal action under section 102(2)(C) of the Na-
22 tional Environmental Policy Act of 1969 (42 U.S.C.
23 4332(2)(C)), if a covered easement has previously
24 been granted for another communications facility or

1 a utility facility with respect to the same building or
2 other property owned by the Federal Government.

3 “(2) NATIONAL HISTORIC PRESERVATION ACT
4 EXEMPTION.—A covered easement for a communica-
5 tions facility may not be considered an undertaking
6 under section 300320 of title 54, United States
7 Code, if a covered easement has previously been
8 granted for another communications facility or a
9 utility facility with respect to the same building or
10 other property owned by the Federal Government.

11 “(c) DEFINITIONS.—In this section:

12 “(1) ANTENNA.—The term ‘antenna’ means
13 communications equipment that transmits or re-
14 ceives electromagnetic radio frequency signals used
15 in the provision of wireless services.

16 “(2) COMMUNICATIONS FACILITY.—The term
17 ‘communications facility’ has the meaning given the
18 term ‘communications facility installation’ in section
19 6409(d) of the Middle Class Tax Relief and Job
20 Creation Act of 2012 (47 U.S.C. 1455(d)).

21 “(3) COVERED EASEMENT.—The term ‘covered
22 easement’ means an easement, right-of-way, or lease
23 with respect to a building or other property owned
24 by the Federal Government, excluding Tribal land
25 held in trust by the Federal Government (unless the

1 Tribal Government with respect to such land re-
2 quests that the Commission not exclude the land for
3 purposes of this definition), for the right to install,
4 construct, modify, or maintain a communications fa-
5 cility or a utility facility.

6 “(4) COVERED PROJECT.—The term ‘covered
7 project’ means the placement and installation of a
8 new communications facility if—

9 “(A) such new facility—

10 “(i) will be located within a public
11 right-of-way; and

12 “(ii) is not more than 50 feet tall or
13 10 feet taller than any existing structure
14 in the public right-of-way, whichever is
15 higher;

16 “(B) such new facility is—

17 “(i) a replacement for an existing
18 communications facility; and

19 “(ii) the same as, or substantially
20 similar to (as such term is defined by the
21 Commission), the existing communications
22 facility that such new communications fa-
23 cility is replacing;

24 “(C) such new facility is a type of commu-
25 nications facility that—

1 “(i) is described in section
2 6409(d)(1)(B) of the Middle Class Tax Re-
3 lief and Job Creation Act of 2012 (47
4 U.S.C. 1455(d)(1)(B)); and

5 “(ii) meets the size limitation of a
6 small antenna established by the Commis-
7 sion; or

8 “(D) the placement and installation of
9 such new facility involves the expansion of the
10 site of an existing communications facility not
11 more than 30 feet in any direction.

12 “(5) 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 “(6) PUBLIC RIGHT-OF-WAY.—The term ‘public
22 right-of-way’—

23 “(A) means—

1 “(i) the area on, below, or above a
2 public roadway, highway, street, sidewalk,
3 alley, or similar property; and

4 “(ii) any land immediately adjacent to
5 and contiguous with property described in
6 clause (i) that is within the right-of-way
7 grant; and

8 “(B) does not include a portion of the
9 Interstate System (as such term is defined in
10 section 101(a) of title 23, United States Code).

11 “(7) UTILITY FACILITY.—The term ‘utility fa-
12 cility’ means any privately, publicly, or cooperatively
13 owned line, facility, or system for producing, trans-
14 mitting, or distributing power, electricity, light, heat,
15 gas, oil, crude products, water, steam, waste, storm
16 water not connected with highway drainage, or any
17 other similar commodity, including any fire or police
18 signal system or street lighting system, that directly
19 or indirectly serves the public.

20 “(8) WIRELESS SERVICE.—The term ‘wireless
21 service’ means the transmission by radio commu-
22 nication of voice, video, or data communications
23 services, including Internet Protocol or any suc-
24 cessor protocol-enabled services, or any combination

1 of those services, whether provided on a licensed or
2 permitted unlicensed basis.”.

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