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1 {York Stenographic Services, Inc.}

2 HIF069.000

3 MARKUP ON H.R. 3125, THE RADIO SPECTRUM INVENTORY ACT;

4 H.R. 3019, THE SPECTRUM RELOCATION IMPROVEMENT ACT OF 2009;

5 H.R. 1258, TRUTH IN CALLER ID ACT OF 2009

6 WEDNESDAY, MARCH 10, 2010

7 House of Representatives,

8 Committee on Energy and Commerce

9 Washington, D.C.

10 The Committee met, pursuant to call, at 10:10 a.m., in  
11 Room 2123 of the Rayburn House Office Building, Hon. Henry  
12 Waxman [Chairman of the Committee] presiding.

13 Members present: Representatives Waxman, Dingell,  
14 Boucher, Engel, Green, Doyle, Harman, Gonzalez, Inslee,  
15 Weiner, Barrow, Space, Barton, Upton, Stearns, Shimkus,  
16 Buyer, Radanovich, Pitts, Murphy of Pennsylvania, Burgess,  
17 Blackburn, Scalise, Gingrey and Griffith.

18 Staff present: Phil Barnett, Staff Director; Kristin

19 Amerling, Chief Counsel; Bruce Wolpe, Senior Advisor, Caitlin  
20 Haberman, Special Assistant; Roger Sherman, Chief Counsel,  
21 Communications, Technology, and the Internet; Pat Delgado,  
22 Policy Director, Communications, Technology, and the  
23 Internet; Shawn Chang, Counsel; Amy Levine, Counsel; Tim  
24 Powderly, Counsel; Sarah Fisher, Special Assistant; Greg  
25 Guice, FCC Detailee, Karen Lightfoot, Communications  
26 Director, Senior Policy Advisor; Elizabeth Letter, Special  
27 Assistant; Earley Green, Chief Clerk; Sharon Davis, Chief  
28 Legislative Clerk; Jen Berenholz, Deputy Clerk; Mitchell  
29 Smiley, Special Assistant; Amanda Mertens Campbell, Minority  
30 General; Counsel; Neil Fried, Minority Counsel; Will Carty,  
31 Minority Professional Staff; and Garrett Golding, Minority  
32 Legislative Analyst.

|  
33           The {Chairman.} The committee will come to order.

34           Today the Committee considers three bipartisan pieces of  
35 legislation. The first bill we will be considering is H.R.  
36 3125, the Radio Spectrum Inventory Act, which I introduced  
37 with Chairman Boucher and Ranking Members Barton and Stearns  
38 last year, and I am pleased that 21 additional members of the  
39 Energy and Commerce Committee have signed on as cosponsors of  
40 this important bill. This timely legislation creates a  
41 process for the full inventory, mapping and accounting of  
42 current spectrum use by federal and non-federal users. It  
43 will inject transparency into the way our government and the  
44 private sector utilizes critical public resources. I  
45 therefore consider this bill one of the most important pieces  
46 of legislation we will consider this year. With the benefit  
47 of the inventory and mapping of the spectrum, we can make  
48 informed, rational and deliberate decisions about how our  
49 spectrum is used in future decades to benefit the American  
50 people, American business and American innovation.

51           We will consider an amendment in the nature of a  
52 substitute with changes that address most of the concerns  
53 about the spectrum inventory identified by the Obama  
54 Administration in its letter to the committee earlier this  
55 week. Most importantly, the amendment in the nature of a

56 substitute contains a more robust national security section  
57 reflecting the result of extensive bipartisan consultation  
58 with the defense and intelligence communities. Among other  
59 things, the bill now allows the head of an affected federal  
60 agency to determine whether the release of certain spectrum  
61 data would be detrimental to national security and homeland  
62 security. Moreover, under the revised bill, the head of the  
63 federal agency will also be able to make such a determination  
64 for spectrum held by non-federal licenses but used for an  
65 important national security or homeland security-related  
66 purpose.

67       The amendment in the nature of a substitute also creates  
68 a process under which the National Telecommunications  
69 Information Administration, NTIA, and the Federal  
70 Communications Commission, FCC, must consult with the  
71 National Security Council, the NSC, to allow for the review  
72 of the information being collected in the aggregate prior to  
73 any public release. This will address a key concern of the  
74 intelligence community, and I believe strikes a proper  
75 balance between providing useful information to the public  
76 while safeguarding national security interests.

77       The second bill we will be considering is H.R. 3019, the  
78 Spectrum Relocation Improvement Act of 2009, introduced by  
79 Representatives Inslee and Upton. Although I support

80 strongly the goals of this bill, the Administration has  
81 identified several issues of concern, and I am committed to  
82 working closely with the Administration and members of this  
83 committee to address these concerns prior to Floor  
84 consideration. Specifically, we will need to address whether  
85 the agencies have adequate resources to plan properly for  
86 relocation once suitable spectrum has been identified.  
87 Adequate resources are critical for the agencies to produce  
88 accurate cost estimates and relocation schedules including  
89 the ability to design and develop the equipment necessary for  
90 new spectrum frequencies. In addition, we need to consider  
91 whether the agencies have the ability to upgrade their  
92 capabilities as part of a relocation process. It would not  
93 make sense to require agencies performing critical government  
94 functions to be saddled with outdated or inefficient  
95 technology.

96       And finally, we need to improve the so-called early  
97 entry process to ensure that auction winners and the agencies  
98 have more certainty regarding timing and process. We need to  
99 allow companies access to purchase spectrum as quickly as  
100 possible but we also need to allow federal agencies clear  
101 guidelines as to what we expect from them.

102       The final bill we will consider today is H.R. 1258, the  
103 Truth in Caller ID Act of 2009, introduced by Representative

104 Engel and Ranking Member Barton. H.R. 1258 would protect  
105 against a practice commonly referred to as caller ID spoofing  
106 where a caller falsifies the original caller ID information  
107 associated with a phone call for fraudulent or deceptive  
108 purposes. This legislation recognizes there are legitimate  
109 business services that change caller ID information and  
110 directs the FCC to implement rules in a fashion that allows  
111 such services to continue while making fraudulent and  
112 deceptive caller ID manipulation unlawful.

113 I want to thank Subcommittee Chairman Boucher, Ranking  
114 Member Barton, Ranking Member Stearns and their staffs.  
115 These measures were the result of a collaborative effort, and  
116 I greatly appreciate their contributions.

