

Senator from North Carolina (Mr. TILLIS) were added as cosponsors of S. Res. 340, a resolution expressing the sense of Congress that the so-called Islamic State in Iraq and al-Sham (ISIS or Da'esh) is committing genocide, crimes against humanity, and war crimes, and calling upon the President to work with foreign governments and the United Nations to provide physical protection for ISIS' targets, to support the creation of an international criminal tribunal with jurisdiction to punish these crimes, and to use every reasonable means, including sanctions, to destroy ISIS and disrupt its support networks.

S. RES. 346

At the request of Mr. ISAKSON, his name was added as a cosponsor of S. Res. 346, a resolution expressing opposition to the European Commission interpretive notice regarding labeling Israeli products and goods manufactured in the West Bank and other areas, as such actions undermine the Israeli-Palestinian peace process.

S. RES. 349

At the request of Mr. ROBERTS, the names of the Senator from Nebraska (Mrs. FISCHER), the Senator from Michigan (Mr. PETERS), the Senator from Wisconsin (Ms. BALDWIN), the Senator from Maine (Mr. KING), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. Res. 349, a resolution congratulating the Farm Credit System on the celebration of its 100th anniversary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON (for himself and Mrs. FISCHER):

S. 2558. A bill to expand the prohibition on misleading or inaccurate caller identification information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON. Mr. President, we all know how our senior citizens have been the victims of spoofing. Well, that is happening to a lot of our fellow citizens, no matter what the age is, because fraudulent and abusive phoning scams are plaguing thousands of Americans each year. These deceitful practices are causing very serious harm to victims by fake messages coming across often that cause the receiver to respond with some kind of financial transaction or the giving up of a credit card number.

The Commerce Committee and the Aging Committee have explored the impact of these scams, and by one account consumers continue to lose millions of dollars each year to fraudulent phone scams, many of which originate in other countries. The impact of these scams are very real to the consumers who suffer.

For example, one old poor soul took his life last year after spending thou-

sands in a vain attempt to collect on his winnings in what he thought was a Jamaican lottery—winnings that were nonexistent because it was all a scam. A lot of us think we have trained ourselves to ignore phone calls and text messages from numbers that pop up that we don't recognize, but this is also where the sophisticated scammer enters because now scammers can impersonate government institutions' numbers. They promote fraudulent lottery schemes and they tailor their calls to individuals in order to coerce victims into paying large sums of money, just like the victim I mentioned earlier.

Spoofing technology is used to manipulate the caller ID information and trick consumers into believing that the calls are local or are coming from trusted institutions. A few years ago, this Senator introduced the Truth in Caller ID Act to prohibit ID spoofing when it is used to defraud or harm consumers, and this law provided important tools for law enforcement to go after these criminals and crack down on the phone scams. That legislation was passed. It was signed into law. It was a huge win for consumers and the first step toward ending these abusive practices, but technology is passing us by.

As the technologies evolve, the law directed the Federal Communications Commission to prepare a report to Congress outlining additional tools that are going to be needed for different kinds of spoofing practices because of new technologies. The FCC a few years ago provided its recommendations to Congress on how to update the law to keep pace with technology and the use of it by criminals.

Senator FISCHER and I have introduced a bill today that responds to the FCC's report, recommendations, and their requests, and it builds on the 2010 act on phone scams to keep up with the new kind of spoofing because they are now much more sophisticated. We need to make sure there are consumer protections and tools for law enforcement to keep up. That is why this legislation we introduced today is important. It is called the Spoofing Prevention Act of 2016. It would extend the current prohibition in law on caller ID spoofing to text messages and to calls coming from outside the United States, as well as from all forms of voice over Internet protocol services. For the first time, this bill would have access to information to go after these criminals in a centralized location on current technologies available to protect them against this sophisticated type of criminal. It does so by directing the FCC to publish and regularly update a report on existing tools.

The act also directs the Government Accountability Office to conduct a report to assess government and private sector work being done to curb this spoofing, as well as what new measures, including technological solutions, can be taken to prevent this.

I urge our colleagues to join Senator FISCHER and me in supporting this act

to try to give some protection in this age of digital technology, of rapidly advancing technology, to help protect those poor consumers who are getting fooled and in other words getting spoofed.

I also thank Senator KLOBUCHAR and Senator DONNELLY for their work in combatting spoofing. We are going to continue to work on this, and this Senator is going to press the Federal Communications Commission to continue to use its full authority under the Truth in Caller ID Act to stop these scams, including a consideration of technical solutions like call authentication to protect consumers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2558

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 "Spoofing Prevention Act of 2016".

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(2) VOICE SERVICE.—The term "voice service" means any service that furnishes voice communications to an end user using resources from the North American Numbering Plan or any successor to the North American Numbering Plan adopted by the Commission under section 251(e)(1) of the Communications Act of 1934 (47 U.S.C. 251(e)(1)).

SEC. 3. EXPANDING AND CLARIFYING PROHIBITION ON MISLEADING OR INACCURATE CALLER IDENTIFICATION INFORMATION.

(a) COMMUNICATIONS FROM OUTSIDE UNITED STATES.—Section 227(e)(1) of the Communications Act of 1934 (47 U.S.C. 227(e)(1)) is amended by striking "in connection with any telecommunications service or IP-enabled voice service" and inserting "or any person outside the United States if the recipient of the call is within the United States, in connection with any voice service or text messaging service".

