

119TH CONGRESS
1ST SESSION

H. R. 6503

To provide that certain communications projects are not subject to requirements to prepare certain environmental or historical preservation reviews, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 9, 2025

Mr. FULCHER 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 certain communications projects 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 “Broadband for Ameri-
5 cans through Responsible Streamlining (BARS) Act”.

6 **SEC. 2. APPLICATION OF NEPA AND NHPA TO CERTAIN** 7 **COMMUNICATIONS PROJECTS.**

8 (a) IN GENERAL.—

1 (1) NEPA EXEMPTION.—A Federal authoriza-
 2 tion with respect to a covered project may not be
 3 considered a major Federal action under section
 4 102(2)(C) of the National Environmental Policy Act
 5 of 1969 (42 U.S.C. 4332(2)(C)).

6 (2) NATIONAL HISTORIC PRESERVATION ACT
 7 EXEMPTION.—A covered project may not be consid-
 8 ered an undertaking under section 300320 of title
 9 54, United States Code.

10 (b) GRANT OF EASEMENT ON FEDERAL PROP-
 11 ERTY.—

12 (1) NEPA EXEMPTION.—A Federal authoriza-
 13 tion with respect to a covered easement for a com-
 14 munications facility may not be considered a major
 15 Federal action under section 102(2)(C) of the Na-
 16 tional Environmental Policy Act of 1969 (42 U.S.C.
 17 4332(2)(C)), if—

18 (A) a covered easement has previously been
 19 granted for another communications facility or
 20 a utility facility with respect to the same build-
 21 ing or other property owned by the Federal
 22 Government; or

23 (B) the covered easement is for a commu-
 24 nications facility in a public right-of-way.

1 (2) NATIONAL HISTORIC PRESERVATION ACT
2 EXEMPTION.—A covered easement for a communica-
3 tions facility may not be considered an undertaking
4 under section 300320 of title 54, United States
5 Code, if—

6 (A) a covered easement has previously been
7 granted for another communications facility or
8 a utility facility with respect to the same build-
9 ing or other property owned by the Federal
10 Government; or

11 (B) the covered easement is for a commu-
12 nications facility in a public right-of-way.

13 (c) REQUESTS FOR MODIFICATION OF CERTAIN EX-
14 ISTING WIRELESS AND WIRELINE COMMUNICATIONS FA-
15 CILITIES.—Section 6409(a)(3) of the Middle Class Tax
16 Relief and Job Creation Act of 2012 (47 U.S.C.
17 1455(a)(3)) is amended to read as follows:

18 “(3) APPLICATION OF NEPA; NHPA.—

19 “(A) NEPA EXEMPTION.—A Federal au-
20 thorization with respect to an eligible facilities
21 request or an eligible wireline communications
22 facilities request may not be considered a major
23 Federal action under section 102(2)(C) of the
24 National Environmental Policy Act of 1969 (42
25 U.S.C. 4332(2)(C)).

“(B) NATIONAL HISTORIC PRESERVATION ACT EXEMPTION.—An eligible facilities request or an eligible wireline communications facilities request may not be considered an undertaking under section 300320 of title 54, United States Code.

“(C) FEDERAL AUTHORIZATION DEFINED.—In this paragraph, the term ‘Federal authorization’—

“(i) means any authorization required under Federal law with respect to an eligible facilities request or an eligible wireline communications facilities request; and

“(ii) includes any permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law with respect to an eligible facilities request or an eligible wireline communications facilities request.”.

SEC. 3. PRESUMPTION WITH RESPECT TO CERTAIN COMPLETE FCC FORMS.

(a) PRESUMPTION.—With respect to a project that is an undertaking under section 300320 of title 54, United States Code, as determined by the Commission, if an Indian Tribe is shown to have received a complete FCC

1 Form 620 or FCC Form 621 (or any successor form), or
2 can be reasonably expected to have received a complete
3 FCC Form 620 or FCC Form 621 (or any successor
4 form), and has not acted on a request contained in such
5 complete form by the date that is 45 days after the date
6 of such receipt or reasonably expected receipt—

7 (1) the Commission and a court of competent
8 jurisdiction (as the case may be) shall presume the
9 applicant with respect to such complete form has
10 made a good faith effort to provide the information
11 reasonably necessary for such Indian Tribe to ascer-
12 tain whether historic properties of religious or cul-
13 tural significance to such Indian Tribe may be af-
14 fected by the undertaking related to such complete
15 form; and

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

18 (b) OVERCOMING PRESUMPTION.—

19 (1) IN GENERAL.—An Indian Tribe may over-
20 come a presumption under subsection (a) upon mak-
21 ing, to the Commission or a court of competent ju-
22 risdiction, a favorable demonstration with respect to
23 1 or more of the factors described in paragraph (2).

