

(2007 Va. Acts c. 378 and 2009 Va. Acts c. 540) and the District of Columbia (D.C. Act 17-622) contain amendments to article III of title I of the Compact regarding appointment of members to the Washington Metropolitan Area Transit Commission; and

Whereas the consent of Congress is required in order to implement such amendments: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT OF CONGRESS TO COMPACT AMENDMENTS.

(a) CONSENT.—Consent of Congress is given to the amendments of the State of Maryland, the amendments of the Commonwealth of Virginia, and the amendments of the District of Columbia to article III of title I of the Washington Metropolitan Area Transit Regulation Compact.

(b) AMENDMENTS.—The amendments referred to in subsection (a) are substantially as follows:

(1) Section 1(a) is amended to read as follows:

“(a) The Commission shall be composed of 3 members, 1 member appointed by the Governor of Virginia from the Department of Motor Vehicles of the Commonwealth of Virginia, 1 member appointed by the Governor of Maryland from the Maryland Public Service Commission, and 1 member appointed by the Mayor of the District of Columbia from a District of Columbia agency with oversight of matters relating to the Commission.”.

(2) Section 1 is amended by inserting at the end the following:

“(d) An amendment to section 1(a) of this article shall not affect any member in office on the amendment’s effective date.”.

SEC. 2. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is expressly reserved.

SEC. 3. CONSTRUCTION AND SEVERABILITY.

It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. If any part or application of this compact, or legislation enabling the compact, is held invalid, the remainder of the compact or its application to other situations or persons shall not be affected.

SEC. 4. INCONSISTENCY OF LANGUAGE.

The validity of these amendments to the compact shall not be affected by any insubstantial differences in its form or language as adopted by the State of Maryland, Commonwealth of Virginia and District of Columbia.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Madam Speaker, I yield myself as much time as I may consume.

This jurisdiction comes to the Judiciary Committee under the commerce clause, which says that all compacts must come through the committee. The Public Service Commission of the District of Columbia is being replaced with the District of Columbia agency with oversight of matters relating to the commission. The State Corporation Commission of the Commonwealth of Virginia is being replaced with the Commonwealth’s Department of Motor Vehicles.

There are a number of our colleagues in the Senate that should be thanked for helping expedite this matter: Senators CARDIN, MIKULSKI, MARK WARNER, and JIM WEBB. We are grateful to them all.

I urge my colleagues to support this resolution because it is obviously in the interests of all that this commission be governed by a three-member board with one representative each from the District of Columbia, the Commonwealth of Virginia, and the State of Maryland. I urge its support.

I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, it is always nice to agree with the Chairman of the Judiciary Committee. I too support Senate Joint Resolution 25.

This resolution grants Congress’ approval to amendments that the State of Maryland, the Commonwealth of Virginia and the District of Columbia have made to the Washington Metropolitan Area Transit Regulation Compact.

Under the amendments, the District of Columbia may appoint its member of the Washington Metropolitan Area Transit Commission from any District agency with oversight of matters relating to the commission.

The District is thus freed from the requirement to appoint its member from the District’s Public Service Commission, which no longer has responsibility for affairs regulated by the Washington Metropolitan Area Transit Commission.

Similarly, the amendments allow Virginia to appoint its commission member from the Virginia Department of Motor Vehicles, rather than the State’s Corporation Commission.

The amendments perform a desirable piece of housekeeping regarding the compact. All of the jurisdictions that are party to the compact have agreed to the amendments.

I urge all Members to support the resolution, which aids the operation of this important interstate body.

I yield back the balance of my time.

Mr. CONYERS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the joint resolution, S.J. Res. 25.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

TRUTH IN CALLER ID ACT OF 2010

Mr. BOUCHER. Madam Speaker, I move to suspend the rules and pass the

bill (H.R. 1258) to amend the Communications Act of 1934 to prohibit manipulation of caller identification information, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1258

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Truth in Caller ID Act of 2010”.

SEC. 2. PROHIBITION REGARDING MANIPULATION OF CALLER ID INFORMATION.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following new subsection:

“(e) PROHIBITION ON PROVISION OF DECEPTIVE CALLER ID INFORMATION.—

“(1) IN GENERAL.—It shall be unlawful for any person within the United States, in connection with any real time voice communications service, regardless of the technology or network utilized, to cause any caller ID service to transmit misleading or inaccurate caller ID information, with the intent to defraud or deceive.

