

109TH CONGRESS
1ST SESSION

S. 1268

To expedite the transition to digital television while helping consumers to continue to use their analog televisions.

IN THE SENATE OF THE UNITED STATES

JUNE 20, 2005

Mr. MCCAIN (for himself and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To expedite the transition to digital television while helping consumers to continue to use their analog televisions.

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 Availability
5 for Emergency-Response and Law-Enforcement to Im-
6 prove Vital Emergency Services Act” or the “SAVE
7 LIVES Act”.

1 **SEC. 2. SETTING A SPECIFIC DATE FOR THE AVAILABILITY**
 2 **OF SPECTRUM FOR PUBLIC SAFETY ORGANI-**
 3 **ZATIONS AND CREATING A DEADLINE FOR**
 4 **TRANSITION TO DIGITAL TELEVISION.**

5 (a) AMENDMENTS.—Section 309(j)(14) of the Com-
 6 munications Act of 1934 (47 U.S.C. 309(j)(14)) is amend-
 7 ed—

8 (1) in subparagraph (A), by striking “December
 9 31, 2006” and inserting “December 31, 2008”;

10 (2) by striking subparagraph (B);

11 (3) in subparagraph (C)(i)(I), by striking “or
 12 (B)”;

13 (4) in subparagraph (D), by striking “(C)(i)”
 14 and inserting “(B)(i)”; and

15 (5) by redesignating subparagraphs (C) and
 16 (D) as subparagraphs (B) and (C), respectively.

17 (b) IMPLEMENTATION.—

18 (1) FINAL DTV ALLOTMENT TABLE OF IN-CORE
 19 CHANNELS FOR FULL-POWER STATIONS.—The Fed-
 20 eral Communications Commission (in this Act re-
 21 ferred to as the “Commission”) shall—

22 (A) release by December 31, 2006, a re-
 23 port and order in MB Docket No. 03–15 as-
 24 signing all full-power broadcast television sta-
 25 tions authorized in the digital television service
 26 a final channel between channels 2 and 36, in-

1 exclusive, or 38 and 51, inclusive (between fre-
2 quencies 54 and 698 megahertz, inclusive); and

3 (B) conclude by July 31, 2007, any recon-
4 sideration of such report and order.

5 (2) STATUS REPORTS.—Beginning February 1,
6 2006, and ending when international coordination
7 with Canada and Mexico of the DTV table of allot-
8 ments is complete, the Commission shall submit re-
9 ports every 6 months on the status of that inter-
10 national coordination to the Committee on Com-
11 merce, Science, and Transportation of the Senate
12 and to the Committee on Energy and Commerce of
13 the House of Representatives.

14 (3) TERMINATIONS OF ANALOG LICENSES AND
15 BROADCASTING.—The Commission shall take such
16 actions as may be necessary to terminate all licenses
17 for full-power broadcasting stations in the analog
18 television service and to require the cessation of
19 broadcasting by full-power stations in the analog tel-
20 evision service by January 1, 2009.

21 **SEC. 3. AUCTION OF RECOVERED SPECTRUM.**

22 (a) DEADLINE FOR AUCTION.—Section 309(j)(14) of
23 the Communications Act of 1934 (47 U.S.C. 309(j)(14)),
24 as amended by section 2, is amended in subparagraph
25 (B)—

1 (1) in clause (ii), by striking the second sen-
2 tence; and

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

4 “(iii) ADDITIONAL DEADLINES FOR
5 RECOVERED ANALOG SPECTRUM.—

6 “(I) IN GENERAL.—Not earlier
7 than 1 year after the date on which
8 the Commission submits to Congress
9 the report required under section
10 7502(a) of the Intelligence Reform
11 and Terrorism Prevention Act of 2004
12 (Public Law 108–458; 118 Stat.
13 3855), and not later than April 1,
14 2008, the Commission shall—

15 “(aa) conduct the auction of
16 the licenses for recovered analog
17 spectrum; and

18 “(bb) not later than June
19 30, 2008, deposit the proceeds of
20 such auction in accordance with
21 paragraph (8), except for those
22 funds authorized to be used in
23 accordance with sections 4(f) and
24 5 of the SAVE LIVES Act.

