



(Original Signature of Member)

111TH CONGRESS
2D SESSION

H. R. _____

To amend the Communications Act of 1934 to provide for voluntary incentive auction revenue sharing, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BOUCHER (for himself and Mr. STEARNS) introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Communications Act of 1934 to provide for voluntary incentive auction revenue sharing, 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 “Voluntary Incentive
5 Auctions Act of 2010”.

6 **SEC. 2. INCENTIVE-BASED AUCTIONS.**

7 Section 309(j)(8) of the Communications Act of 1934
8 (47 U.S.C. 309(j)(8)) is amended—

1 (1) in subparagraph (A), by striking “(D), and
2 (E),” and inserting “(D), (E), and (F),”; and

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

4 “(F) VOLUNTARY INCENTIVE AUCTION
5 REVENUE SHARING PLAN.—If the Commission
6 determines that it is consistent with the public
7 interest in utilization of the spectrum for a li-
8 censee to relinquish voluntarily some or all of
9 its licensed spectrum usage rights in order to
10 permit the assignment of new initial licenses or
11 the allocation of spectrum for unlicensed use
12 subject to new service rules, the proceeds from
13 the use of a competitive bidding system under
14 this subsection may be shared, in an amount or
15 percentage determined in the discretion of the
16 Commission, with any licensee who agrees to
17 participate in relinquishing voluntarily such
18 spectrum usage rights.”.

19 **SEC. 3. FEDERAL COMMUNICATIONS COMMISSION ACTION.**

20 Not later than 1 year after the date of enactment
21 of this Act, the Federal Communications Commission shall
22 establish rules for the implementation of the voluntary in-
23 centive auction revenue sharing plan in section
24 309(j)(8)(F) of the Communications Act of 1934.

1 **SEC. 4. PROHIBITION ON FEDERAL COMMUNICATIONS**
2 **COMMISSION ACTION.**

3 (a) **IN GENERAL.**—The Federal Communications
4 Commission shall not reclaim frequencies of broadcast tel-
5 evision licensees or any other licensees directly or indi-
6 rectly on an involuntary basis for the purpose of section
7 309(j)(8)(F) of the Communications Act of 1934.

8 (b) **SAVINGS PROVISION.**—Nothing in this Act or in
9 the amendments made by this Act shall permit, or be con-
10 strued as permitting, the Federal Communications Com-
11 mission to reclaim frequencies of broadcast television li-
12 censees or any other licensees directly or indirectly on an
13 involuntary basis for the purpose of section 309(j)(8)(F)
14 of the Communications Act of 1934.