“(2) PROTECTION FOR BLOCKING CALLER ID INFORMATION.—Nothing in this subsection may be construed to prevent or restrict any person from blocking the capability of any caller ID service to transmit caller ID information.

“(3) REGULATIONS.—

“(A) DEADLINE.—Not later than 6 months after the date of enactment of this subsection, the Commission shall prescribe regulations to implement this subsection.

“(B) CONSIDERATION OF RELATED REGULATIONS.—In conducting the proceeding to prescribe the regulations required by subparagraph (A), the Commission shall examine whether the regulations under subsection (b)(2)(B) should be revised to require calls that are not made for a commercial purpose to residential telephone lines using an artificial or prerecorded voice to deliver a message to transmit caller ID information that is not misleading or inaccurate.

“(4) LAW ENFORCEMENT EXCEPTION.—This section does not prohibit lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States, or any activity authorized under chapter 224 of title 18, United States Code.

“(5) SAVINGS PROVISION.—Except as provided for in paragraph (3)(B), nothing in this subsection may be construed to affect or alter the application of the Commission’s regulations regarding the requirements for transmission of caller ID information, issued pursuant to the Telephone Consumer Protection Act of 1991 (Public Law 102-243) and the amendments made by such Act.

“(6) DEFINITIONS.—For purposes of this subsection:

“(A) CALLER ID INFORMATION.—The term ‘caller ID information’ means information provided to an end user by a caller ID service regarding the name or the telephone number of the caller or other information regarding the origination of a call made using any real time voice communications service, regardless of the technology or network utilized.

“(B) CALLER ID SERVICE.—The term ‘caller ID service’ means any service or device designed to provide the user of the service or device with the name or the telephone number of the caller or other information regarding the origination of a call made using any real time voice communications service, regardless of the technology or

network utilized. Such term includes automatic number identification services.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. BOUCHER. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the legislation currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BOUCHER. Madam Speaker, I yield myself such time as I may consume.

Today the House considers H.R. 1258, the Truth in Caller ID Act. This measure was introduced by our colleagues Mr. ENGEL and Mr. BARTON, the ranking member of our Committee on Energy and Commerce. It would direct the Federal Communications Commission to prohibit caller ID spoofing, through which a caller falsifies the original caller ID information during the transmission of a call with the intent to defraud or to deceive.

Typically, caller ID spoofing involves a caller changing the number that would show on the call recipient's caller ID when that call is received. Spoofing has been possible for a number of years, but it has generally required very expensive equipment in order to change the outgoing call information. But with the growth of voice over IP telephoning, spoofing has become easier, and it has become less expensive, and a number of Web sites now are offering spoofing services. So its prevalence, unfortunately, is growing. That growth and the volume of spoofing makes necessary the legislation under consideration presently.

The proliferation of spoofing technologies and services means that those who want to deceive others by manipulating caller ID can now do so with relative ease. Spoofing threatens a number of existing business applications, including credit card verification and automatic call routing, because these systems rely on the telephone number as identified by the caller ID system as one piece of verification and authentication information.

At other times, however, spoofing may be used to protect individuals. I would note an example of domestic violence shelters that sometimes use spoofing to mask the identity of the caller in order to protect that caller's safety. By prohibiting the use of caller ID spoofing only where the intent is to defraud or deceive, this measure will address nefarious uses of the technology while continuing to allow those legitimate uses. In the domestic violence shelter situation, there is no intent to cause harm, which is an element of the crime of deception. There-

fore, using caller ID spoofing to protect the location of a victim of domestic violence is not deceptive, and would be allowed under the provisions of the bill now under consideration.

This measure on previous occasions, in fact in the two previous Congresses, has been approved in the House on the suspension calendar. A similar measure in this Congress has been approved by the Senate. I look forward to advancing this legislation today, and I want to say thank you to Mr. ENGEL, to Mr. BARTON, to my colleague and friend on the Commerce Committee, Mr. STEARNS, and other members of our committee who on a bipartisan basis have contributed to the construction of this measure and advancing it to the floor today. I urge approval of the bill.

I reserve the balance of my time.

