

106TH CONGRESS  
1ST SESSION

# H. R. 2783

To amend the Communications Act of 1934 to establish time limits for Federal Communications Commission review of mergers, acquisitions, and other license transfers.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 1999

Mr. PICKERING introduced the following bill; which was referred to the Committee on Commerce

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## A BILL

To amend the Communications Act of 1934 to establish time limits for Federal Communications Commission review of mergers, acquisitions, and other license transfers.

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. TIME LIMITS ESTABLISHED.**

4 Title IV of the Communications Act of 1934 is  
5 amended by adding after section 416 (47 U.S.C. 416) the  
6 following new section:

7 **“SEC. 417. TIME LIMITS FOR COMMISSION ACTIONS.**

8 **“(a) PUBLIC INTEREST DETERMINATIONS.—**

1           “(1) DEADLINE FOR ACTION.—The Commission  
2           shall make a determination with respect to the pub-  
3           lic interest, convenience, and necessity in connection  
4           with any application for the transfer or assignment  
5           of any license under title III, or with respect to an  
6           application for the acquisition or operation of lines  
7           under title II, not later than 60 days after the date  
8           of submittal of such application to the Commission,  
9           except as provided in paragraphs (2) and (3).

10           “(2) EXTENSION.—The deadline for such deter-  
11           mination may be extended for a single additional 30  
12           days by order of the Commission approved by a ma-  
13           jority of its members.

14           “(3) SHORTER DEADLINE FOR CERTAIN ACQUI-  
15           SITIONS INVOLVING SMALL LOCAL EXCHANGE CAR-  
16           RIERS.—In connection with the acquisition, directly  
17           or indirectly, by one local exchange carrier or its af-  
18           filiate of the securities or assets of another local ex-  
19           change carrier or its affiliates where the acquiring  
20           carrier or its affiliate does not, or by reason of the  
21           acquisition will not, have direct or indirect ownership  
22           or control of more than 2 percent of the subscriber  
23           lines installed in the aggregate in the United  
24           States—

1           “(A) the deadline under paragraph (1)  
2           shall be 45 days after the date of submittal of  
3           the application; and

4           “(B) the deadline shall not be subject to  
5           extension under paragraph (2).

6           “(b) APPROVAL ABSENT ACTION.—If the Commis-  
7           sion does not approve or deny an application described in  
8           subsection (a) by the end of the period specified in such  
9           subsection (including any extension thereof permitted  
10          under subsection (a)(2)), the application shall be deemed  
11          approved on the day after the end of such period. Any  
12          such application deemed approved under this subsection  
13          shall be deemed approved without conditions.”.

14   **SEC. 2. EFFECTIVE DATE.**

15          (a) IN GENERAL.—The amendment made by section  
16          1 shall apply with respect to any application described in  
17          section 417(a)(1) of the Communications Act of 1934 (as  
18          added by this Act) that is submitted to the Federal Com-  
19          munications Commission on or after the date of enactment  
20          of this Act.

21          (b) PENDING APPLICATIONS.—With respect to any  
22          application pending before the Federal Communications  
23          Commission for more than 60 days as of the date of enact-  
24          ment of this Act, the Commission shall approve or deny  
25          such application with or without conditions within 30 days

1 after such date of enactment. If the Commission fails to  
2 approve or deny such applications within such 30-day pe-  
3 riod, such pending applications shall be deemed approved  
4 without condition. Section 417(a)(2) of the Communica-  
5 tions Act of 1934 (as added by this Act) shall not apply  
6 to such pending applications.

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