

116TH CONGRESS
2D SESSION

H. R. 7360

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2020

Mr. KINZINGER 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 codify the 60-day time frame for certain
eligible facilities requests.

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”.

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

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

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

3 “(2) TIME FRAME.—

4 “(A) IN GENERAL.—Not later than 60
5 days after the date on which a State or local
6 government receives a complete eligible facilities
7 request described under paragraph (1), the
8 State or local government shall approve such
9 request.

10 “(B) WHEN REQUEST CONSIDERED COM-
11 plete; RECEIVED.—

12 “(i) IN GENERAL.—For the purposes
13 of this paragraph, an eligible facilities re-
14 quest shall be considered—

15 “(I) complete if—

16 “(aa) the requesting party
17 makes the request by submitting
18 to the State or local government
19 the application form required to
20 be used for making the request;

21 “(bb) the application form
22 submitted contains all of the in-
23 formation specified by the form
24 as being required to be included
25 in form; and

1 “(cc) the requesting party
2 has not received a written notice
3 from the State or local govern-
4 ment within 10 business days
5 after the date on which the re-
6 quest is received by the State or
7 local government—

8 “(AA) stating that the
9 application form does not
10 contain all of the informa-
11 tion required to be included
12 in the form; and

13 “(BB) identifying the
14 information required to be
15 included in the form that
16 was not included; and

17 “(II) received by the State or
18 local government—

19 “(aa) in the case of a re-
20 quest submitted electronically, on
21 the date on which the application
22 form required to be used for
23 making the request is trans-
24 mitted;

1 “(bb) in the case of a re-
2 quest submitted in person, on the
3 date on which the application
4 form required to be used for
5 making the request is delivered
6 to the individual or at the loca-
7 tion specified in the form for in-
8 person submission; or

9 “(cc) in the case of a re-
10 quest submitted in any other
11 manner, on the date determined
12 under regulations promulgated by
13 the Commission for the manner
14 in which the request is made.

15 “(ii) TREATMENT OF MULTIPLE
16 FORMS.—If a State or local government re-
17 quires the use of multiple forms for mak-
18 ing an eligible facilities request, such forms
19 shall be treated as a single form for pur-
20 poses of clause (i).

21 “(C) DEEMED APPROVAL.—If a State or
22 local government does not approve an eligible
23 facilities request by the date required under
24 subparagraph (A), the request is deemed ap-
25 proved on the day after such date.”; and

1 (2) by adding at the end the following:

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

3 “(A) ELIGIBLE FACILITIES REQUEST.—

4 The term ‘eligible facilities request’ means any
5 request for modification of an existing wireless
6 tower, base station, or eligible support structure
7 that involves—

8 “(i) collocation of new transmission
9 equipment;

10 “(ii) removal of transmission equip-
11 ment;

12 “(iii) replacement of transmission
13 equipment; or

14 “(iv) placement, modification, or con-
15 struction of equipment that—

16 “(I) improves the resiliency of
17 the communications network; and

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

20 “(aa) providing backup
21 power;

22 “(bb) hardening the wireless
23 tower, base station, or other eligi-
24 ble support structure; or

1 “(cc) providing more reliable
2 connection capability.

3 “(B) ELIGIBLE SUPPORT STRUCTURE.—
4 The term ‘eligible support structure’ means a
5 structure that supports a personal wireless serv-
6 ice facility at the time at which the eligible fa-
7 cilities request is made.

8 “(C) PERSONAL WIRELESS SERVICE FACIL-
9 ITY.—The term ‘personal wireless service facil-
10 ity’ means a facility necessary for the provision
11 of—

12 “(i) commercial mobile service;

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

17 “(iii) unlicensed wireless service; and

18 “(iv) common carrier wireless ex-
19 change access service.”.

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