117 [The prepared statement of Mr. Waxman follows:]

118 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
119           The {Chairman.} I want to now recognize Mr. Stearns for  
120 an opening statement.

121           Mr. {Stearns.} Thank you, Mr. Chairman, and I am  
122 substituting for the Ranking Member, Joe Barton, who will be  
123 with us shortly.

124           Thank you for holding this hearing. I think all of us  
125 on this side are pleased with this markup. We support the  
126 Manager's Amendment to H.R. 3125 and our staff and your staff  
127 have worked together in a bipartisan fashion, which I think  
128 is an indication of good work, and we look forward to H.R.  
129 3019, where you have indicated that there President has some  
130 concerns about this bill, and we certainly want to work with  
131 you. We would like to pass it obviously out of the full  
132 Energy and Commerce Committee today and then we can move  
133 forward once we get to the floor.

134           The spectrum bills are positive steps forward in  
135 promoting good spectrum management. I think you have said  
136 that. H.R. 3125 requires the NTIA and the FCC to conduct an  
137 inventory of radio spectrum, a very critical first step in  
138 identifying additional spectrum that might be used for  
139 wireless broadband. H.R. 3019 improves the existing process  
140 by which we pay to simultaneously upgrade and relocate  
141 federal agencies' spectrum resources in exchange for clearing

142 spectrum for commercial use. Mr. Chairman, I am a cosponsor  
143 of both pieces of legislation.

144 Now, it is clear that the United States will need  
145 additional spectrum to meet the growing demand for wireless  
146 broadband. In fact, we are a victim of our own success. The  
147 United States currently leads the world in wireless.  
148 Wireless providers have used spectrum to provide U.S.  
149 consumers with innovative voice and data services. The  
150 number of mobile voice customers in the United States has  
151 surpassed the number of wireline customers, and the number of  
152 mobile broadband customers has increased exponentially over  
153 the past several years. As customers increase the amount of  
154 time they spend on their mobile devices talking, e-mailing  
155 and surfing the Internet, cell sites become constrained  
156 because of this capacity. As a result, we are facing, in the  
157 words of FCC Chairman Genachowski, ``a looming spectrum  
158 crisis.'' For example, a voice call requires approximately  
159 10,000 bits per second while uploading and downloading video  
160 requires millions of bits per second. So in order to  
161 increase the amount of spectrum available for commercial  
162 mobile services, the Administration and the FCC need to  
163 inventory the current uses of spectrum bands, especially  
164 those below 3 gigahertz that are ideal for mobile services.  
165 The bottom line is that we need to know who uses which

166 spectrum bands and the purposes for which they use such  
167 bands.

168         Once we have the answers to those questions, the  
169 government needs to decide whether to reallocate spectrum for  
170 commercial mobile use. If the government is requiring  
171 existing spectrum users to vacate reallocated bands, the  
172 government also needs to establish a meaningful process for  
173 reallocating incumbent users. The process needs to begin  
174 sooner rather than later. Inventory reallocation and  
175 relocation all take time and commercial mobile demand for  
176 spectrum is increasing, as I mentioned earlier,  
177 exponentially.

178         Furthermore, one way to make more spectrum available is  
179 to use government spectrum more efficiently and reallocate  
180 the spectrum that is saved. The Commercial Spectrum  
181 Enhancement Act, enacted in 2004, is designed to provide  
182 funding to upgrade the wireless resources of government  
183 agencies while clearing additional spectrum for commercial  
184 use. Under the CSEA, government frequencies identified for  
185 reallocation are auctioned to commercial licensees and the  
186 proceeds are used to improve the reallocating agency's  
187 wireless facilities.

188         The relocation procedures outlined in the CSEA worked  
189 well in most cases but some problems have cropped up, as we

190 all know. For example, T-Mobile paid \$4.2 billion to build a  
191 3G network. Some agencies are behind schedule in clearing  
192 some of the spectrum. However, because of unforeseen costs  
193 and complexities in their moves, problems like these may  
194 discourage participation in future relocation auctions.

195 As you mentioned, the third bill, Truth in Caller ID  
196 Act. Millions of Americans use caller ID in order to secure  
197 greater privacy for their families yet as new technologies  
198 continue to be developed, caller ID, as you mentioned,  
199 spoofing, has become a problem for consumers and businesses.  
200 This bill protects consumers by prohibiting caller ID  
201 spoofing. This occurs when a caller masquerades as someone  
202 else by falsifying the number that appears on the recipient's  
203 caller ID display and can make a call appear to come from any  
204 phone number that caller desires. Although caller ID  
205 spoofing services promote themselves for use in prank calls  
206 or for entertainment purposes only, such services can be  
207 easily accessed and used by criminals. Caller ID spoofing  
208 has emerged as a useful tool for identity thieves and other  
209 scam artists. These nefarious actions are the target of this  
210 bill. We are making some clarifying changes today that will  
211 exempt innocent carriers who simply transmit information they  
212 receive.

213 So again, thank you for holding this hearing and I urge

214 passage of all three bills.

215 [The prepared statement of Mr. Stearns follows:]

216 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
217           The {Chairman.} Thank you, Mr. Stearns.

218           Now I want to recognize the subcommittee chairman who  
219 has so expeditiously and effectively handled the legislation  
220 that has been reported to us, unanimously, as far as I know,  
221 on a bipartisan basis, Mr. Boucher.

222           Mr. {Boucher.} Thank you very much, Mr. Chairman. I  
223 appreciate those kind words.

224           This morning, our committee considers three bipartisan  
225 measures, and I want to express appreciation to our friends  
226 on the other side of the aisle for their constructive work  
227 with us as we have assembled the legislation.

228           Two of the bills address our rapidly growing need for  
229 new wireless spectrum for mobile communications services.  
230 Every day, new, attractive and useful applications are added  
231 to the inventory of mobile wireless services, and the  
232 bandwidth required for those applications continues to climb  
233 as features like mobile video become commonplace and as data-  
234 intensive smartphones are used by an ever-larger share of the  
235 Nation's population. Even with the launch this year of the  
236 fourth generation of wireless services with LTE being  
237 deployed by major wireless carriers, and that is coming in  
238 the spectrum previously used by the television broadcasters  
239 for their analog broadcasts, within a very short period of

240 time substantial new spectrum for commercial wireless  
241 services will be required.

