

116TH CONGRESS
1ST SESSION

H. R. 5365

To require the Federal Communications Commission to approve or deny a license transfer application within 180 days of submission, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 9, 2019

Mr. FLORES (for himself, Mr. LONG, and Mr. STEUBE) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To require the Federal Communications Commission to approve or deny a license transfer application within 180 days of submission, 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 “License Transfer Mod-
5 ernization Act of 2019”.

1 **SEC. 2. TIME LIMITS FOR COMMISSION ACTION ON TRANS-**
2 **FERS AND ASSIGNMENTS.**

3 Title IV of the Communications Act of 1934 (47
4 U.S.C. 401 et seq.) is amended by adding at the end the
5 following:

6 **“SEC. 417. TIME LIMITS FOR COMMISSION ACTION ON**
7 **TRANSFERS AND ASSIGNMENTS.**

8 “(a) DEFINITION.—In this section, the term ‘covered
9 application’ means an application for the transfer of con-
10 trol or assignment of any license or authorization subject
11 to the jurisdiction of the Commission.

12 “(b) REQUIREMENTS.—

13 “(1) IN GENERAL.—Notwithstanding any other
14 provision of law, including section 309(e), the Com-
15 mission—

16 “(A) shall approve or deny a covered appli-
17 cation; and

18 “(B) may not designate a covered applica-
19 tion for hearing, unless the Commission first
20 determines by a majority vote that a material
21 factual question exists about misrepresentation
22 or lack of candor by the applicant.

23 “(2) DETERMINATION.—Except as provided in
24 paragraph (3), the Commission shall make a deter-
25 mination to approve or deny a covered application
26 during the period that begins on the date on which

1 the applicants provide to the Commission the last
2 submission relating to the application before the
3 Commission issues the initial public notice seeking
4 comment on the application and ends 180 days
5 thereafter.

6 “(3) EXTENSIONS.—

7 “(A) IN GENERAL.—

8 “(i) REQUEST.—During the 180-day
9 review period described under paragraph
10 (2)(A), the Commission may apply to the
11 United States District Court for the Dis-
12 trict of Columbia for an extension of that
13 period for an additional 30 days by filing
14 a motion to extend that references this sec-
15 tion.

16 “(ii) COURT DETERMINATION.—The
17 court may grant an extension of the 180-
18 day review period requested under clause
19 (i) if—

20 “(I) the court finds that the ap-
21 plicants for the transfer of control or
22 assignment have not substantially
23 complied in a timely manner with a
24 reasonable request by the Commission
25 for information;

1 “(II) the Commission shows, by
2 clear and convincing evidence, that
3 the Commission is unable to complete
4 review within the 180-day review pe-
5 riod; or

6 “(III) an Executive agency (as
7 defined in section 105 of title 5,
8 United States Code) has requested in
9 writing that the Commission delay a
10 determination pending the Executive
11 agency’s national security review of
12 the transfer of control or assignment.

13 “(B) ADDITIONAL EXTENSIONS.—The
14 Commission may request, and the court may
15 grant, additional 30-day extensions in the same
16 manner as an initial extension under subpara-
17 graph (A).

18 “(c) APPROVAL ABSENT COMMISSION ACTION.—

19 “(1) IN GENERAL.—A covered application shall
20 be deemed approved without conditions if the Com-
21 mission does not approve or deny the application or
22 apply for an extension during the applicable period
23 under subsection (b).

24 “(2) PENDING LITIGATION.—

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B), if the 180-day review period
3 under subsection (b)(2) has expired, the Com-
4 mission may not deny a covered application or
5 approve a covered application with conditions,
6 during the pendency of any litigation relating to
7 a request by the Commission for an extension
8 under subsection (b)(3) with respect to the cov-
9 ered application, including any time during
10 which a court has entered a stay pending ap-
11 peal or administrative stay of such litigation.

12 “(B) EXTENSION REQUEST DENIED AFTER
13 180-DAY REVIEW PERIOD.—If a request for an
14 extension under subsection (b)(3) is denied
15 after the expiration of the 180-day review pe-
16 riod under subsection (b)(2)—

17 “(i) the Commission shall make a de-
18 termination to approve or deny the covered
19 application not later than 10 days after the
20 date on which the extension request is de-
21 nied; and

22 “(ii) the covered application shall be
23 deemed approved without conditions if the
24 Commission does not approve or deny the

1 application during the 10-day period de-
2 scribed in clause (i).

3 “(d) BURDEN OF PERSUASION SHIFTED.—Notwith-
4 standing any other provision of law, including section 706
5 of title 5, United States Code, in a judicial appeal of a
6 Commission decision to deny a covered application, the
7 Commission shall bear the burden of persuasion to dem-
8 onstrate that the decision is—

9 “(1) permitted under applicable statutes and
10 regulations; and

11 “(2) supported by the required amount of fac-
12 tual evidence.”.

13 **SEC. 3. TECHNICAL AND CONFORMING AMENDMENT.**

14 Section 310(d) of the Communications Act of 1934
15 (47 U.S.C. 310(d)) is amended, in the second sentence,
16 by inserting before the semicolon the following: “, except
17 as otherwise provided in section 417”.

18 **SEC. 4. EFFECTIVE DATE.**

19 The amendment made by section 1 shall apply with
20 respect to any covered application that is submitted to the
21 Federal Communications Commission on or after the date
22 of the enactment of this Act.

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