

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).

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.