1 “(II) RECOVERED ANALOG SPEC-
2 TRUM DEFINED.—In this clause, the
3 term ‘recovered analog spectrum’
4 means the spectrum reclaimed from
5 analog television service broadcasting
6 under this paragraph, other than—

7 “(aa) the spectrum required
8 by section 337 to be made avail-
9 able for public safety services;

10 “(bb) the spectrum auc-
11 tioned prior to the date of enact-
12 ment of the SAVE LIVES Act;
13 and

14 “(cc) any spectrum des-
15 ignated by Congress for use by
16 public safety services between the
17 date of enactment of the SAVE
18 LIVES Act and the auction de-
19 scribed in subclause (I).”.

20 (b) EXTENSION OF AUCTION AUTHORITY.—Para-
21 graph (11) of section 309(j) of the Communications Act
22 of 1934 (47 U.S.C. 309(j)(11)) is amended by striking
23 “September 30, 2007” and inserting “September 30,
24 2009”.

1 **SEC. 4. DIGITAL TRANSITION PROGRAM.**

2 (a) IN GENERAL.—Beginning no earlier than Janu-
 3 ary 1, 2008, and not later than July 1, 2008, the Commis-
 4 sion, in consultation with commercial television broadcast
 5 licensees, shall distribute to eligible persons digital-to-ana-
 6 log converter devices that will enable television sets that
 7 operate only with analog signal processing to continue to
 8 operate when receiving a digital signal.

9 (b) APPLICATION.—Each eligible person seeking a
 10 digital-to-analog converter device under subsection (a)
 11 shall submit an application to the Commission at such
 12 times, in such manner, and containing such information
 13 as the Commission requires.

14 (c) PROCUREMENT.—The provisions, rules, and regu-
 15 lations of the Federal Property and Administrative Serv-
 16 ices Act of 1949 (41 U.S.C. 251 et seq.) shall apply to
 17 the procurement, by the Comptroller General of the
 18 United States, of the digital-to-analog converter devices
 19 described in subsection (a).

20 (d) STUDY.—Not later than 12 months after the date
 21 of enactment of this Act, the Commission shall, in con-
 22 sultation with commercial television broadcast licensees,
 23 consumer groups, and other interested parties, complete
 24 a study of—

25 (1) the geographic location of eligible persons
 26 by Nielsen Designated Market Areas;

1 (2) the use of not only broadcast studios for
2 distribution of such digital-to-analog converter de-
3 vices, but the ability of commercial television broad-
4 cast licensees to partner with grocery stores, elec-
5 tronics stores, and post offices to serve as distribu-
6 tion centers for such devices; and

7 (3) the ability of the Commission and commer-
8 cial television broadcast licensees to partner together
9 to develop a public communications campaign to in-
10 form over-the-air viewers of—

11 (A) the need for a digital-to-analog con-
12 verter device; and

13 (B) the availability of such a digital-to-
14 analog converter device free of charge for eligi-
15 ble persons.

16 (e) ELIGIBLE PERSON DEFINED.—In this section,
17 the term “eligible person” means any person relying exclu-
18 sively on over-the-air television broadcasts with a house-
19 hold income that does not exceed 200 percent of the pov-
20 erty line, as such line is published in the Federal Register
21 by the Department of Health and Human Services under
22 the authority of section 673(2) of the Community Services
23 Block Grant Act (42 U.S.C. 9902(2)).

24 (f) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) IN GENERAL.—There are authorized to be
 2 appropriated \$468,000,000 from the proceeds of the
 3 auction of licenses for recovered analog spectrum
 4 under section 309(j)(14) of the Communications Act
 5 of 1934 (47 U.S.C. 309(j)(14)).

6 (2) DISTRIBUTION.—Of the funds authorized to
 7 be appropriated under paragraph (1)—

8 (A) \$463,000,000 shall be available to pro-
 9 cure digital-to-analog converter devices; and

10 (B) \$5,000,000 shall be available to to
 11 cover the costs of administration of the digital
 12 transition program established under this sec-
 13 tion.

14 **SEC. 5. ESTABLISHMENT AND AUTHORIZATION OF APPRO-**
 15 **PRIATIONS FOR GRANT PROGRAM TO PRO-**
 16 **VIDE ENHANCED INTEROPERABILITY OF**
 17 **COMMUNICATIONS FOR FIRST RESPONDERS.**

18 (a) ESTABLISHMENT OF PROGRAM TO ASSIST FIRST
 19 RESPONDERS.—

20 (1) IN GENERAL.—The Secretary of Homeland
 21 Security shall establish a program to help State,
 22 local, tribal, and regional first responders—

23 (A) acquire and deploy interoperable com-
 24 munications equipment;

25 (B) purchase such equipment; and

1 (C) train personnel in the use of such
2 equipment.

