

112TH CONGRESS
1ST SESSION

S. 415

To provide the FCC with authority to conduct incentive auctions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 17, 2011

Mr. WARNER introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide the FCC with authority to conduct incentive auctions, 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 “Spectrum Optimization
5 Act”.

6 **SEC. 2. PROVISION OF INCENTIVE AUCTION AUTHORITY.**

7 Paragraph (8) of section 309(j) of the Communica-
8 tions Act of 1934 (47 U.S.C. 309(j)) is amended—

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

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

5 “(F) VOLUNTARY INCENTIVE AUCTION AU-
6 THORITY.—

7 “(i) ESTABLISHMENT OF RULES.—

8 Not later than 180 days after the date of
9 enactment of the Spectrum Optimization
10 Act, the Commission shall establish rules
11 for the conduct of auctions of licensed
12 spectrum that is voluntarily relinquished
13 by a licensee for assignment of new initial
14 licenses subject to new service rules or for
15 other purposes, in which a portion of the
16 auction proceeds are shared with such re-
17 relinquishing licensees, consistent with the
18 public interest in maximizing utilization of
19 the spectrum.

20 “(ii) CONTENT OF RULES.—The rules
21 established under clause (i) shall—

22 “(I) identify the initial spectrum
23 band or bands that will be eligible for
24 incentive auctions under this subpara-
25 graph;

1 “(II) establish a maximum revenue sharing threshold applicable to
2 all licensees within any auction, unless
3 the establishment of such threshold
4 would increase the amount of spectrum cleared or would increase the net
5 revenue from the auction of such
6 spectrum; and
7
8

9 “(III) minimize the cost to the taxpayer of the transition of the spectrum to be auctioned to its newly identified use.
10
11
12

13 “(iii) SCHEDULE FOR AUCTIONS.—

14 “(I) INITIAL AUCTION.—The Commission shall commence incentive auctions under this subparagraph not later than 2 years after the date of enactment of the Spectrum Optimization Act.
15
16
17
18
19

20 “(II) OTHER SPECTRUM.—The Commission may, in its discretion and at any time after the date of enactment of the Spectrum Optimization Act, use the authority provided in this subparagraph in connection with the
21
22
23
24
25

1 auction of other licensed spectrum,
2 provided that the auction of such
3 other spectrum is conducted pursuant
4 to the rules established under this
5 subparagraph.”.

○