242         Responding to this need, last July we worked together,  
243 Chairman Waxman, Ranking Member Barton, Mr. Stearns and I, in  
244 structuring legislation that will require an inventory of the  
245 wireless spectrum by NTIA and the FCC. That measure, the  
246 Radio Spectrum Inventory Act, is before the committee this  
247 morning. It requires the agencies to undertake a  
248 comprehensive survey of the Nation's spectrum and report to  
249 us on current spectrum utilization with recommendations of  
250 which, if any, of the least utilized blocks of spectrum  
251 should be reallocated for commercial use or be subjected to  
252 spectrum sharing with commercial users. The measure is a  
253 thoughtful approach to meeting the extraordinary spectrum  
254 demands that our Nation will soon face.

255         I want to express appreciation this morning to the  
256 administrator of NTIA and to his staff for their very able  
257 assistance as we made modifications to the original bill.  
258 The modifications upon which we have agreed along with others  
259 that have also been agreed are included in the Manager's  
260 Amendment that will soon be offered, and we very much look  
261 forward to continuing to work with NTIA and with other  
262 interested parties as this measure advances to the House  
263 floor to ensure that it is effective while at the same time

264 affording appropriate protections relating to national  
265 security.

266 I have also joined with our colleagues Jay Inslee and  
267 Fred Upton in introducing H.R. 3019, the Spectrum Relocation  
268 Improvement Act. The measure would address an urgent need  
269 which was brought to light after the FCC auctioned the  
270 advanced wireless services spectrum in 2006. While that  
271 spectrum was auctioned more than 3 years ago, the winners of  
272 the commercial licenses still do not have full use of the  
273 spectrum because it has not been fully cleared of the  
274 government users. The bill would hasten the process of  
275 clearing federal users from spectrum that the government has  
276 reallocated for commercial uses. It would require the NTIA  
277 to publish the transition plan of each federal entity to be  
278 relocated after a spectrum auction. It would also clarify  
279 the steps that the federal spectrum users must take to  
280 receive payment for their relocation costs from the spectrum  
281 relocation fund. I know the Administration has expressed  
282 some remaining concerns about this measure, and we look  
283 forward to working closely with the Administration as this  
284 measure advances to the Floor in the effort to satisfy those  
285 concerns.

286 The committee today also considers H.R. 1258, the Truth  
287 in Caller ID Act of 2009, introduced by Mr. Engel and by Mr.

288 Barton. The measure would direct the FCC to prohibit caller  
289 ID spoofing where a caller falsifies the original caller ID  
290 information during the transmission of a telephone call. The  
291 measure has passed the House on suspension during the past  
292 two Congresses, and we look forward to advancing it today  
293 with the goal of taking such steps as are necessary to make  
294 sure that in this Congress, it is enacted into law.

295 I want to thank Mr. Engel and Mr. Barton for their  
296 continued commitment to this measure and I also want to  
297 express appreciation to all members including our friends on  
298 the other side of the aisle for their very constructive work  
299 and contributions and their support of the three items of  
300 legislation we are considering this morning.

301 Thank you, Mr. Chairman. I yield back.

302 [The prepared statement of Mr. Boucher follows:]

303 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
304           The {Chairman.} Thank you very much, Mr. Boucher.

305           Members will now have 3 minutes for an opening statement  
306 if they wish to take the time. Without objection, all  
307 opening statements will be included in the record in their  
308 entirety.

309           Mr. {Pitts.} Mr. Chairman?

310           The {Chairman.} Mr. Pitts, you seek recognition for an  
311 opening statement?

312           Mr. {Pitts.} Yes.

313           The {Chairman.} The gentleman is recognized for 3  
314 minutes.

315           Mr. {Pitts.} Thank you. Thank you, Mr. Chairman.  
316 Thank you for calling today's markup on these important  
317 bills. My remarks are going to center on H.R. 3125, the  
318 Radio Spectrum Inventory Act, and H.R. 3019, the Spectrum  
319 Relocation Improvement Act.

320           As the founder and co-chairman of the Congressional  
321 Electronic Warfare Working Group for the past 10 years, I  
322 believe that the electromagnetic spectrum is critically  
323 important to our current and future military operations. I  
324 am pleased to see that the committee has taken into  
325 consideration concerns raised by the Administration and the  
326 electronic warfare community regarding public disclosure of

327 national security information, the reallocation process, and  
328 to some extent, the amount of spectrum included in the  
329 inventory. However, the electromagnetic spectrum is a  
330 dynamic and ever-changing environment and we must ensure that  
331 our armed forces can manage utilization of the spectrum and  
332 provide long-term strategic planning and program development.  
333 While I understand the importance and the potential economic  
334 value of spectrum inventory and reallocation, it is vital  
335 that these bills take into account the criticality of the  
336 electromagnetic spectrum to military training and operations  
337 and the importance of the U.S. military controlling the  
338 spectrum in conflict.

339         In addition, it is also imperative that it is recognized  
340 that the electromagnetic spectrum is considered a global war-  
341 fighting domain that is fundamental to the range of military  
342 operations. Its availability is essential to existing and  
343 emerging technologies in electronic warfare, network-centric  
344 capabilities, communication systems, satellite resources and  
345 multi-spectral sensors. To that end, I would like to thank  
346 Chairman Waxman and Chairman Boucher for working with me to  
347 include report language in H.R. 3125 that recognizes the  
348 critical importance of adequate spectrum allocations for our  
349 armed services, and I look forward to continuing to work with  
350 you and your staff going forward.

351 Thank you very much, Mr. Chairman. I yield back.

352 [The prepared statement of Mr. Pitts follows:]

353 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
354           The {Chairman.} Thank you, Mr. Pitts.

355           Now I want to recognize Chairman Emeritus Dingell, who  
356 will have 5 minutes for an opening statement.

357           Mr. {Dingell.} Mr. Chairman, thank you.

358           I support the legislation before the committee. I  
359 commend you and the subcommittee chairmen and the members of  
360 the subcommittees for their work done. I have a splendid  
361 opening statement which I know everyone will enjoy reading,  
362 and so I ask unanimous consent that it be inserted in the  
363 record.

364           [The prepared statement of Mr. Dingell follows:]

365           \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
366           The {Chairman.} Without objection, that will be  
367 ordered. Thank you.