24 (2) FACTORS CONSIDERED.—In making a de-
25 termination regarding a presumption under sub-

1 section (a), the Commission or court of competent
2 jurisdiction shall give substantial weight to—

3 (A) whether the applicant with respect to
4 the relevant complete form failed to make a
5 reasonable attempt to follow up with the appli-
6 cable Indian Tribe not earlier than 30 days,
7 and not later than 50 days, after the applicant
8 submitted a complete FCC Form 620 or FCC
9 Form 621 (as the case may be) to such Indian
10 Tribe; and

11 (B) whether the regulations of the Com-
12 mission, or FCC Form 620 or FCC Form 621,
13 are found to be in violation of a Nationwide
14 Programmatic Agreement of the Commission.

15 **SEC. 4. RULE OF CONSTRUCTION.**

16 Nothing in this Act or any amendment made by this
17 Act may be construed to affect the obligation of the Com-
18 mission to evaluate radiofrequency exposure under the Na-
19 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
20 et seq.).

21 **SEC. 5. DEFINITIONS.**

22 In this Act:

23 (1) CHIEF EXECUTIVE.—The term “Chief Ex-
24 ecutive” means the person who is the Chief, Chair-

1 man, Governor, President, or similar executive offi-
2 cial of an Indian tribal government.

3 (2) COMMISSION.—The term “Commission”
4 means the Federal Communications Commission.

5 (3) COMMUNICATIONS FACILITY.—The term
6 “communications facility” has the meaning given the
7 term “communications facility installation” in sec-
8 tion 6409(d) of the Middle Class Tax Relief and Job
9 Creation Act of 2012 (47 U.S.C. 1455(d)).

10 (4) COVERED EASEMENT.—The term “covered
11 easement” means an easement, right-of-way, or lease
12 with respect to a building or other property owned
13 by the Federal Government, excluding Tribal land
14 held in trust by the Federal Government (unless the
15 Indian tribal government with respect to such land
16 requests that the Commission not exclude the land
17 for purposes of this definition), for the right to in-
18 stall, construct, modify, or maintain a communica-
19 tions facility or a utility facility.

20 (5) COVERED PROJECT.—The term “covered
21 project” means any of the following:

22 (A) A project—

23 (i) for—

24 (I) the mounting or installation
25 of a personal wireless service facility

1 with another personal wireless service
2 facility that exists at the time at
3 which a request for authorization of
4 such mounting or installation is sub-
5 mitted to a State or local government
6 or instrumentality thereof or to an In-
7 dian tribal government; or

8 (II) the modification of a per-
9 sonal wireless service facility; and

10 (ii) for which a permit, license, or ap-
11 proval from the Commission is required or
12 that is otherwise subject to the jurisdiction
13 of the Commission.

14 (B) A project—

15 (i) for the placement, construction, or
16 modification of a facility for communica-
17 tion by wire in or on eligible support infra-
18 structure; and

19 (ii) for which a permit, license, or ap-
20 proval from the Commission is required or
21 that is otherwise subject to the jurisdiction
22 of the Commission.

23 (C) A project to deploy a small personal
24 wireless service facility.

25 (D) A project—

1 (i) for the deployment or modification
2 of a communications facility that is to be
3 carried out entirely within a floodplain (as
4 defined in section 9.4 of title 44, Code of
5 Federal Regulations, as in effect on the
6 date of the enactment of this Act); and

7 (ii) for which a permit, license, or ap-
8 proval from the Commission is required or
9 that is otherwise subject to the jurisdiction
10 of the Commission.

11 (E) A project—

12 (i) for the deployment or modification
13 of a communications facility that is to be
14 carried out entirely within a brownfield site
15 (as defined in section 101 of the Com-
16 prehensive Environmental Response, Com-
17 pensation, and Liability Act of 1980 (42
18 U.S.C. 9601)); and

19 (ii) for which a permit, license, or ap-
20 proval from the Commission is required or
21 that is otherwise subject to the jurisdiction
22 of the Commission.

23 (F) A project to permanently remove cov-
24 ered communications equipment or services (as
25 defined in section 9 of the Secure and Trusted

1 Communications Networks Act of 2019 (47
2 U.S.C. 1608)) and to replace such covered com-
3 munications equipment or services with commu-
4 nications equipment or services (as defined in
5 such section) that are not covered communica-
6 tions equipment or services (as so defined).

7 (G) A project that—

8 (i) is to be carried out entirely within
9 an area for which the President, the Gov-
10 ernor of a State, or the Chief Executive of
11 an Indian tribal government has declared a
12 major disaster or an emergency;

13 (ii) is to be carried out not later than
14 5 years after the date on which the Presi-
15 dent, Governor, or Chief Executive made
16 such declaration; and

17 (iii) replaces a communications facility
18 damaged by such disaster or emergency or
19 makes improvements to a communications
20 facility in such area that could reasonably
21 be considered as necessary for recovery
22 from such disaster or emergency or to pre-
23 vent or mitigate any future disaster or
24 emergency.

