



4/19/2026

The Honorable Speaker Johnson
521 Cannon House Office Building
Washington, DC 20515

Re: Please VOTE NO on H.R. 2289, the American Broadband Deployment Act of 2025

Dear Speaker Johnson,

We urge you to OPPOSE H.R. 2289.¹ What began as a narrow, one-page proposal has expanded into a roughly 100-page omnibus bill that would strip state and local governments of meaningful control over wireless infrastructure siting and transfer that authority to the FCC and private carriers.²

The opposition is broad. On April 16, 2026, the National Association of Counties, U.S. Conference of Mayors, National League of Cities, and National Association of Telecommunications Officers and Advisors sent a joint letter to House leadership urging rejection of the bill.³ Their member jurisdictions cover more than 80 percent of the U.S. population.

Three provisions warrant particular attention. H.R. 2289 would (1) eliminate the requirement that carriers demonstrate a coverage gap or least-intrusive alternative, allowing unlimited densification regardless of community need; (2) deem any application automatically approved if local officials fail to issue a detailed written denial on the same day of the decision, a near-impossible standard under state open-meetings laws; and (3) force automatic approval of attachments to “any structure that could support transmission equipment,” from homes and schools to utility poles.⁴ These provisions raise serious anti-commandeering concerns under *Murphy v. NCAA* and takings concerns under *Cedar Point Nursery v. Hassid*.⁵

¹ H.R. 2289, American Broadband Deployment Act of 2025, 119th Cong. (2025-2026), <https://www.congress.gov/bill/119th-congress/house-bill/2289>. Reported by the Committee on Energy and Commerce on November 18, 2025; discharged from the Committee on Natural Resources on April 15, 2026; pending floor consideration under Rules Committee Print 119-24.

² Maryland Association of Counties, “US House Committee Advances Sweeping Broadband Bill, Gutting Local Land-Use Authority,” Conduit Street (Jan. 8, 2026).

³ Letter from National Association of Counties, U.S. Conference of Mayors, National League of Cities, and National Association of Telecommunications Officers and Advisors to House Leadership (Apr. 16, 2026).

⁴ See American Broadband Deployment Act of 2025, as reported by the House Energy and Commerce Committee, Sec. 101 (pp. 15, 21); Sec. 102 (p. 30); Sec. 103 (p. 53).

⁵ *Murphy v. National Collegiate Athletic Association*, 584 U.S. 453 (2018); *Cedar Point Nursery v. Hassid*, 594 U.S. 139 (2021); see also *New York v. United States*, 505 U.S. 144 (1992); *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419 (1982).



The bill also compounds an unresolved federal failure. The FCC's RF exposure guidelines have not been updated since 1996, and were written principally to address short-term thermal effects. In 2021, in *Environmental Health Trust v. FCC*, the D.C. Circuit ruled the Commission's refusal to revisit those guidelines was arbitrary and capricious, and ordered the FCC to address children's RF radiation exposure and long-term health effects.⁶ More than four years later, the agency has not complied. H.R. 2289 would accelerate buildout under guidelines a federal court has already found inadequately justified.

So here is what we are asking. Please VOTE NO on H.R. 2289. Support amendments that preserve local zoning authority and restore the coverage-gap standard. Publicly call on the FCC to complete its court-ordered review before Congress accelerates further deployment.

This vote will be visible to health-conscious, community-oriented, and federalism-focused constituents across the political spectrum in the 2026 cycle. We appreciate your consideration and are available to provide district-specific analysis or constituent contacts.

Sincerely,

Tony Lyons
President of MAHA Action

P.S. Please find a fact sheet outlining the concerns attached.

⁶ *Environmental Health Trust v. FCC*, 9 F.4th 893 (D.C. Cir. 2021), remanding Reassessment of Federal Communications Commission Radiofrequency Exposure Limits and Policies, 34 FCC Rcd 11687, 11692-11697 (2019).



VOTE NO on H.R. 2289 American Broadband Deployment Act of 2025

Protect Families. Restore Federalism. Defend Local Control.

The Issue

H.R. 2289 would expand federal preemption over state and local authority on wireless infrastructure siting forcing rapid deployment while limiting local oversight, public input, and community protections.

This is not just a telecom issue, it is a constitutional, public health, and individual liberty issue.

Why It Matters

Restoring Federalism & the 10th Amendment

- Zoning, land use, and public safety are core state and local powers
- Section 704 of the Telecommunications Act of 1996 already limits local authority
- H.R. 2289 goes further by:
 - Expanding federal preemption
 - Weakening local zoning authority
 - Imposing “deemed granted” approvals

Washington should not dictate what gets built in local communities.

Protecting Families

- Federal Radio Frequency exposure standards rely on outdated, decades-old assumptions
- Local governments are prohibited from considering health impacts
- No ongoing, independent federal health review is in place

Key Concerns:

- Children and vulnerable populations
- Chronic, long-term exposure risks
- Lack of modern scientific accountability

We can expand infrastructure without ignoring public health.

Defending Property Rights & Individual Liberty

- Property owners have limited ability to challenge nearby infrastructure
- Infrastructure may impact:



- Property values
- Enjoyment of private property
- Individuals have no meaningful consent or opt-out
- Increased centralized control and regulatory capture
- Expanded data collection and surveillance potential

Americans should not lose control over their property or privacy.

Eliminates Local Accountability

- Forces automatic approvals if federal deadlines are missed
- Reduces public hearings and community input
- Transfers power to the Federal Communications Commission and telecom companies

If communities can't say no, their vote doesn't matter.

Shifts Costs to Taxpayers

- Caps local fees below true cost
- Prevents full recovery for use of public assets
- Subsidizes corporate wireless expansion

What's at Stake

- Local decision-making authority
- Constitutional balance of power
- Public health transparency
- Property rights and community character

Conservative Policy Direction

- **Restore Federalism:** Return siting authority to states and local governments
- **Modernize Health Standards:** Require independent FCC / HHS review of RF exposure
- **Protect Property Rights:** Reinforce legal recourse and fair compensation for property owners
- **Limit Federal Overreach:** Prevent expansion of unelected regulatory authority

Recommendation

Vote NO on H.R. 2289 the American Broadband Deployment Act of 2025