

111TH CONGRESS  
2D SESSION

# H. R. 5947

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2010

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

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## 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—

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

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

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

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

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

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