Mr. STEARNS. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of this bill. As the chairman of the Telecommunications Subcommittee has indicated, this has passed twice before. We are coming here hoping that the Senate will take it up and pass it. It is a very good bill. The gentleman from New York has offered this bill.

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The bill is called the Truth in Caller ID Act, and obviously it's going to pass overwhelmingly today.

Millions of Americans use caller ID to secure greater privacy for their families. Yet as new technologies continue to be developed, a very simple deceptive practice called “caller ID spoofing” has simply become a growing problem for consumers and also for businesses. Caller ID spoofing occurs when a caller masquerades as someone else by falsifying the number that appears on the recipient's caller ID display. Now, you say, is this difficult? No, it isn't. Caller ID spoofing can make a caller appear to come from any phone number the caller so desires.

Unfortunately, under current FCC regulations, there is no requirement that all callers transmit accurate caller ID information. In fact, there is nothing that prohibits a deceptive manipulation of caller ID. This bill will go a long way in stemming the tide of caller ID spoofing by making it illegal to transmit misleading or inaccurate caller ID information while providing reasonable exemptions for law enforcement activities.

Madam Speaker, the increasing use of Internet telephone services has made it easier for people to make any number, any number, appear as a caller ID. In addition, several Web sites have sprung up to provide caller ID spoofing services, eliminating the need for any special hardware. So think of that. Entrepreneurship of these spoofers now has sprung to such a point that they can provide it on their Web sites. Although these caller ID spoofing services promote themselves for use in prank calls or for entertainment pur-

poses only, these services can be easily accessed and used by criminals.

Caller ID spoofing has emerged as a useful tool for identifying thieves and other scam artists. In addition, many business functions, from credit card verification to automatic call routing, simply depend on caller ID for security purposes, which spoofing can render useless. So, Madam Speaker, these nefarious actions are the target of this bill.

As you can see, this is a serious issue with far-reaching ramifications and implications for both consumers and for all businesses. This is an important bill, and I urge its passage.

I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, I yield such time as he may consume to the primary author of the legislation, one of our Commerce Committee colleagues, the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentleman for yielding to me.

Mr. Speaker, I stand today in strong support of my legislation, the Truth in Caller ID Act. But before I begin, I want to first thank my friend and the lead Republican on the Energy and Commerce Committee, Ranking Member JOE BARTON. I also want to thank the chairman of the Energy and Commerce Committee, HENRY WAXMAN, as well as the staff for being so accommodating in getting this bill to the floor today. And I want to thank my friend Mr. BOUCHER, who has helped in bringing this bill to the floor, and my friend and classmate Mr. STEARNS, who quite correctly said this is about as bipartisan a piece of legislation as you can get. This legislation has been developed in an extremely bipartisan manner, and I want to thank and commend everybody who worked on it.

I introduced this bill, Mr. Speaker, because we needed an immediate change in our laws to help prevent identity theft, to crack down on fraudulent phone calls, and to protect legitimate uses of caller ID technology. I first found out about this just simply by reading an article; and when I realized that this is actually something that could be done, I was flabbergasted. I went over to Mr. BARTON, who at the time was the chair of the full committee, and I said, JOE, something really needs to be done about this and would you work with me on it? And he said he would and he agreed and everybody agrees. And the House has passed this bill time and time again, and we hope we can get it passed in both Houses and get it signed.

Last year, the facts are stark, over 6,000 people were victimized by credit card fraud and identity theft. Criminals stole over \$15 million from banks and ruined the credit of thousands of victims. They were able to perpetrate this fraud in some instances by using caller ID spoofing. This disturbing fact about spoofing is not just that it's legal but how easy it is to carry out. Criminals use a tool called a “spoof

card" to change their outgoing caller ID and even to disguise their voices. Now, if you see a caller ID and you see it has a phone number, most people think that it's ironclad that that's the actual phone number that's calling them when in truth it's not. This technology even allows people to disguise their voice in order to trick banks into giving them access to their victims' accounts. So a man can do that and have his voice change into a woman's voice and vice versa.

So it's absolutely deceptive, absolutely scary, and dangerous; and this tool is available to anyone with access to a Web browser. So it's just ridiculous. The technology has gotten so far ahead of us, we need to have these kinds of laws to simply catch up.