3 (2) COMMON STANDARDS.—The Secretary, in
4 cooperation with the heads of other Federal depart-
5 ments and agencies who administer programs that
6 provide communications-related assistance programs
7 to State, local, and tribal public safety organizations,
8 shall develop and implement common standards to
9 the greatest extent practicable.

10 (b) APPLICATIONS.—To be eligible for assistance
11 under the program established in subsection (a), a State,
12 local, tribal, or regional first responder agency shall sub-
13 mit an application, at such time, in such form, and con-
14 taining such information as the Under Secretary of Home-
15 land Security for Science and Technology may require, in-
16 cluding—

17 (1) a detailed explanation of how assistance re-
18 ceived under the program would be used to improve
19 local communications interoperability and ensure
20 interoperability with other appropriate Federal,
21 State, local, tribal, and regional agencies in a re-
22 gional or national emergency;

23 (2) assurance that the equipment and system
24 would—

1 (A) not be incompatible with the commu-
2 nications architecture developed under section
3 7303(a)(1)(E) of the Intelligence Reform Act of
4 2004;

5 (B) would meet any voluntary consensus
6 standards developed under section
7 7303(a)(1)(D) of that Act; and

8 (C) be consistent with the common grant
9 guidance established under section
10 7303(a)(1)(H) of that Act.

11 (c) REVIEW.—The Under Secretary of Homeland Se-
12 curity for Science and Technology shall review and ap-
13 prove, in the discretion of the Under Secretary, all applica-
14 tions submitted under subsection (b).

15 (d) SINGLE GRANTS.—The Secretary of Homeland
16 Security, pursuant to an application approved by the
17 Under Secretary of Homeland Security for Science and
18 Technology, may make the assistance provided under the
19 program established in subsection (a) available to all ap-
20 proved applicants in the form of a single grant for a period
21 of not more than 3 years.

22 (e) REPORT.—Not later than January 1, 2008, the
23 Commission shall report to the Committee on Commerce,
24 Science, and Transportation of the Senate and the Com-
25 mittee on Energy and Commerce of the House of Rep-

1 representatives the amount required to carry out the program
2 described in section 4.

3 (f) AUTHORIZATION OF APPROPRIATIONS.—To the
4 extent that proceeds from the auction of licenses for recov-
5 ered analog spectrum under section 309(j)(14) of the
6 Communications Act of 1934 (47 U.S.C. 309(j)(14)) are
7 available and exceed the amount required to carry out the
8 program described in section 4, there are authorized to
9 be appropriated from such proceeds such sums as are
10 available to fund the grant program established under this
11 section.

12 **SEC. 6. CONSUMER EDUCATION REGARDING THE DIGITAL**
13 **TELEVISION TRANSITION.**

14 (a) COMMISSION AUTHORITY.—Section 303 of the
15 Communications Act of 1934 (47 U.S.C. 303) is amended
16 by adding at the end the following new subsection:

17 “(z) Require the consumer education measures speci-
18 fied in section 330(d) in the case of apparatus designed
19 to receive television signals that—

20 “(1) are shipped in interstate commerce or
21 manufactured in the United States after 180 days
22 after the date of enactment of the SAVE LIVES
23 Act; and

1 “(2) are not capable of receiving and displaying
2 broadcast signals in the digital television service on
3 the channels allocated to such broadcasts.”.

4 (b) CONSUMER EDUCATION REQUIREMENTS.—Sec-
5 tion 330 of the Communications Act of 1934 (47 U.S.C.
6 330) is amended—

7 (1) in subsection (d), by striking “sections
8 303(s), 303(u), and 303(x)” and inserting “sub-
9 sections (s), (u), (x), and (z) of section 303”;

10 (2) by redesignating subsection (d) as sub-
11 section (e); and

12 (3) by inserting after subsection (c) the fol-
13 lowing new subsection:

14 “(d) CONSUMER EDUCATION REGARDING EQUIP-
15 MENT, TELEVISION RECEIVERS, AND OTHER MATERIALS
16 RELATED TO THE DIGITAL TO ANALOG CONVERSION.—

17 “(1) REQUIREMENTS FOR MANUFACTURERS.—

18 Any manufacturer of any apparatus described in
19 section 303(z) shall—

20 “(A) place on the screen of any such appa-
21 ratus that such manufacturer ships in inter-
22 state commerce or manufactures in the United
23 States after 180 days after the date of enact-
24 ment of the SAVE LIVES Act, a removable

1 label containing the warning language required
 2 by paragraph (3); and

3 “(B) also include such warning language
 4 on the outside of the retail packaging of such
 5 apparatus in a manner that cannot be removed.

