

H.R. 2289 - A Bill To Preempt Local Control Over Cell Towers & Eliminate Historic and Environmental Reviews

WHAT CITIES, COUNTIES, AND RESIDENTS MUST KNOW

H.R. 2289, as amended on 11/18/2025, would pre-empt state and local authority over the siting, permitting and regulation of cell towers and wireless infrastructure nationwide.

HERE IS WHAT BILL H.R. 2289 WOULD DO IF PASSED:

1. Sweeping Preemption of Local Control

The bill forces local governments to approve most wireless and telecom applications and allows the FCC to invalidate local rules. It authorizes antennas on nearly any structure, including homes, schools, and utility poles.

2. Environmental, Historic & Tribal Review Rollbacks

H.R. 2289 exempts many facilities from review under the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA), such as when antennas are added, equipment is swapped out, or modifications are made to existing structures that fall within the bill's expanded "categorical exclusions." These exemptions will cover most collocations, small wireless facilities, and many tower replacements.

3. Extremely Short Deadlines Render Local Review a Rubber Stamp

The bill imposes extremely short deadlines (shot clocks) for processing cell tower and wireless facility applications and automatically approves ("deems granted") applications if a city or county misses them. That means building, electrical, encroachment, environmental, and zoning reviews all must be completed within the same short window. Local governments cannot pause or slow applications, even during high-volume periods.

4. Limits on Local Fees

Cities and counties may charge only direct processing costs, not fair market rates or fees for long-term oversight or public impact.

5. Expanded Preemption on RF Radiation Health

The bill bars localities from considering the environmental or health impacts of cell tower radiofrequency (RF) radiation as long as a facility meets the FCC's exposure limits.

Section 704 of the 1996 Telecom Act already prevents local governments from considering RF impacts when reviewing the placement, construction, or modification of facilities — but H.B. 2289 goes further by extending this preemption to the "operation" of wireless facilities as well.

FCC limits have not been updated since 1996, and the FCC has still not complied with a federal court order to explain how they protect children or account for long-term exposure.



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Local Opposition to H.R. 2289

[Virginia Blue Ridge Power Agency](#)

“As currently drafted, H.R. 278 [included in H.R. 2289] would expand federal control over public power utility infrastructure, creating serious safety concerns without any assurance that purported “savings” would be passed on to customers.”

[California Municipal Utilities Association](#)

As currently drafted, Section 102 of H.R. 2289 (H.R. 278) would expand federal control over public power utility infrastructure, creating serious safety concerns without any assurance that purported “savings” would be passed on to customers.

[Indiana Municipal Power Agency](#)

“While public power utilities strongly support expanding broadband access, we do not believe this legislation will achieve that objective. As currently drafted, H.R. 278 [included in H.R. 2289] would expand federal control over public power utility infrastructure, undermining local authority and engineering safety without any assurance that purported ‘savings’ would be passed on to customers.”

[City of Salem, Virginia, Electric Department](#)

“Our members remain committed to supporting broadband deployment, but we do not believe the provisions in Section 102 of H.R. 2289 will advance that goal...As currently drafted, H.R. 278 [in H.R. 2289] would expand federal control over public power utility infrastructure, creating serious safety concerns without any assurance that purported ‘savings’ would be passed on to customers. While public power utilities strongly support expanding broadband access, we do not believe this legislation will achieve that objective.”

[Missouri River Energy Services](#)

“Imposing federally mandated timelines and deemed-granted provisions, as envisioned in H.R. 278 [included in H.R. 2289], would shift risk and cost to electric customers and undermine utilities’ ability to meet safety, engineering, and staffing requirements. “

“Our members remain committed to supporting broadband deployment, some partner directly with providers or operate broadband networks themselves, but we do not believe the provisions in Section 102 of H.R. 2289 will advance that goal. Instead, they would preempt local authority and reduce the tools public power utilities need to manage their systems responsibly.”

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