Now, no one can dispute that this legislation is necessary. Last year, a person in New York called a pregnant woman whom she viewed as her romantic rival. Spoofing the phone number of the woman's pharmacist, she tricked the woman into taking a drug used to cause an abortion. I use it because it's one of the horrible examples; and there are many, many more horrible examples of how this is used.

And just think about it. Someone could be tricked into giving up personal medical information. Someone could be tricked to giving up banking information. If someone hears that it is their doctor calling and they take a look at the number and they see it's their doctor's number, they would give out personal information, credit card information, even Social Security identification.

So caller ID fraud has even been used to prank call the constituents of a Member of this body with the caller ID readout saying it came from that Member's office. Just imagine if people committed this fraud in the days leading up to a close election. You can call and you can say you are from one candidate's camp when you are really from the other candidate's camp. And when someone looks down at the phone number, they see it's from candidate A and they think it's legitimate, and it's really from candidate B. So imagine what kind of trouble can happen, what kind of mischief can be done. So this really, again, needs to be curtailed.

So, as everyone has said, in response to this problem, Mr. BARTON and I have introduced the Truth in Caller ID Act. Simply, this bill outlaws the deceptive use of caller ID spoofing technology if the intention of the caller is to deceive and harm the recipient of the call.

And let me say we developed that intention through hearings we had in the Energy and Commerce Committee because we want it to be legitimate. There are legitimate times where a number may have to be scrambled. We certainly do it here on Capitol Hill to protect Members and others and staff from having personal phone numbers being given out or private phone numbers being given out. So there is no intent to do that. That is why we say it

outlaws the deceptive use of caller ID spoofing technology if the intention of a caller is to deceive and harm the recipient of a call. And, again, through the hearings we have had, we have refined this bill; and that's why it has such strong bipartisan support.

Let say this bill does not change the rules for legitimate uses of a technology. For example, a domestic abuse shelter will still be able to change their number on caller ID to protect the occupants of the shelter, and I also gave the example about what we do here in Congress.

So I am pleased that this bill passed the House in the 109th and 110th Congresses, and I look forward to its passage again today. I strongly urge my colleagues to support the Truth in Caller ID Act and outlaw this type of fraud once and for all.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

Let me just comment a little bit further. The gentleman from New York mentioned some specific examples. There is another example that is used in political campaigns he perhaps knows about where people can use spoofing to call different homes in robo phone banking that calls and go around the congressional district as a fake and wake people up at 2 or 3 in the morning and people think this is coming from someone who it is not, and this has happened on both sides of the aisle. So this would prevent that. So I think it hits a little closer to home when you talk about it in those terms.

The other point that has been a concern is why has this bill not passed? I think the question has always been some kind of legal questions, whether there is liability involved for the phone company or anyone that transmits this information to a consumer or constituent through this illegal act of spoofing. And we are able to change that language, through bipartisanship, both sides, to try and make it—for example, if a phone company, not knowing, and how would they know, transmits the information, are they going to be liable for this, to be sued? Well, we worked it out that their not knowing, then they should not be liable for this. So I think that's important that this bill now has language that represents bipartisanship agreement so that the passage of this bill should be assured, I think, this time. So this should be the third and last time we're doing this. And in the end, I think it will be good for Americans to understand that this is an illegal activity and we want to stop it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOUCHER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I simply want to commend my colleagues on the Republican side for their bipartisan cooperation in bringing this much-needed measure before the House. Our committee performs best when it works in a bipar-

tisan mode, and we have done that with regard to this measure. We will do it with regard to the measure that will shortly be considered.

I also want to commend the gentleman from New York for his persistence in bringing this important measure to the House now for the third time. I very much hope, as I know he does, that we will be successful in having the measure pass through and signed into law.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in strong support of H.R. 1258, the Truth in Caller ID Act, an important bill, and one I have taken an interest in as we have worked on it over the last several Congresses in the Energy and Commerce Committee.

Caller ID is a great benefit to millions of Americans by giving them more control over their telephones and who and when they talk on the phone.

Like many technological advances, caller ID is a benefit, but bad actors can take advantage of it and turn the technology against the people it is supposed to help.

We want certain people to be able to mask caller ID information for good purposes, like protecting abused women and children or anonymous whistleblowers, but we do not want people to be able to do it for deceptive purposes.

Last Congress, I had some concern that the bill language did not go far enough to address an issue that arose in Texas with robocalls that were using misleading caller ID information, and I worked with Mr. ENGEL on an amendment to address that.

