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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, this Act may be cited as the “Wireless Resiliency and Flexible Investment Act”.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Wireless Resiliency and Flexible Investment Act”.
SEC. 2. CODIFYING 60-DAY TIME FRAME FOR CERTAIN ELIGIBLE FACILITIES REQUESTS.

Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455(a)) is amended—

(1) in paragraph (1), by striking “eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station” and inserting “complete eligible facilities request for a modification of an existing wireless tower, base station, or eligible support structure that does not substantially change the physical dimensions of such tower, base station, or eligible support structure”;

(2) by amending paragraph (2) to read as follows:

“(2) TIME FRAME.—

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

“(B) DEEMED APPROVAL.—If a State or local government does not approve an eligible
facilities request by the date required under
subparagraph (A), the request is deemed ap-
proved on the day after such date.

“(C) WHEN REQUEST CONSIDERED COM-
plete; received.—

“(i) WHEN REQUEST CONSIDERED
COMPLETE.—

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

“(aa) stating that all the in-
formation (including any form or
other document) required by the
State or local government to be
submitted for the request to be
considered complete has not been
submitted; and
“(bb) identifying the information required to be submitted that was not submitted.

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

“(aa) in the case of an eligible facilities request submitted electronically, on the date on which the request is transmitted;

“(bb) in the case of an eligible facilities request submitted in person, on the date on which the request is delivered to the individual or at the location specified by the State or local government for in-person submission; and

“(cc) in the case of an eligible facilities request submitted in any other manner, on the date determined under regulations promulgated by the Commission for the manner in which the request is submitted.
“(ii) WHEN COMPLETE REQUEST CONSIDERED RECEIVED.—For the purposes of this paragraph, a complete eligible facilities request shall be considered received on the date on which the requesting party submits to the State or local government all information (including any form or other document) required by the State or local government to be submitted for the request to be considered complete.”; and

(3) by adding at the end the following:

“(4) DEFINITIONS.—In this subsection:

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

“(i) collocation of new transmission equipment;

“(ii) removal of transmission equipment;

“(iii) replacement of transmission 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 eligible support structure.

“(B) ELIGIBLE SUPPORT STRUCTURE.—

The term ‘eligible support structure’ means a structure that supports a personal wireless service facility at the time at which the eligible facilities request is made.

“(C) PERSONAL WIRELESS SERVICE FACILITY.—The term ‘personal wireless service facility’ means a facility necessary for the provision of—
“(i) commercial mobile service;

“(ii) commercial mobile data service

(as that term is defined in section 6001 of

the Middle Class Tax Relief and Job Cre-

ation Act of 2012 (47 U.S.C. 1401));

“(iii) unlicensed wireless service; and

“(iv) common carrier wireless ex-

change access service.”.

SEC. 3. IMPLEMENTATION.

Not later than 180 days after the date of the enact-

ment of this Act, the Federal Communications Commis-

sion shall issue final rules implementing section 2 of this

Act, and the amendments made by such section.