368           Further recognition? Mr. Murphy.

369           Mr. {Murphy of Pennsylvania.} Thank you, Mr. Chairman.

370           I would like to thank you for taking up this bill  
371 regarding phone harassment, and I just want to give the  
372 committee some history on this. I first introduced this  
373 actually in the 109th Congress, and it passed the full House.  
374 After the 109th Congress, I reintroduced this with Chairman  
375 Bobby Scott, and it passed the 110th Congress and actually we  
376 did another version in the 111th Congress but it provided  
377 criminal penalties for caller ID spoofing. On the one hand,  
378 sometimes this is mere harassment, a famous case where Paris  
379 Hilton had used Lindsay Lohan's caller ID number to get into  
380 her voice mail, but there are a lot of times when it is more  
381 than just harassment. The police and the FBI refer to this  
382 as swatting where someone will use another person's caller  
383 ID, call the police, claim a crime is in process and the  
384 police and SWAT teams show up. Luckily, no one has been  
385 harmed in these cases but you can imagine what can happen if  
386 a team of police with guns shows up on the spot where they  
387 think a crime is happening or someone has a gun or a  
388 kidnapping or something else is taking place. Indeed, there

389 are dozens of examples where this has appeared across  
390 America, and I hope we can pass this bill into law before  
391 someone gets hurt.

392       There are also times, for example, at the beginning of  
393 March, a woman from Pennsylvania discovered her phone number  
394 had been appearing on other people's caller IDs. Someone had  
395 been using this to harass other people using her phone  
396 number. There are also cases where the Virginia State Police  
397 warned citizens to be vigilant against scam artists using  
398 phony caller ID numbers to obtain donations for Haitian  
399 refugees. Last December, another case in Pennsylvania  
400 occurred where a woman was claiming to have shot her baby to  
401 death. It turned out to be a hoax. The police and  
402 detectives were forced to spend their Christmas day wasting  
403 valuable resources investigating what was presented as a  
404 gruesome crime that never appeared to committed.

405       There are multiple other cases of this, and I worry if  
406 the House and Senate do not pass this bill there will be  
407 other times that will eventually end up in tragedy. I urge  
408 my colleagues not only to move this from committee and not  
409 only to move this from the House and not only move this from  
410 the Senate but please get this to the President's desk and  
411 let the citizens of America know that when their caller ID  
412 shows up, they have the right to know if that call is unsafe,

413 unknown or unwanted. This is a tragedy waiting to be  
414 committed here if we do not make sure that caller ID numbers  
415 are honest and straightforward.

416         Again, I call upon all members of this committee to pass  
417 a bill that we have looked at in the 109th, the 110th and  
418 111th Congresses to make sure that our citizens are safe and  
419 make sure that they know that the truth in caller ID is  
420 really going to prevent criminals from being able to steal or  
421 mask or alter caller identification to deceive victims.

422         With that, I yield back.

423         [The prepared statement of Mr. Murphy of Pennsylvania  
424 follows:]

425 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
426           The {Chairman.} Thank you very much.

427           Who seeks recognition? Mr. Green.

428           Mr. {Green.} Thank you, Mr. Chairman. I ask unanimous  
429 consent to place my full statement in the record.

430           All three of the bills are very good bills, but I would  
431 like to talk about H.R. 1258, the Truth in Caller ID Act of  
432 2009. It is an important bill, and I have taken an interest  
433 in it in the committee marked up the legislation last  
434 Congress. Caller ID is a great benefit to millions of  
435 Americans by giving them control over their telephones and  
436 who and when they talk on the phone. Like many technological  
437 advances, caller ID is a benefit but bad actors can take  
438 advantage of it and turn the technology against the people it  
439 is supposed to help. We want certain people to be able to  
440 mask caller ID information for good purposes like protecting  
441 abused women and children or anonymous whistleblowers but do  
442 not want people to be able to obtain it for deceptive  
443 purposes.

444           Last Congress, I had several concerns about the bill  
445 that did not go far enough to address an issue that arose in  
446 Texas with robocalls that were using misleading caller ID  
447 information. I worked with Mr. Engel on an amendment to  
448 address that. Every election year there are reports of

449 abusive and deceptive political robocalls and recent reports  
450 claimed that some of these calls used deceptive caller ID  
451 information. We don't want to limit someone's free political  
452 speech, and why should we allow someone to call voters with  
453 fake caller ID information that they are claiming they are a  
454 local Democratic or Republican Party when they are really  
455 not. We also do not want those automated calls to use  
456 innocent businesses' caller ID info, which causes the people  
457 to blame these businesses instead of the real source of the  
458 calls.

459         This bill, particularly the amendment in the nature of a  
460 substitute, addresses that and strengthens the previous  
461 language, and I applaud the bill's sponsor for strengthening  
462 it. It is a good bill and I urge my colleagues to support it  
463 unanimously as we refer it to the House.

464         Again, Mr. Chairman, I have a full statement I would  
465 like to place in the record.

466         [The prepared statement of Mr. Green follows:]

467 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
468           The {Chairman.} Without objection, that will be  
469 ordered. Thank you, Mr. Green.

470           The Chair would like to now recognize the Ranking Member  
471 of the full committee for 5 minutes, Mr. Barton.

472           Mr. {Barton.} It won't take 5 minutes, Mr. Chairman. I  
473 am proud to be a sponsor of one of these bills, the Truth in  
474 Caller ID Act, and that is the reason I came is just to make  
475 sure you know that I am an original sponsor. Since it is  
476 truth in caller ID, we need to have truth in original  
477 cosponsorship too.

478           These are three good bills. They have all been done on  
479 a bipartisan basis. Mr. Stearns and Mr. Boucher worked very  
480 well at subcommittee and hopefully the full committee will go  
481 just as well.

482           So I am putting my statement in the record, but it is  
483 good to have a markup where we haven't been up all night  
484 killing trees to create amendments to cause problems. So we  
485 appreciate this cooperation. I yield to Mr. Murphy of  
486 Pennsylvania.

487           Mr. {Murphy of Pennsylvania.} I just wanted to take 15  
488 seconds to let members know that another incident occurred  
489 where an organization was using my House of Representatives  
490 office numbers to make calls on a phony caller ID, and I

491 wanted to alert members that that is not illegal. I mean, I  
492 think it is illegal from pretending you are a federal office  
493 but they were able to obtain this. We couldn't track that  
494 down and they were calling and harassing constituents, so I  
495 wanted members to know another reason why to pass this.