Every election year, there are reports of abusive or deceptive political robocalls and recently reports claim some of these calls are using deceptive caller ID information.

We don't want to limit anyone's political speech, but why should we allow someone to call voters with fake caller ID info claiming they are from the local Democratic or Republican Party when they are not?

We also do not want these automated calls to use innocent businesses' caller ID info which causes people to blame innocent businesses instead of the real source for the calls.

I applaud the bill's sponsor for strengthening the language to prevent this kind of deception during the Committee process.

I strongly support this bill, and I urge my colleagues to join me in voting for it.

Mr. BOUCHER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BOUCHER) that the House suspend the rules and pass the bill, H.R. 1258, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the Communications Act of 1934 to prohibit manipulation of caller ID information, and for other purposes."

A motion to reconsider was laid on the table.

RADIO SPECTRUM INVENTORY ACT

Mr. BOUCHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3125) to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3125

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Radio Spectrum Inventory Act".

SEC. 2. SPECTRUM INVENTORY.

Part B of title I of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921 et seq.) is amended by adding at the end the following:

"SEC. 119. SPECTRUM INVENTORY.

"(a) RADIO SPECTRUM INVENTORY.—In order to promote the efficient use of the electromagnetic spectrum, the NTIA and the Commission shall coordinate and carry out each of the following activities not later than 1 year after the date of enactment of this section:

"(1) Except as provided in subsection (e), create an inventory of each radio spectrum band of frequencies listed in the United States Table of Frequency Allocations, from 225 megahertz to, at a minimum, 3.7 gigahertz, and to 10 gigahertz unless the NTIA and the Commission determine that the burden of expanding the inventory outweighs the benefit, that includes—

"(A) the radio services authorized to operate in each band of frequencies;

"(B) the identity of each Federal or non-Federal user within each such radio service authorized to operate in each band of frequencies;

"(C) the activities, capabilities, functions, or missions (including whether such activities, capabilities, functions, or missions are space-based, air-based, or ground-based) supported by the transmitters, end-user terminals or receivers, or other radio frequency devices authorized to operate in each band of frequencies;

"(D) the total amount of spectrum, by band of frequencies, assigned or licensed to each Federal or non-Federal user (in percentage terms and in sum) and the geographic areas covered by their respective assignments or licenses;

"(E) the approximate number of transmitters, end-user terminals or receivers, or other radio frequency devices authorized to operate, as appropriate to characterize the extent of use of each radio service in each band of frequencies;

"(F) an approximation of the extent to which each Federal or non-Federal user is using, by geography, each band of frequencies, such as the amount and percentage of time of use, number of end users, or other measures as appropriate to the particular band and radio service; and

"(G) to the greatest extent possible—

"(i) contour maps or other information that illustrate the coverage area, receiver performance, and other parameters relevant to an assessment of the availability of spectrum in each band;

"(ii) for each band or range of frequencies, the identity of each entity offering unlicensed services and the types and approximate number of unlicensed intentional radiators verified or certified by the Commission that are authorized to operate; and

"(iii) for non-Federal users, any commercial names under which facilities-based service is offered to the public using the spectrum of the non-Federal user, including the commercial names under which the spectrum is being offered through resale.

"(2) Except as provided in subsection (e), create a centralized portal or Web site to make the inventory of the bands of frequencies required under paragraph (1) available to the public.

"(b) USE OF AGENCY RESOURCES.—In creating the inventory described in subsection (a)(1), the NTIA and the Commission shall first use agency resources, including existing databases, field testing, and recordkeeping systems, and only request information from Federal and non-Federal users if such information cannot be obtained using such agency resources.

"(c) REPORTS.—

"(1) IN GENERAL.—Except as provided in subsection (e), not later than 2 years after the date of enactment of this section and biennially thereafter, the NTIA and the Commission shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Energy and Commerce of the House of Representatives containing—

"(A) the results of the inventory created under subsection (a)(1), including any update to the information in the inventory pursuant to subsection (d);

"(B) a description of any information the NTIA or the Commission determines is necessary for such inventory but that is unavailable; and

"(C) a description of any information not provided by any Federal or non-Federal user in accordance with subsections (e)(1)(B)(ii) and (e)(2)(C)(ii).