6 “(2) REQUIREMENTS FOR RETAIL DISTRIBUTORS.—Any retail distributor shall place adjacent to
 7 each apparatus described in section 303(z) that such
 8 distributor displays for sale or rent after 180 days
 9 after the date of enactment of the SAVE LIVES
 10 Act, a separate sign containing the warning lan-
 11 guage required by paragraph (3).

12 “(3) WARNING LANGUAGE.—

13 “(A) RULEMAKING PROCEEDING.—Not
 14 later than 120 days after the date of enactment
 15 of this Act, the Commission, in consultation
 16 with consumers and representatives from the
 17 broadcast, cable, and satellite industries, shall
 18 complete a rulemaking proceeding to develop
 19 warning language to be used by manufacturers
 20 and retail distributors concerning the size and
 21 format of the warning language required by this
 22 paragraph.

23 “(B) CONTENT OF WARNING.—The warn-
 24 ing language required by this paragraph shall
 25

1 clearly inform consumers, in plain English un-
2 derstandable to the average consumer, of the
3 following:

4 “(i) After December 31, 2008, tele-
5 vision broadcasters will cease analog over-
6 the-air broadcasts and will broadcast only
7 in digital format.

8 “(ii) That a television set carrying the
9 label required under paragraph (1) will no
10 longer be able to receive broadcast pro-
11 gramming unless it is connected to a dig-
12 ital tuner, a digital-to-analog converter de-
13 vice, or cable, satellite, or other multi-
14 channel video services.

15 “(iii) Beyond December 31, 2008, a
16 television set carrying the label required
17 under paragraph (1) will, however, con-
18 tinue to display images from devices such
19 as DVD recorders and video game consoles
20 or content recorded for display on an ana-
21 log television using devices such as VCRs,
22 digital video recorders, or DVD recorders.

23 “(iv) For more information regarding
24 the transition to digital television con-
25 sumers should call the Federal Commu-

1 communications Commission at 1-888-225-5322
 2 (TTY: 1-888-835-5322) or visit the Com-
 3 mission’s website at: www.fcc.gov.

4 “(4) ENFORCEMENT.—Any violation of the re-
 5 quirements of this section, shall be enforced by the
 6 Federal Trade Commission as if it were an unfair or
 7 deceptive act or practice proscribed under section
 8 18(a)(1)(B) of the Federal Trade Commission Act
 9 (15 U.S.C. 57a(a)(1)(B)).

10 “(5) SUNSET.—The warning language required
 11 by paragraph (3) shall not apply to any manufac-
 12 turer or retail distributor on or after January 1,
 13 2009.

14 “(6) COMMISSION OUTREACH.—Beginning not
 15 later than 1 month after the date of enactment of
 16 the SAVE LIVES Act, the Commission shall engage
 17 in a public outreach program to educate consumers
 18 about—

19 “(A) the deadline for termination of analog
 20 television broadcasting; and

21 “(B) the options consumers have after
 22 such termination to continue to receive broad-
 23 cast programming.”

24 (c) PRESERVING AND EXPEDITING DIGITAL TELE-
 25 VISION TUNER MANDATES.—

1 (1) IN GENERAL.—The Commission shall re-
2 quire not later than—

3 (A) July 1, 2005, that digital television
4 tuners be integrated into television receivers
5 having analog tuners in the case of television
6 sets with screen sizes 36 inches or greater;

7 (B) March 1, 2006, that digital television
8 tuners be integrated into television receivers
9 having analog tuners in the case of television
10 sets with screen sizes between 25 inches and 35
11 inches; and

12 (C) March 1, 2007, that digital television
13 tuners be integrated into television receivers
14 having analog tuners in the case of television
15 sets with screen sizes between 14 inches and 24
16 inches.

17 (2) STUDY.—

18 (A) IN GENERAL.—Not later than 1 year
19 after the date of enactment of this Act, the
20 Commission shall conduct a study to determine
21 whether digital television tuners are necessary
22 in television sets with screen sizes 13 inches or
23 smaller.

24 (B) MANDATES FOR TELEVISION SETS
25 WITH SCREEN SIZES 13 INCHES OR SMALLER.—

1 Upon completion of the study required under
2 subparagraph (A), if the Commission deter-
3 mines that digital television tuners are nec-
4 essary in television sets with screen sizes 13
5 inches or smaller, the Commission shall enact,
6 not later than July 1, 2008, digital television
7 tuner mandates for such television sets.