496 Thank you.

497       The {Chairman.} Your staff told you it was a phony  
498 deal, not your office?

499       Mr. {Murphy of Pennsylvania.} It was not our office.

500       The {Chairman.} It wasn't your office? Okay.

501       Mr. {Murphy of Pennsylvania.} No, sir, it wasn't our  
502 office.

503       Mr. {Barton.} I yield back, Mr. Chairman.

504       [The prepared statement of Mr. Barton follows:]

505 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
506           The {Chairman.} Thank you, Mr. Barton.

507           Who seeks recognition? Ms. Harman, you are next.

508           Ms. {Harman.} Thank you, Mr. Chairman, and let me  
509 applaud the tone of this markup, and the content. These  
510 bills are that the heart of efficient radio spectrum  
511 management. Spectrum is a precious and finite resource. We  
512 need to use it wisely and protect it. I have for years  
513 championed the use of dedicated spectrum for first responders  
514 and proper management is the way to get there.

515           We must think about the radio spectrum the same way we  
516 do other natural resources like air and water. Mr. Barton is  
517 here. I hope he heard what I said. We need to have a full  
518 understanding of the spectrum landscape which the Radio  
519 Spectrum Inventory Act is designed to give us. This bill  
520 will help identify how and where spectrum is being used and  
521 the frequencies that are claimed but not being used.

522           That leads to the second bill, the Spectrum Relocation  
523 Improvement Act. The federal government is the largest  
524 holder of spectrum and auctioned off a host of frequencies to  
525 independent commercial and shared private-public use but the  
526 government has been slow to relocate its spectrum to the  
527 winners. This bill will require the National  
528 Telecommunications and Information Agency to make transition

529 plans for this complex before the next spectrum auction.

530       Let us not forget what happened to the D block auction  
531 in 2008, something I was very close to. That was supposed to  
532 allocate additional spectrum for first responders' use. The  
533 prices were too high for what the spectrum was actually  
534 worth, and no one bought anything. This bill will help add  
535 clarity and prevent that from happening again.

536       And finally, the Committee is taking up a bill that  
537 anyone who has gotten a telemarketing call during dinner will  
538 appreciate. The Truth in Caller Act will make it illegal  
539 for a caller to spoof his number on your caller ID, that is,  
540 to intentionally conceal who it is that is actually calling.  
541 Spoofing will only get easier as more calls are moved to  
542 easily manipulated Internet services.

543       Mr. Chairman, this committee is doing its work today,  
544 and I really want to applaud a successful and bipartisan  
545 markup. I yield back.

546       [The prepared statement of Ms. Harman follows:]

547 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
548           The {Chairman.} Thank you, Ms. Harman.

549           Further recognition? Mr. Burgess.

550           Dr. {Burgess.} Mr. Chairman, I will just submit my  
551 statement for the record.

552           [The prepared statement of Dr. Burgess follows:]

553           \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
554           The {Chairman.} Without objection, it will be put into  
555 the record.

556           Gentlelady.

557           Mrs. {Blackburn.} Thank you, Mr. Chairman. I want to  
558 thank you for the markup today and just briefly a word on the  
559 spectrum issue.

560           We are all waiting for the broadband plan to be  
561 announced next week from the FCC but I am glad that we are  
562 moving ahead with the issue of spectrum and spectrum  
563 inventory and spectrum relocation today. I think that is  
564 important. It is crucial that we have a better handle on  
565 what is happening with the spectrum and how it is being used  
566 and how we need to utilize it. So I am appreciative of that.

567           I am also appreciative that these bills don't focus on  
568 the politics but rather call on the engineers to give us an  
569 honest and thorough assessment of the spectrum availability  
570 which is a great starting point as the debate over the  
571 broadband plan will begin and as it continues and moves  
572 forward.

573           I think it is also important that as we have this  
574 discussion and look at these bills and look at our spectrum  
575 relocation, we realize that even according to GAO, 80 percent  
576 of the American consumers are happy, they are pleased with

577 their wireless service, and so it is ample motivation for us  
578 to get as much information as we possibly can about the  
579 spectrum availability and evaluate all of the options that  
580 are going to be before us.

581         So thank you for this and for the hearing, and I yield  
582 back.

583         [The prepared statement of Mrs. Blackburn follows:]

584 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
585           The {Chairman.} Thank you very much.

586           Mr. Inslee.

587           Mr. {Inslee.} Thank you. I just think we should  
588 declare a national day of celebration because we actually  
589 have a bipartisan bill that helps government work better, and  
590 I want to applaud our Republican colleagues, Mr. Upton  
591 working on this 3019, the spectrum bill that we worked on,  
592 and Chairmen Waxman and Boucher and Ranking Members Barton  
593 and Stearns and everyone. This is a success. It does help  
594 in fact government work better by increasing the quality of  
595 information available for bidders in the spectrum. It  
596 expedites flow of auction proceeds. It is a commonsense  
597 thing that makes government work better, and I look forward  
598 to working with the National Telecommunications and  
599 Information Administration and the rest of my colleagues if  
600 folks have ideas on how to continue to perfect it, as the  
601 Chair talked about.

602           Thank you very much, Mr. Chair.

603           [The prepared statement of Mr. Inslee follows:]

604           \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
605           The {Chairman.} Thank you, Mr. Inslee.

606           The gentleman from Georgia.

607           Dr. {Gingrey.} Mr. Chairman, I want to thank you for  
608 calling today's markup on these three pieces of legislation.

609 They have all been considered by the Subcommittee on  
610 Communications, Technology, and the Internet. I would also  
611 like to commend you for working with Ranking Member Barton  
612 and minority member of the committee to craft these bills.

613           Mr. Chairman, all three of these bills represent the  
614 spirit of comity and level of effectiveness that can occur  
615 when we work in a bipartisan fashion on these important  
616 telecommunications issues. As we progress through the rest  
617 of the year, I do certainly hope that this trend of  
618 bipartisanship will continue.

619           H.R. 3125, the Radio Spectrum Inventory Act, addresses  
620 one of the biggest issues facing the telecommunications  
621 industry and what FCC Chairman Genachowski called a looming  
622 spectrum crisis that could undermine the future advances in  
623 mobile broadband. This important legislation will simply  
624 require that NTIA and the FCC to develop an inventory of each  
625 spectrum band of frequency. With this inventory, we will get  
626 a better sense of what is already being utilized and what is  
627 available for our future use.