"(2) RELOCATION REPORT.—

"(A) IN GENERAL.—Except as provided in subsection (e), the NTIA and the Commission shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives containing a recommendation of which spectrum, if any, should be reallocated or otherwise made available for shared access and an explanation of the basis for that recommendation.

"(B) DEADLINES.—The report required under subparagraph (A) shall be submitted not later than 2 years after the date of enactment of this section and every 2 years thereafter.

"(3) INVENTORY REPORT.—If the NTIA and the Commission have not conducted an inventory under subsection (a) to 10 gigahertz at least 90 days before the third report required under paragraph (1) is submitted, the NTIA and the Commission shall include an evaluation in such report and in every report thereafter of whether the burden of expanding the inventory to 10 gigahertz outweighs the benefit until such time as the NTIA and the Commission have conducted the inventory to 10 gigahertz.

"(d) MAINTENANCE AND UPDATING OF INFORMATION.—After the creation of the inventory required by subsection (a)(1), the NTIA and the Commission shall make all reasonable efforts to maintain and update the information required under such subsection on a quarterly basis, including when there is a transfer or auction of a license or a change in a permanent assignment or license.

"(e) NATIONAL SECURITY AND PUBLIC SAFETY INFORMATION.—

"(1) NONDISCLOSURE.—

"(A) IN GENERAL.—If the head of an executive agency of the Federal Government determines that public disclosure of certain information held by that agency or a licensee of non-Federal spectrum and required by

subsection (a), (c), or (d) would reveal classified national security information or other information for which there is a legal basis for nondisclosure and such public disclosure would be detrimental to national security, homeland security, or public safety, the agency head shall notify the NTIA of that determination and shall include descriptions of the activities, capabilities, functions, or missions (including whether they are space-based, air-based, or ground-based) supported by the information being withheld.

"(B) INFORMATION PROVIDED.—The agency head shall provide to NTIA—

"(i) the publicly releasable information required by subsection (a)(1);

"(ii) to the maximum extent practicable, a summary description, suitable for public release, of the classified national security information or other information for which there is a legal basis for nondisclosure; and

"(iii) a classified annex, under appropriate cover, containing the classified national security information or other information for which there is a legal basis for nondisclosure that the agency head has determined must be withheld from public disclosure.

"(2) PUBLIC SAFETY NONDISCLOSURE.—

"(A) IN GENERAL.—If a licensee of non-Federal spectrum determines that public disclosure of certain information held by that licensee and required to be submitted by subsection (a), (c), or (d) would reveal information for which public disclosure would be detrimental to public safety, or the licensee is otherwise prohibited by law from disclosing the information, the licensee may petition the Commission for a partial or total exemption from inclusion on the centralized portal or Web site under subsection (a)(2) and in the report required by subsection (c).

"(B) BURDEN.—The licensee seeking an exemption under this paragraph bears the burden of justifying the exemption and shall provide clear and convincing evidence to support such an exemption.

"(C) INFORMATION REQUIRED.—If an exemption is granted under this paragraph, the licensee shall provide to the Commission—

"(i) the publicly releasable information required by subsection (a)(1) for the inventory;

"(ii) to the maximum extent practicable, a summary description, suitable for public release, of the information for which public disclosure would be detrimental to public safety or the licensee is otherwise prohibited by law from disclosing; and

"(iii) an annex, under appropriate cover, containing the information that the Commission has determined should be withheld from public disclosure.

"(3) ADDITIONAL DISCLOSURE.—The annexes required under paragraphs (1)(B)(iii) and (2)(C)(iii) shall be provided to the congressional committees listed in subsection (c), but shall not be disclosed to the public under subsection (a) or subsection (d) or provided to any unauthorized person through any other means.

"(4) NATIONAL SECURITY COUNCIL CONSULTATION.—Prior to the release of the inventory under subsection (a), any updates to the inventory resulting from subsection (d), or the submission of a report under subsection (c)(1), the NTIA and the Commission shall consult with the National Security Council for a period not to exceed 30 days for the purposes of determining what additional information, if any, shall be withheld from the public.

"(f) PROPRIETARY INFORMATION.—In creating and maintaining the inventory, centralized portal or Web site, and reports under this section, the NTIA and the Commission shall follow their rules and practice regarding confidential and proprietary information. Nothing in this subsection shall be construed to compel the Commission to make