8 (d) INFORMED CONSUMER REQUIREMENT.—Not
9 later than 90 days after the date of enactment of this Act,
10 the Consumer and Governmental Affairs Bureau of the
11 Commission shall develop and distribute to all consumers
12 seeking to purchase a television set a brochure that clearly
13 describes the different options available to a consumer, in-
14 cluding information that—

15 (1) in order for a consumer to receive and dis-
16 play a digital television signal, a consumer must
17 have—

18 (A) both a digital television display or
19 monitor and a digital tuner; or

20 (B) an integrated digital television set;

21 (2) there is a difference between a digital tele-
22 vision and high-definition digital television signals
23 and a digital television and high-definition digital
24 television set; and

25 (3) current televisions—

1 (A) are not obsolete;

2 (B) can receive digital television signals
3 with the use of a digital-to-analog converter de-
4 vice and will display such signals in an analog
5 format; and

6 (C) will continue to work with cable, sat-
7 ellite, VCRs, DVD recorders, and other devices.

8 **SEC. 7. DIGITAL TO ANALOG CONVERSION AVAILABLE FOR**
9 **CABLE SUBSCRIBERS.**

10 (a) DIGITAL TO ANALOG CONVERSION PER-
11 MITTED.—Section 614(b) of the Communications Act of
12 1934 (47 U.S.C. 534(b)) is amended by adding at the end
13 the following new paragraph:

14 “(11) DIGITAL.—

15 “(A) DIGITAL PRIMARY VIDEO SIGNAL.—A
16 cable operator shall carry the primary video of
17 the digital signal of a local broadcast station in
18 its originally broadcast format without material
19 degradation upon such local broadcast sta-
20 tion’s—

21 “(i) cessation of analog broadcasting;

22 and

23 “(ii) election of cable carriage under
24 this section or section 615.

1 “(B) DIGITAL TO ANALOG CONVERSIONS
 2 PERMITTED.—Notwithstanding subparagraph
 3 (A), the conversion by a cable operator, at any
 4 location from the cable headend through equip-
 5 ment on the premises of a subscriber, of a dig-
 6 ital television signal into a signal capable of
 7 being viewed by such subscriber with an analog
 8 television receiver shall be permitted subject to
 9 the conditions described in subparagraph (C).

10 “(C) CONDITIONS ON PERMITTED
 11 DOWNCONVERSION.—If a cable operator pro-
 12 vides a converted signal for any station in a
 13 local market under subparagraph (B), that—

14 “(i) is carried under this section or
 15 section 615; and

16 “(ii) has ceased to broadcast in the
 17 analog television service;

18 such cable operator shall provide such a con-
 19 verted signal for each such station that is lo-
 20 cated within the same local market.

21 “(D) CONVERSION SUNSET.—

22 “(i) IN GENERAL.—Subject to clause
 23 (ii), beginning not earlier than December
 24 31, 2011 and not later than December 31,
 25 2012, the Commission shall cease to im-

pose on a cable operator the requirement under subparagraph (B), if the Commission determines that such requirement is not necessary to ensure the continued ability of the audiences for foreign-language and religious television broadcast stations to view the signals of such stations.

“(ii) CONSIDERATIONS.—In making a determination under clause (i), the Commission shall take into consideration—

“(I) the penetration of digital televisions, digital receivers, and digital-to-analog converter devices among audiences of foreign-language and religious television broadcast stations; and

“(II) the market incentives of cable operators, in the absence of the requirement under subparagraph (B), to carry the signals of foreign-language and religious television broadcast stations in the format most available to be viewed by the audiences of such stations.

1 “(E) REVIEW.—Not later than 1 year
 2 after the date of enactment of the SAVE
 3 LIVES Act, and every 2 years thereafter until
 4 December 31, 2012, the Commission shall re-
 5 view the considerations described in subpara-
 6 graph (D)(ii).”.

7 (b) TIERING.—

8 (1) AMENDMENT TO COMMUNICATIONS ACT.—
 9 Section 623(b)(7)(A)(iii) of the Communications Act
 10 of 1934 (47 U.S.C. 543(b)(7)(A)(iii)) is amended—

11 (A) by striking “Any signal” and inserting
 12 “Any analog signal”; and

13 (B) by inserting “and a single digital video
 14 programming stream, designated by such sta-
 15 tion, that is transmitted over-the-air by such
 16 station, and” after “television broadcast sta-
 17 tion”.