1 (H) A project for the placement and instal-
2 lation of a new communications facility if—

3 (i) such new facility—

4 (I) will be located within a public
5 right-of-way; and

6 (II) is not more than 50 feet tall
7 or 10 feet taller than any existing
8 structure in the public right-of-way,
9 whichever is higher;

10 (ii) such new facility is—

11 (I) a replacement for an existing
12 communications facility; and

13 (II) the same as, or substantially
14 similar to (as such term is defined by
15 the Commission by regulation), the
16 existing communications facility that
17 such new communications facility is
18 replacing;

19 (iii) such new facility is a type of com-
20 munications facility that—

21 (I) is described in section
22 6409(d)(1)(B) of the Middle Class
23 Tax Relief and Job Creation Act of
24 2012 (47 U.S.C. 1455(d)(1)(B)); and

1 (II) meets the size limitation of a
2 small antenna established by the Com-
3 mission; or

4 (iv) the placement and installation of
5 such new facility involves the expansion of
6 the site of an existing communications fa-
7 cility not more than 30 feet in any direc-
8 tion.

9 (I) A project for the placement, construc-
10 tion, or modification of a personal wireless serv-
11 ice facility on an existing tower, building, or
12 structure.

13 (J) A project for the placement, construc-
14 tion, or modification of a communications facil-
15 ity—

16 (i) for which the placement, construc-
17 tion, or modification is undertaken pursu-
18 ant to a geographic area license that has
19 been issued by the Commission or is sub-
20 ject to licensing by rule; and

21 (ii) with respect to which filing in the
22 antenna structure registration system of
23 the Commission is not required.

24 (6) ELIGIBLE SUPPORT INFRASTRUCTURE.—

25 The term “eligible support infrastructure” means in-

1 frastructure that supports or houses a facility for
2 communication by wire (or that is designed for or
3 capable of supporting or housing such a facility) at
4 the time when a request to a State or local govern-
5 ment or instrumentality thereof, or to an Indian
6 tribal government, for authorization to place, con-
7 struct, or modify a facility for communication by
8 wire in or on the infrastructure is submitted to the
9 government or instrumentality.

10 (7) EMERGENCY.—The term “emergency”
11 means—

12 (A) in the case of an emergency declared
13 by the President, an emergency declared by the
14 President under section 501 of the Robert T.
15 Stafford Disaster Relief and Emergency Assist-
16 ance Act (42 U.S.C. 5191); and

17 (B) in the case of an emergency declared
18 by the Governor of a State or the Chief Execu-
19 tive of an Indian tribal government, any occa-
20 sion or instance with respect to which the Gov-
21 ernor or Chief Executive declares that an emer-
22 gency exists (or makes a similar declaration)
23 under State or Tribal law (as the case may be).

24 (8) FEDERAL AUTHORIZATION.—The term
25 “Federal authorization”—

1 (A) means any authorization required
2 under Federal law with respect to a covered
3 project or a covered easement; and

4 (B) includes any permits, special use au-
5 thorizations, certifications, opinions, or other
6 approvals as may be required under Federal law
7 with respect to a covered project or a covered
8 easement.

9 (9) GOVERNOR.—The term “Governor” means
10 the chief executive of any State.

11 (10) INDIAN TRIBAL GOVERNMENT.—The term
12 “Indian tribal government” means the governing
13 body of an Indian Tribe.

14 (11) INDIAN TRIBE.—The term “Indian Tribe”
15 has the meaning given the term “Indian tribe”
16 under section 102 of the Federally Recognized In-
17 dian Tribe List Act of 1994 (25 U.S.C. 5130).

18 (12) MAJOR DISASTER.—The term “major dis-
19 aster” means—

20 (A) in the case of a major disaster de-
21 clared by the President, a major disaster de-
22 clared by the President under section 401 of
23 the Robert T. Stafford Disaster Relief and
24 Emergency Assistance Act (42 U.S.C. 5170);
25 and

1 (B) in the case of a major disaster de-
2 clared by the Governor of a State or the Chief
3 Executive of an Indian tribal government, any
4 occasion or instance with respect to which the
5 Governor or Chief Executive declares that a dis-
6 aster exists (or makes a similar declaration)
7 under State or Tribal law (as the case may be).

8 (13) PERSONAL WIRELESS SERVICE FACIL-
9 ITY.—The term “personal wireless service facility”
10 has the meaning given such term in subparagraph
11 (G) of section 332(c)(7) of the Communications Act
12 of 1934 (47 U.S.C. 332(c)(7)), as amended by this
13 Act.

14 (14) PUBLIC RIGHT-OF-WAY.—The term “pub-
15 lic right-of-way”—

16 (A) means—

17 (i) the area on, below, or above a pub-
18 lic roadway, highway, street, sidewalk,
19 alley, or similar property (whether cur-
20 rently or previously used in such manner);
21 and

22 (ii) any land immediately adjacent to
23 and contiguous with property described in
24 clause (i) that is within the right-of-way
25 grant; and

1 (B) does not include a portion of the Inter-
2 state System (as such term is defined in section
3 101(a) of title 23, United States Code).

4 (15) SMALL PERSONAL WIRELESS SERVICE FA-
5 CILITY.—The term “small personal wireless service
6 facility” has the meaning given such term in sub-
7 paragraph (G) of section 332(c)(7) of the Commu-
8 nications Act of 1934 (47 U.S.C. 332(c)(7)), as
9 amended by this Act.

10 (16) 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.

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

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