

117TH CONGRESS  
1ST SESSION

# H. R. 1058

To amend the Middle Class Tax Relief and Job Creation Act of 2012 to amend the definition of eligible facilities request, to codify the 60-day time frame for certain eligible facilities requests, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2021

Mr. KINZINGER introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Middle Class Tax Relief and Job Creation Act of 2012 to amend the definition of eligible facilities request, to codify the 60-day time frame for certain eligible facilities requests, 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 “Wireless Resiliency and  
5       Flexible Investment Act”.

1 **SEC. 2. CODIFYING 60-DAY TIME FRAME FOR CERTAIN ELI-**  
2 **GIBLE FACILITIES REQUESTS.**

3 Section 6409(a) of the Middle Class Tax Relief and  
4 Job Creation Act of 2012 (47 U.S.C. 1455(a)) is amend-  
5 ed—

6 (1) in paragraph (1), by striking “eligible facili-  
7 ties request for a modification of an existing wireless  
8 tower or base station that does not substantially  
9 change the physical dimensions of such tower or  
10 base station” and inserting “complete eligible facili-  
11 ties request for a modification of an existing wireless  
12 tower, base station, or eligible support structure that  
13 does not substantially change the physical dimen-  
14 sions of such tower, base station, or eligible support  
15 structure”;

16 (2) by amending paragraph (2) to read as fol-  
17 lows:

18 “(2) TIME FRAME.—

19 “(A) IN GENERAL.—Not later than 60  
20 days after the date on which a State or local  
21 government receives a complete eligible facilities  
22 request described under paragraph (1), the  
23 State or local government shall approve such  
24 request.

25 “(B) DEEMED APPROVAL.—If a State or  
26 local government does not approve an eligible

1 facilities request by the date required under  
2 subparagraph (A), the request is deemed ap-  
3 proved on the day after such date.

4 “(C) WHEN REQUEST CONSIDERED COM-  
5 PLETE; RECEIVED.—

6 “(i) WHEN REQUEST CONSIDERED  
7 COMPLETE.—

8 “(I) IN GENERAL.—For the pur-  
9 poses of this paragraph, an eligible fa-  
10 cilities request to a State or local gov-  
11 ernment shall be considered complete  
12 if the requesting party has not re-  
13 ceived a written notice from the State  
14 or local government within 10 busi-  
15 ness days after the date on which the  
16 request is received by the State or  
17 local government—

18 “(aa) stating that all the in-  
19 formation (including any form or  
20 other document) required by the  
21 State or local government to be  
22 submitted for the request to be  
23 considered complete has not been  
24 submitted; and

1 “(bb) identifying the infor-  
2 mation required to be submitted  
3 that was not submitted.

4 “(II) DEFINITION.—In this  
5 clause, the term ‘received by the State  
6 or local government’ means—

7 “(aa) in the case of an eligi-  
8 ble facilities request submitted  
9 electronically, on the date on  
10 which the request is transmitted;

11 “(bb) in the case of an eligi-  
12 ble facilities request submitted in  
13 person, on the date on which the  
14 request is delivered to the indi-  
15 vidual or at the location specified  
16 by the State or local government  
17 for in-person submission; and

18 “(cc) in the case of an eligi-  
19 ble facilities request submitted in  
20 any other manner, on the date  
21 determined under regulations  
22 promulgated by the Commission  
23 for the manner in which the re-  
24 quest is submitted.

1                   “(ii) WHEN COMPLETE REQUEST CON-  
2                   SIDERED RECEIVED.—For the purposes of  
3                   this paragraph, a complete eligible facilities  
4                   request shall be considered received on the  
5                   date on which the requesting party submits  
6                   to the State or local government all infor-  
7                   mation (including any form or other docu-  
8                   ment) required by the State or local gov-  
9                   ernment to be submitted for the request to  
10                  be considered complete.”; and

11               (3) by adding at the end the following:

12               “(4) DEFINITIONS.—In this subsection:

13                   “(A) ELIGIBLE FACILITIES REQUEST.—  
14                   The term ‘eligible facilities request’ means any  
15                   request for modification of an existing wireless  
16                   tower, base station, or eligible support structure  
17                   that involves—

18                               “(i) collocation of new transmission  
19                               equipment;

20                               “(ii) removal of transmission equip-  
21                               ment;

22                               “(iii) replacement of transmission  
23                               equipment; or

24                               “(iv) placement, modification, or con-  
25                               struction of equipment that—

1 “(I) improves the resiliency of  
2 the wireless tower, base station, or eli-  
3 gible support structure; and

4 “(II) provides a direct benefit to  
5 public safety, such as—

6 “(aa) providing backup  
7 power for the wireless tower, base  
8 station, or eligible support struc-  
9 ture;

10 “(bb) hardening the wireless  
11 tower, base station, or other eligi-  
12 ble support structure; or

13 “(cc) providing more reliable  
14 connection capability using the  
15 wireless tower, base station, or  
16 eligible support structure.

17 “(B) ELIGIBLE SUPPORT STRUCTURE.—  
18 The term ‘eligible support structure’ means a  
19 structure that supports a personal wireless serv-  
20 ice facility at the time at which the eligible fa-  
21 cilities request is made.

22 “(C) PERSONAL WIRELESS SERVICE FACIL-  
23 ITY.—The term ‘personal wireless service facil-  
24 ity’ means a facility necessary for the provision  
25 of—

- 1 “(i) commercial mobile service;  
2 “(ii) commercial mobile data service  
3 (as that term is defined in section 6001 of  
4 the Middle Class Tax Relief and Job Cre-  
5 ation Act of 2012 (47 U.S.C. 1401));  
6 “(iii) unlicensed wireless service; and  
7 “(iv) common carrier wireless ex-  
8 change access service.”.

9 **SEC. 3. IMPLEMENTATION.**

10 Not later than 180 days after the date of the enact-  
11 ment of this Act, the Federal Communications Commis-  
12 sion shall issue final rules implementing section 2 of this  
13 Act, and the amendments made by such section.

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