18 (2) EFFECTIVE DATE.—This subsection and the
 19 amendments made by this subsection shall take ef-
 20 fect on January 1, 2009.

21 **SEC. 8. STUDY OF NATIONWIDE RECYCLING PROGRAM.**

22 (a) STUDY.—

23 (1) IN GENERAL.—The Administrator of the
 24 Environmental Protection Agency, in consultation
 25 with appropriate executive agencies (as determined

1 by the Administrator), shall conduct a study of the
2 feasibility of establishing a nationwide recycling pro-
3 gram for electronic waste that preempts any State
4 recycling program.

5 (2) INCLUSIONS.—The study shall include an
6 analysis of multiple programs, including programs
7 involving—

8 (A) the collection of an advanced recycling
9 fee;

10 (B) the collection of an end-of-life fee;

11 (C) producers of electronics assuming the
12 responsibility and the cost of recycling elec-
13 tronic waste; and

14 (D) the extension of a tax credit for recy-
15 cling electronic waste.

16 (b) REPORT.—Not later than 1 year after the date
17 of enactment of this Act, the Administrator of the Envi-
18 ronmental Protection Agency shall submit to Congress a
19 report describing the results of the study conducted under
20 subsection (a);

21 **SEC. 9. COMPLETION OF CERTAIN PENDING PROCEEDINGS.**

22 (a) IN GENERAL.—The Commission shall complete
23 action on and issue a final decision not later than—

24 (1) July 31, 2007, in the Matter of Second
25 Periodic Review of the Commission's Rules and Poli-

1 cies Affecting the Conversion to Digital Television,
2 MB Docket No. 03–15;

3 (2) July 31, 2007, should the Commission
4 begin a Third Periodic Review of the Commission’s
5 Rules and Policies Affecting the Conversion to Dig-
6 ital Television;

7 (3) December 31, 2007, in the Matter of Public
8 Interest Obligations of Television Broadcast Licens-
9 ees, MM Docket No. 99–360;

10 (4) December 31, 2007, in the Matter of Stand-
11 ardized and Enhanced Disclosure Requirements for
12 Television Broadcast Licensee Public Interest Obli-
13 gations, MM Docket No. 00–168;

14 (5) December 31, 2007, in the Matter of Chil-
15 dren’s Television Obligations Of Digital Television
16 Broadcasters, Further Notice of Proposed Rule-
17 making, MM Docket No. 00–167;

18 (6) December 31, 2007, in the proceeding on
19 rules regarding the use of distributed transmission
20 system technologies as referenced in paragraph 5 of
21 MB Docket No. 03–15; and

22 (7) December 31, 2007, in the proceeding
23 adopting digital standards for an Emergency Alert
24 System.

25 (b) TWO-WAY DEVICES.—

1 (1) REPORT.—Not later than 30 days after the
 2 date of enactment of this Act, and every 3 months
 3 thereafter until July 1, 2007, the parties in the mat-
 4 ter of the Implementation of Section 304 of the
 5 Telecommunications Act of 1996, Commercial Avail-
 6 ability of Navigation Devices, Second Report and
 7 Order, CS Docket No. 97–80, shall report to the
 8 Committee on Commerce, Science, and Transpor-
 9 tation of the Senate and the Committee on Energy
 10 and Commerce of the House of Representatives on
 11 the status of negotiations for two-way devices.

12 (2) FINAL ORDER.—Not later than December
 13 31, 2007, the Commission shall complete action on
 14 and issue a final decision in the matter of the Imple-
 15 mentation of Section 304 of the Telecommunications
 16 Act of 1996, Commercial Availability of Navigation
 17 Devices, Second Report and Order, CS Docket No.
 18 97–80.

19 **SEC. 10. EXCEPTION TO REMOVAL AND RELOCATION OF IN-**
 20 **CUMBENT BROADCAST LICENSEES OPER-**
 21 **ATING BETWEEN 746 AND 806 MEGAHERTZ.**

22 Section 337(e) of the Communications Act of 1934
 23 (47 U.S.C. 337(e)) is amended by adding at the end the
 24 following new paragraph:

1 “(3) EXCEPTIONS.—Paragraph (1) shall not
2 apply to—

3 “(A) television translator stations;

4 “(B) low-power television stations; or

5 “(C) class A television stations.”.

○