

117TH CONGRESS
1ST SESSION

H. R. 1045

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 certain eligible telecommunications facilities requests, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2021

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

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 certain eligible telecommunications 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 “Broadband Resiliency
5 and Flexible Investment Act”.

1 **SEC. 2. CODIFYING 60-DAY TIME FRAME FOR CERTAIN RE-**
2 **QUESTS.**

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 “any eligible
7 facilities request” and inserting the following: “any
8 complete—

9 “(A) eligible facilities request for a modi-
10 fication of an existing wireless tower, base sta-
11 tion, or eligible support structure that does not
12 substantially change the physical dimensions of
13 such tower, base station, or eligible support
14 structure; and

15 “(B) eligible telecommunications facilities
16 request for a modification of any existing tele-
17 communications service facility in or on an eli-
18 gible support infrastructure that does not sub-
19 stantially change the physical dimensions of
20 such facility.”;

21 (2) by amending paragraph (2) to read as fol-
22 lows:

23 “(2) TIME FRAME.—

24 “(A) IN GENERAL.—Not later than 60
25 days after the date on which a State or local
26 government receives a complete request de-

1 scribed under paragraph (1), the State or local
2 government shall approve such request.

3 “(B) DEEMED APPROVAL.—If a State or
4 local government does not approve a request by
5 the date required under subparagraph (A), the
6 request is deemed approved on the day after
7 such date.

8 “(C) WHEN REQUEST CONSIDERED COM-
9 plete; RECEIVED.—

10 “(i) WHEN REQUEST CONSIDERED
11 complete.—

12 “(I) IN GENERAL.—For the pur-
13 poses of this paragraph, a request to
14 a State or local government shall be
15 considered complete if the requesting
16 party has not received a written notice
17 from the State or local government
18 within 10 business days after the date
19 on which the request is received by
20 the State or local government—

21 “(aa) stating that all the in-
22 formation (including any form or
23 other document) required by the
24 State or local government to be
25 submitted for the request to be

1 considered complete has not been
2 submitted; and

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

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

9 “(aa) in the case of a re-
10 quest submitted electronically, on
11 the date on which the request is
12 transmitted;

13 “(bb) in the case of a re-
14 quest submitted in person, on the
15 date on which the request is de-
16 livered to the individual or at the
17 location specified by the State or
18 local government for in-person
19 submission; and

20 “(cc) in the case of a re-
21 quest submitted in any other
22 manner, on the date determined
23 under regulations promulgated by
24 the Commission for the manner

1 in which the request is sub-
2 mitted.

3 “(ii) WHEN COMPLETE REQUEST CON-
4 sidered received.—For the purposes of
5 this paragraph, a complete request shall be
6 considered received on the date on which
7 the requesting party submits to the State
8 or local government all information (in-
9 cluding any form or other document) re-
10 quired by the State or local government to
11 be submitted for the request to be consid-
12 ered complete.”; and

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

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

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

20 “(i) collocation of new transmission
21 equipment;

22 “(ii) removal of transmission equip-
23 ment;

24 “(iii) replacement of transmission
25 equipment; or

“(iv) placement, modification, or construction of equipment that—

“(I) improves the resiliency of the wireless tower, base station, or eligible support structure; and

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

“(aa) providing backup power for the wireless tower, base station, or eligible support structure;

“(bb) hardening the wireless tower, base station, or other eligible support structure; or

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

“(B) ELIGIBLE TELECOMMUNICATIONS FACILITIES REQUEST.—The term ‘eligible telecommunications facilities request’ means any request for modification of an existing telecommunications service facility in or on an eligible support infrastructure that involves—

1 “(i) collocation of new telecommuni-
2 cations service facility equipment;

3 “(ii) removal of telecommunications
4 service facility equipment; or

5 “(iii) replacement of telecommuni-
6 cations service facility equipment.

7 “(C) ELIGIBLE SUPPORT INFRASTRUC-
8 TURE.—The term ‘eligible support infrastruc-
9 ture’ means infrastructure that supports or
10 houses a facility for communication by wire (or
11 is designed to and capable of supporting or
12 housing such a facility) at the time when a
13 complete request to a State or local government
14 or instrumentality thereof for authorization to
15 place, construct, or modify a telecommuni-
16 cations service facility in or on the infrastruc-
17 ture is received by the government or instru-
18 mentality.

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

24 “(E) PERSONAL WIRELESS SERVICE FA-
25 CILITY.—The term ‘personal wireless service fa-

1 cility’ means a facility necessary for the provi-
2 sion of—

3 “(i) commercial mobile service;

4 “(ii) commercial mobile data service
5 (as that term is defined in section 6001 of
6 the Middle Class Tax Relief and Job Cre-
7 ation Act of 2012 (47 U.S.C. 1401));

8 “(iii) unlicensed wireless service; and

9 “(iv) common carrier wireless ex-
10 change access service.

11 “(F) TELECOMMUNICATIONS SERVICE FA-
12 CILITY.—The term ‘telecommunications service
13 facility’ means a facility for the provision of any
14 interstate or intrastate telecommunications
15 service.”.

16 **SEC. 3. IMPLEMENTATION.**

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

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