

Voluntary Incentive Auctions Act of 2010

Overview and Section-By-Section Description

Overview

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The “Voluntary Incentive Auctions Act of 2010” will help ensure that new spectrum can be made available for commercial wireless services by permitting the Federal Communications Commission to conduct incentive-based spectrum auctions on a truly voluntary basis. The measure gives the Federal Communications Commission the authority to conduct voluntary incentive auctions in which the revenue generated by the auction is shared with the licensees that have voluntarily relinquished their spectrum. It also ensures that the Commission cannot reclaim spectrum on an involuntary basis.

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Section-by-Section

Section 1: Establishes the short title as the “Voluntary Incentive Auctions Act of 2010”.

Section 2: Allows the Federal Communications Commission to conduct voluntary incentive auctions, in which auction proceeds are shared with the former licensees of the spectrum being auctioned, if the Commission determines that it is in the public interest for a licensee to relinquish voluntarily some or all of its spectrum so that the spectrum can be assigned to a new licensee or used on an unlicensed basis. Gives the FCC the discretion to determine the amount or percentage of auction proceeds that will be given to a licensee that voluntarily relinquishes its spectrum.

Section 3: Directs the Federal Communications Commission to establish rules to implement the voluntary incentive auction revenue sharing plan not later than one year after the date of enactment of the Act.

Section 4: Prohibits the Federal Communications Commission from reclaiming the licenses of broadcast television licensees or any other licensees directly or indirectly on an involuntary basis for the purpose of conducting an incentive auction. Provides that nothing in the Act shall permit, or be construed as permitting, the Federal Communications Commission to reclaim frequencies of broadcast television licensees or any other licensees directly or indirectly on an involuntary basis for the purpose of conducting an incentive auction.