628           Mr. Chairman, H.R. 3019, the Spectrum Relocation  
629 Improvement Act, seeks to improve the process of clearing all  
630 federal users from spectrum that has been reallocated or  
631 auctioned off for commercial use. I applaud our committee  
632 colleagues, Chairman Boucher, Mr. Inslee and Mr. Upton, for  
633 working to craft legislation that will inevitably help  
634 expedite the completion of future spectrum auctions. In the  
635 spectrum auction conducted in 2006, the FCC gained \$13.7  
636 billion but unfortunately there were numerous delays in  
637 removing users from the spectrum and this incurring  
638 additional cost. H.R. 3019 seeks to make this a much simpler  
639 process by requiring NTIA to make publicly available the  
640 transition plans for federal users, thereby adding  
641 transparency to the process.

642           Mr. Chairman, H.R. 1258, the Truth in Caller ID Act,  
643 would make it a crime under the Communications Act to  
644 manipulate technology to falsify ID information that is being  
645 sent to the recipient of a call. With the rising practice of  
646 spoofing, caller ID information, particularly as voice-over-  
647 Internet protocol, that technology has made it easier to  
648 spoof information, and I am pleased to see that H.R. 1258  
649 will address this matter in a simple way.

650           Mr. Chairman, all three bills under consideration by the  
651 full committee today are the product of strong and successful

652 bipartisan work. I look forward to reporting H.R. 3125, H.R.  
653 3019 and H.R. 1258 back to the full House. It is my hope  
654 that these bills will soon be considered on the House floor.  
655 I urge my colleagues to support these bills and I yield back  
656 the balance of my time.

657 [The prepared statement of Dr. Gingrey follows:]

658 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|  
659           The {Chairman.} I thank the gentleman for yielding back  
660 his time.

661           Are there any further requests for time for opening  
662 statements? Mr. Scalise.

663           Mr. {Scalise.} Thank you, Mr. Chairman and Ranking  
664 Member Barton for having this markup. I applaud both of you  
665 as well as Mr. Boucher and Mr. Stearns for your bipartisan  
666 work on this legislation before us today.

667           One of the most pressing issues facing technology  
668 industries is the availability and use of spectrum,  
669 especially given the dramatic increase we are seeing in use  
670 of wireless services. As wireless technologies continue to  
671 advance and more Americans use mobile devices for data-  
672 intensive purposes, the demand for spectrum will grow  
673 rapidly. Additional spectrum will be needed, and soon. I am  
674 sure many in the industry would already be able to take  
675 advantage of that spectrum if it was available today.

676           Today, our committee takes critical steps in helping  
677 meet these challenges. Both H.R. 3125, the Radio Spectrum  
678 Inventory Act, and H.R. 3019, the Spectrum Relocation  
679 Improvement Act, are important bills that will help promote  
680 and advance effective and efficient use of spectrum. The  
681 first step must be identifying which spectrum is available

682 and how the spectrum is currently being utilized, and the  
683 Radio Spectrum Inventory Act will do just that by requiring  
684 NTIA and the FCC to undertake a comprehensive survey of the  
685 Nation's spectrum and develop an inventory. I am pleased to  
686 see that the bill also identifies the types of services  
687 provided and the amount of use of each band on a geographic  
688 basis. This will help us understand what bands are being  
689 used ineffectively and what areas of the country are lacking  
690 the use of wireless services and the benefits they provide.  
691 Taking this inventory is the only way we will be able to know  
692 what spectrum can be relocated and what spectrum can be  
693 shared or used in a more efficient manner. We will then be  
694 able to decide the best ways to utilize the spectrum and  
695 where needed relocate it.

696         Unfortunately, this process will take time, which is not  
697 good for an industry that changes and develops so rapidly.  
698 We have seen delays and problems resulting from the last  
699 auction. Agencies have been behind schedule in clearing  
700 spectrum and unforeseen costs and complexities have arisen.  
701 We do not want these problems to discourage future  
702 participation in broadband auctions and relocations. We need  
703 to improve the relocation process, and the Spectrum  
704 Relocation Improvement Act will help achieve this goal,  
705 requiring the NTIA to publish a transition plan clarifying

706 the steps users must take to receive payment for their  
707 relocation costs, and placing a time requirement on this  
708 process will facilitate relocation and make this process  
709 better for future auctions.

710 Finally, we have seen an unsettling rise in technologies  
711 and services that allow individuals who wish to deceive  
712 others through caller ID manipulation to do so very easily.  
713 Spoofing, as it is known, not only creates public safety  
714 concerns but also threatens business applications that rely  
715 on telephone numbers as part of their verification and  
716 authentication process. I am pleased that Mr. Engel and Mr.  
717 Barton have brought the Truth in Caller ID Act forward. This  
718 legislation will help protect consumers and vital business  
719 services and hopefully prevent the use and proliferation of  
720 spoofing.

721 Mr. Chairman, I want to close by saying that the  
722 technology industry and the wireless industry in particular  
723 have been very successful and they are industries that  
724 continue to invest in new technologies and infrastructure and  
725 continue to create good jobs even during tough economic  
726 times. We certainly don't want to do anything to discourage  
727 that job creation. We do not want to delay the expansion of  
728 wireless broadband services or put impediments in place that  
729 will hinder efforts to utilize spectrum more efficiently and

730 effectively. We want to facilitate investments in these  
731 technologies so that consumers can continue to benefit from  
732 them.

733 Thank you, and I yield back.

734 [The prepared statement of Mr. Scalise follows:]

735 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

|

736           The {Chairman.} Thank you very much.

737           Any other opening statements that members wish to give?

738   If not, let us proceed to the legislation.

|

739 H.R. 3125

740           The {Chairman.} The Chair calls up H.R. 3125, the Radio  
741 Spectrum Inventory Act. The version before the committee is  
742 H.R. 3125 as amended by the Subcommittee on Communications,  
743 Technology, and the Internet. Without objection, the bill is  
744 considered as read and open to amendment at any point.

745           [H.R. 3125 follows:]

746 \*\*\*\*\* INSERT 1 \*\*\*\*\*

|  
747           The {Chairman.} I would now like to recognize Mr.  
748 Boucher for the purpose of offering an amendment.

749           Mr. {Boucher.} Thank you very much, Mr. Chairman. I  
750 have an amendment in the nature of a substitute, a Manager's  
751 Amendment, at the desk.

752           [The amendment follows:]

753 \*\*\*\*\* INSERT 2 \*\*\*\*\*

|  
754           The {Chairman.} Without objection, that amendment will  
755 be considered as read, and the gentleman is recognized for 5  
756 minutes.

