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Subject: More info on HR 3557

Following is a bit more on HR 3557 (aka *The Digital Prison Act*; *The China Bill*; *War Preparedness Act*, or *The WTFs Act.*)

- TEXT - https://www.congress.gov/bill/118th-congress/house-bill/3557/text
- List of organizations thus far opposing HR 3557, courtesy of CA for Safe Technology https://cal4safetech.org/opposition-to-hr-3557

Actions you can take to oppose HR-3557:

- Call/email your **local and state** government officials, and encourage them to communicate their opposition to HR-3557 as *local decision-makers and communities* know best what technology is most suited for their community.
- Communicate to your **federal Senators and House Representative**s as well as representatives from otherdistricts in your state.
- Take this action offered by Children's Health Defense.

At this link, courtesy of Wire America, you will find a three column comparison of three different versions of the Wireless Telecommunications Facilities (WTFs 😊) siting clause amending the 1934 Communications Act.

- a first version from a 1995 that did not pass into law.
- a second version from 1996 that did pass into law, and is the current Section 704 of the 1996 TCA.
- a third version from 1923 that we cannot allow to pass into law.

There are many changes in HR 3557 which you can see by focusing particularly on the what's highlighted in red, but the following three changes are perhaps the most egregious.

1. Whereas the 1996 TCA defined "personal wireless services"as the ability to make outdoor wireless phone calls, HR 3557 has expanded that

definition to include "any fixed or mobile service. Presumably this would include 5G service in homes, all “smart city” features such as surveillance cameras, sensors, driverless cars, indoor and outdoor IoT things and devices, etc. etc.
“(I) shall not discriminate among personal wireless service facilities or providers of ***communications service****, including by providing exclusive or preferential use of facilities to a particular provider or class of providers of* ***personal wireless service****….*

2. The following text basically gives telecom companies the right to place or modify WTFs anywhere at all…virtually no restrictions would apply.
“...request is for authorization to place, construct, or modify such facility using an existing structure, including with respect to an area that has not previously been zoned for personal wireless service facilities.”

3. In the following, you’ll note the addition of the word “operation” which was not there in the 1996 TCA. This clause removes the rights of communities to regulate the operations of WTFs including power levels of RF. Whereas in the 1996 TCA, theoretically a given community could choose to authorize only the *minimum power level needed to get the job done* (See discussion of U.S. Title 47Sect. 324), with HR 3557 this would no longer be the case.
“(vi) ***ENVIRONMENTAL EFFECTS OF RADIO FREQUENCY EMISSIONS****.—No State or local government or instrumentality thereof may regulate the* ***operation, placement, construction, or modification*** *of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities or structures comply with the Commission’s regulations concerning such emissions.*

The following suggestions were offered by an EMF safety advocate in Maryland:

Let all elected officials know that this bill is conspicuously hellbent on a heavy-handed and unprecedented federal overreach in the following ways:

- essentially calls for federal preemption regarding communications infrastructure by cutting out local authority regarding facility sitings

and cable franchises ***as if*** local regulation is a barrier to expansion of broadband technology — and imposes several new preemptions

- authorizes the telcos to install facilities where they deem appropriate — without regard to local ordinances and regulations, without regard to public safety, without regard to aesthetics and protection of public resources — in effect, failing to preserve several historical sections of the Telecommunications Act

- hands over property rights, right-of-ways, and land use controls and decisions to the federal government — in effect, removing critical and reasonable local power and authority choices regarding public investment in — and ownership of — broadband infrastructure

- removes state or local government general authority regarding regulating the ***operation*** of wireless facilities — in effect, reverting the 1996 TCA back to the 1995 Conference Report for the TCA

- jeopardizes public safety precautions and protections like safety laws or traffic control of the facilities "deemed granted" — in effect, advocates for no applicant liability — leaving local jurisdictions 'on the hook' for risk and harm to its first responders, its residents, its public resources (including the public rights-of-way)

- exhibits no regard for a known lack of qualified personnel to process applications —— in effect, promoting a wave-a-wand as an approval process

- narrows the timeframes that local governments have to consider application "requests" — in effect, to expedite a "deemed granted" agenda; also induces incomplete applications via unrealistic deadlinesfor citing facilities including, but not limited to the following -— hen, in fact, timely consideration regarding applications for **federal** easements, rights-of way, and leases for a communications facility installation is 270 days:
    - 60 days if the request is for authorization to place, construct, or modify a **small personal wireless service facility** -– with 10 days to act regarding an **initial** incomplete **and** also a **supplemental incomplete request**
    - 30 days if the request is for authorization to place, construct, or modify a personal wireless service facility that is **not a small**

personal wireless service facility — with 30 days to act regarding an **initial incomplete request**

- essentially eliminates NEPA and NHPA reviews

- bans moratoria on timeframes to place, construct, or modify a telecommunications service facility or equipment — or consider franchise requests
- virtually makes any local government decision not to allow the installation of a proposed wireless facility at a provider's request a "prohibition" preempted by federal law

- mercilessly favors wireless deployment -– and creates barriers for deployment of wireline facilities

- makes the FCC the reviewing body (versus a local federal district court) for wireless facility application challenges to local government decisions

- leaves the local jurisdictions with the burden of justifying their fees by using a complex, burdensome rate-making formula — even though members of Congress (who have not served municipal government, mind you) have raised concerns that local government oversight will slow or increase infrastructure deployment cost; also diminishes local authority to determine appropriate and fair compensation

- fails to keep crucial functions of telecommunications permitting and franchising in the deserving hands of local governments who are best suited to meet their community interests and specific needs regarding telecommunications permitting and franchising for broadband deployment

- ignores any obligations for providers to serve the "unserved" and "underserved" — all the while inducing inevitable consequences like local government costs and taxpayer burdens

- limits abilities of state and local franchise authorities to negotiate and renew cable franchise agreements -– and prohibits revocation of cable franchise agreements — in effect, restricting the ability of state or local franchising authorities regarding public, educational, and

government channel capacity and facilities, customer service requirements, and system build-out requirements

The bill is opposed in a joint letter by the **National League of Cities (NLC),** the **United States Conference of Mayors (USCM),** the **National Association of Counties (NACo),** the **National Association of Telecommunications Officers and Advisors' (NATOA)** — as well as the Alliance for Community Media **(ACM),** the Maryland Association of Counties **(MACo), and** the Jersey Access Group **(JAG).**