757           Mr. {Boucher.} Thank you very much, Mr. Chairman.

758           The amendment in the nature of a substitute reflects  
759 recommendations that we have reviewed from a wide array of  
760 interested parties and it also incorporates suggestions that  
761 have been made by members on both sides of the aisle during  
762 the course of the subcommittee consideration and in the time  
763 intervening since that markup, and I want to express  
764 appreciation particularly to our Republican colleagues for  
765 the constructive work that we have all undertaken together in  
766 order to structure the Manager's Amendment.

767           It makes the following key changes. It lengthens from 2  
768 to 4 years the time within which the agencies make  
769 recommendations to Congress for spectrum reallocations and  
770 requirements for spectrum sharing in recognition of the fact  
771 that the agencies simply need time in order to perform the  
772 complex evaluations that will underlie these recommendations.  
773 It provides that the spectrum inventory extend from 225  
774 megahertz to 3.7 gigahertz and then extend up to as much as  
775 10 gigahertz but the extension to 10 gigahertz would only  
776 occur upon a finding that the benefit of that extension

777 outweighs its cost. Under this amendment, the agencies would  
778 be required to explain why in their view the benefit does not  
779 outweigh the cost if on three successive occasions the  
780 agencies decide not to extend the inventory all the way to 10  
781 gigahertz, and the amendment revises the national security  
782 portions of the bill to include a consultative rule for the  
783 National Security Council in determining what information  
784 about spectrum use should be publicly withheld. It also  
785 allows agency heads to decide that non-disclosure of spectrum  
786 held outside their own agency holdings could under certain  
787 circumstances be deemed damaging to national security and be  
788 withheld.

789 I again want to thank all members for the coordinated  
790 work we have done in structuring this Manager's Amendment,  
791 and I urge its adoption by the committee.

792 The {Chairman.} Will the gentleman yield to me?

793 Mr. {Boucher.} I will be pleased to yield.

794 The {Chairman.} This amendment has been agreed to by  
795 all the participants in the legislation as a Manager's  
796 Amendment. Is that correct?

797 Mr. {Boucher.} That is correct, Mr. Chairman.

798 The {Chairman.} Is there discussion? If not, let us  
799 proceed to the vote. All those in favor of the Boucher  
800 amendment in the nature of a substitute say aye. Opposed,

801 no. The ayes have it and the motion is agreed to.

802 Are there further amendments in the legislation?

803 Mr. {Buyer.} I move to strike the last word.

804 The {Chairman.} The gentleman, Mr. Buyer, is recognized  
805 for 5 minutes.

806 Mr. {Buyer.} Thank you, Mr. Chairman.

807 When we had a hearing on this issue and subsequent  
808 markup, I brought up an issue about making sure that the  
809 contracts between the commercial user and the federal  
810 government, that we honor those contracts, and Mr. Boucher,  
811 you brought up this issue in fact in the last auction. There  
812 is spectrum that still has not yet been cleared, and first, I  
813 thought what maybe we should do is begin to penalize  
814 government and begin to reward, Mr. Waxman, these--

815 The {Chairman.} Will the gentleman yield to me?

816 Mr. {Buyer.} Yes.

817 The {Chairman.} I believe that you might be referring  
818 to what is in the next bill, so if you will withhold--

819 Mr. {Buyer.} Which one are you doing first?

820 The {Chairman.} We are doing the spectrum, H.R. 3125--

821 Mr. {Buyer.} I withdraw.

822 The {Chairman.} --the radio spectrum inventory.

823 Mr. {Buyer.} I am eager.

824 The {Chairman.} The gentleman will be recognized again

825 on his very important point.

826 Any further discussion? The motion now comes to report  
827 H.R. 3125 as amended with a recommendation that the bill  
828 pass. All those in favor, say aye. Opposed, no. The ayes  
829 have it and the motion is agreed to.

830 Mr. {Stearns.} Mr. Chairman.

831 The {Chairman.} Yes?

832 Mr. {Stearns.} I just ask that the minority pursuant to  
833 the rules be granted the requisite number of days to submit  
834 comments on the bill just reported.

835 The {Chairman.} Without objection, that will be the  
836 order.

|  
837 H.R. 3019  
838           The {Chairman.} The Chair now calls up H.R. 3019, the  
839 Spectrum Relocation Improvement Act. This version before the  
840 committee is the bill as introduced. Without objection, the  
841 bill is considered as read and open to amendment at any  
842 point.

843           [H.R. 3019 follows:]

844 \*\*\*\*\* INSERT 3 \*\*\*\*\*

|  
845           The {Chairman.} I want to recognize Mr. Buyer at this  
846 point on this issue.

847           Mr. {Buyer.} Thank you, so long as you strike  
848 everything I said from the record on the last bill.

849           What we were hoping to do is make sure that we had  
850 fidelity with our contracts, and you know, I tried to be  
851 creative. We explored the idea of well, maybe we should  
852 start paying interest to these companies if we are not going  
853 to clear. I appreciate Mr. Boucher and your staff working  
854 with me. And then we thought about this idea of trying to  
855 provide incentives to agencies to clear and what type of  
856 percentage then would you give to an agency to clear, and in  
857 the end, I just couldn't figure it out because you could  
858 actually have a situation whereby you give incentives to  
859 certain agencies to clear yet the same agencies that continue  
860 to be the problem, whether it is DOD or Homeland Security or  
861 the Department of Justice can still then apply for waivers so  
862 money moves out there to clear and we still don't have the  
863 cleared spectrum. So this idea of trying to incentivize  
864 agencies seemed to be just sort of a bridge too far.

865           I want to compliment the one year and trying to give  
866 assurances out there that we are trying to ensure that these  
867 contracts are honored. I believe that the executive branch

868 bears the responsibility and authority to use all resources  
869 available in ensuring the relocating agencies honor their  
870 contracts. So I am not going to offer the amendment. I  
871 appreciate, Mr. Boucher, your staff working with me on report  
872 language that spells out our interests, our intent of the  
873 legislation, and I want to thank you for doing that. I yield  
874 back.

875         The {Chairman.} The gentleman yields back his time.

876         Are there any amendments to the legislation? If not,  
877 the motion now is to order reported H.R. 3019 with a  
878 recommendation that the bill pass. All those in favor of the  
879 motion, say aye. Opposed, no. The ayes have it and the  
880 motion is agreed to, and the minority will have the requisite  
881 amount of time for filing any other views.

882         Mr. {Stearns.} Thank you, Mr. Chairman.

|

883 H.R. 1258

884           The {Chairman.} We now consider H.R. 1258, the Truth in  
885 Caller ID Act sponsored by Representative Engel and others.  
886 The version before the committee is H.R. 1258 as amended by  
887 the Subcommittee on Communications, Technology, and the  
888 Internet. Without objection, the bill is considered as read  
889 and open to amendment at any point.

890           [H.R. 1258 follows:]

891 \*\*\*\*\* INSERT 4 \*\*\*\*\*

|  
892           The {Chairman.} Mr. Boucher, do you wish to be  
893 recognized?

894           Mr. {Boucher.} Yes, Mr. Chairman. I have an amendment  
895 in the nature of a substitute for the legislation.

896           [The amendment follows:]

897 \*\*\*\*\* INSERT 5 \*\*\*\*\*

|  
898           The {Chairman.} Without objection, that amendment will  
899 be considered as read, and the gentleman is recognized for 5  
900 minutes.

901           Mr. {Boucher.} Thank you very much, Mr. Chairman.

902           This amendment really only makes one change. It adds  
903 spoofing with the intent to deceive to the conduct that is  
904 prohibited under the legislation. That clarification ensures  
905 that the measure encompasses deceptive activity whether or  
906 not there is an intent on the part of the perpetrator to  
907 cause harm. This amendment has been approved by interested  
908 parties who have examined the measure, including our friends  
909 in the minority. I thank them for their cooperation.

910           Let me also just take this opportunity to commend both  
911 Mr. Engel and Mr. Barton for their persistent work on this  
912 measure. Hopefully in this Congress, we will see the  
913 enactment of the legislation they have pursued now for many  
914 years. Thank you, Mr. Chairman.

915           The {Chairman.} Thank you. Before we consider the  
916 amendment in the nature of a substitute, I ask unanimous  
917 consent that the language changing the title of the bill be  
918 considered a part of the bill's text. Without objection,  
919 that will be the order.

920           Any further discussion of the amendment in the nature of

921 a substitute offered by Representative Boucher?

922 Mr. {Engel.} Mr. Chairman?

923 The {Chairman.} Mr. Engel.

924 Mr. {Engel.} Do I need to move to strike the last word?

925 The {Chairman.} No, you can be recognized on the

926 amendment.

927 Mr. {Engel.} Okay. Thank you, Mr. Chairman. I

928 certainly support Mr. Boucher's change, and I want to take

929 this opportunity to thank you for your interest in the bill

930 and for calling today's markup. I want to thank Mr. Boucher,

931 Mr. Barton and Mr. Stearns.

932 I am here in strong support of my legislation, the Truth

933 in Caller ID Act. This has been, as Mr. Boucher said, a

934 bipartisan matter, and Mr. Stearns and my classmate has been

935 very helpful. All the way down, everybody has agreed that

936 this is something long coming. I introduced the bill because

937 we needed an immediate change in our laws to help prevent

938 identity theft, to crack down on fraudulent phone calls and

939 to protect legitimate uses of caller ID technology.

940 Last year, over 6,000 people were victimized by credit

941 card fraud and identity theft. Criminals stole over \$15

942 million from banks and ruined the credit of thousands of

943 victims. They were able to perpetrate this fraud in some

944 instances by using caller ID spoofing. The disturbing fact

945 about spoofing is not just that it is legal but how easy it  
946 is to carry out. Criminals use a tool called a spoof card to  
947 change their outgoing caller ID, and even to disguise their  
948 voice in order to trick banks into giving them access to  
949 their victims' accounts. You can have a male or a female  
950 voice and you can disguise all these things with the  
951 technology that is around today, and it just ought to stop.  
952 This tool is available to anyone with access to a web  
953 browser.

954         No one can dispute that the legislation is necessary.  
955 Last year a person in New York called a pregnant woman who  
956 she viewed as a romantic rival spoofing the phone number of  
957 the woman's pharmacist. She tricked the woman into taking a  
958 drug used to call abortions. Caller ID fraud has been used  
959 to prank call the constituents of a member of this body with  
960 the caller ID readout saying it came from that member's  
961 office. Just imagine if people committed this fraud on the  
962 days leading up to a close election.

963         So in response to this problem, I along with Mr. Barton  
964 have introduced the Truth in Caller ID Act. The bill outlaws  
965 the deceptive use of caller ID spoofing technology if the  
966 intention of the caller is to deceive the recipient of the  
967 call. This bill does not change the rules for legitimate  
968 uses of the technology. For example, a domestic abuse

969 shelter will still be able to change their number on caller  
970 ID to protect the occupants of the shelter.

971         So I am pleased in conclusion that the bill passed both  
972 this committee and the full House by voice vote in the 109th  
973 and 110th Congresses, and I look forward to its passage in  
974 the committee again today and hope the other body will pass  
975 it as well, and I urge my colleagues very strongly to support  
976 the Truth in Caller ID Act and outlaw this type of fraud once  
977 and for all, and I yield back and I thank you, Mr. Chairman.

978         The {Chairman.} Thank you, Mr. Engel.

979         Is there further discussion or amendments to the  
980 amendment that is pending in the nature of a substitute?  
981 Seeing no member seeking recognition, I now call the vote on  
982 the amendment in the nature of a substitute offered by  
983 Representative Boucher. All those in favor, say aye.  
984 Opposed, no. The ayes have it and the amendment in the  
985 nature of a substitute is agreed to.

986         I would like to now move to order reported H.R. 1258 as  
987 amended with a recommendation that the bill pass. All those  
988 in favor of reporting the bill, say aye. Opposed, no. The  
989 ayes have it and the motion is agreed to.

990         I would like to ask unanimous consent for all three  
991 bills that the staff make technical and conforming changes,  
992 which is the usual kind of UC that we have under these

993 circumstances. Mr. Stearns, do you wish to make--

994           Mr. {Stearns.} Again, I ask that the minority pursuant  
995 to the rules be granted the requisite number of days to  
996 submit comments on the bill just reported.

997           The {Chairman.} Without objection, that will be the  
998 order.

999           That concludes our business for today. I thank all the  
1000 members for their participation, and we stand adjourned.

1001           [Whereupon, at 10:58 a.m., the Committee was adjourned.]