(b) COVERAGE OF TEXT MESSAGES AND VOICE SERVICES.—Section 227(e)(8) of the Communications Act of 1934 (47 U.S.C. 227(e)(8)) is amended—

(1) in subparagraph (A), by striking "telecommunications service or IP-enabled voice service" and inserting "voice service or a text message sent using a text messaging service";

(2) in the first sentence of subparagraph (B), by striking "telecommunications service or IP-enabled voice service" and inserting "voice service or a text message sent using a text messaging service"; and

(3) by striking subparagraph (C) and inserting the following:

"(C) TEXT MESSAGE.—The term 'text message'—

"(i) means a message consisting of text, images, sounds, or other information that is transmitted from or received by a device that is identified as the transmitting or receiving device by means of a 10-digit telephone number;

"(ii) includes a short message service (commonly referred to as 'SMS') message, an

enhanced message service (commonly referred to as ‘EMS’) message, and a multimedia message service (commonly referred to as ‘MMS’) message; and

“(iii) does not include a real-time, 2-way voice or video communication.

“(D) TEXT MESSAGING SERVICE.—The term ‘text messaging service’ means a service that permits the transmission or receipt of a text message, including a service provided as part of or in connection with a voice service.

“(E) VOICE SERVICE.—The term ‘voice service’ means any service that furnishes voice communications to an end user using resources from the North American Numbering Plan or any successor to the North American Numbering Plan adopted by the Commission under section 251(e)(1).”

(c) TECHNICAL AMENDMENT.—Section 227(e) of the Communications Act of 1934 (47 U.S.C. 227(e)) is amended in the heading by inserting “MISLEADING OR ” before “INACCURATE”.

(d) REGULATIONS.—

(1) IN GENERAL.—Section 227(e)(3)(A) of the Communications Act of 1934 (47 U.S.C. 227(e)(3)(A)) is amended by striking “Not later than 6 months after the date of enactment of the Truth in Caller ID Act of 2009, the Commission” and inserting “The Commission”.

(2) DEADLINE.—The Federal Communications Commission shall prescribe regulations to implement the amendments made by this section not later than 18 months after the date of enactment of this Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 6 months after the date on which the Commission prescribes regulations under subsection (d).

SEC. 4. REPORT ON EXISTING TECHNOLOGICAL SOLUTIONS TO COMBAT MISLEADING OR INACCURATE CALLER IDENTIFICATION INFORMATION.

(a) PUBLICATION OF REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Commission shall publish on the website of the Commission a report that identifies existing technology solutions that a consumer can use to protect the consumer against misleading or inaccurate caller identification information.

(b) CONTENTS OF REPORT.—In preparing the report under subsection (a), the Commission shall—

(1) analyze existing technologies that can enable consumers to guard against misleading or inaccurate caller identification information;

(2) describe how the technologies described in paragraph (1) protect consumers; and

(3) detail how voice service subscribers can obtain access to the technologies described in paragraph (1).

SEC. 5. GAO REPORT ON COMBATING THE FRAUDULENT PROVISION OF MISLEADING OR INACCURATE CALLER IDENTIFICATION INFORMATION.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the actions the Commission and the Federal Trade Commission have taken to combat the fraudulent provision of misleading or inaccurate caller identification information, and the additional measures that could be taken to combat such activity.

(b) REQUIRED CONSIDERATIONS.—In conducting the study under subsection (a), the Comptroller General shall examine—

(1) trends in the types of scams that rely on misleading or inaccurate caller identification information;

(2) previous and current enforcement actions by the Commission and the Federal Trade Commission to combat the practices prohibited by section 227(e)(1) of the Communications Act of 1934 (47 U.S.C. 227(e)(1));

(3) current efforts by industry groups and other entities to develop technical standards to deter or prevent the fraudulent provision of misleading or inaccurate caller identification information, and how such standards may help combat the current and future provision of misleading or inaccurate caller identification information; and

(4) whether there are additional actions the Commission, the Federal Trade Commission, and Congress should take to combat the fraudulent provision of misleading or inaccurate caller identification information.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the findings of the study under subsection (a), including any recommendations regarding combating the fraudulent provision of misleading or inaccurate caller identification information.

SEC. 6. RULES OF CONSTRUCTION.

(a) IN GENERAL.—Nothing in this Act, or the amendments made by this Act, shall be construed to modify, limit, or otherwise affect any rule or order adopted by the Commission in connection with—

(1) the Telephone Consumer Protection Act of 1991 (Public Law 102-243; 105 Stat. 2394) or the amendments made by that Act; or

(2) the CAN-SPAM Act of 2003 (15 U.S.C. 7701 et seq.).

(b) ADDITIONAL.—Nothing in this Act, or the amendments made by this Act, shall be construed—

(1) to mean that a text messaging service (as defined in section 227(e)(8) of the Communications Act of 1934 (47 U.S.C. 227(e)(8)) is a telecommunications service under title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.), or require or direct the Commission to classify a text messaging service as a telecommunications service;

(2) to mean that an interconnected VoIP service (as defined in section 9.3 of title 47, Code of Federal Regulations, or any successor regulation) or a non-interconnected VoIP service (as defined in section 64.601(a)(23) of title 47, Code of Federal Regulations, or any successor regulation) is a telecommunications service under title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.), or require or direct the Commission to classify an interconnected VoIP service or a non-interconnected VoIP service as a telecommunications service; or

(3) to modify, limit, or otherwise affect the authority of the Commission to determine the scope of any other provision of the Communications Act of 1934 (47 U.S.C. 151 et seq.) and its applicability to any voice service, including an interconnected VoIP service or a non-interconnected VoIP service, or text messaging service.

Whereas the victory marks the third Super Bowl title for the Denver Broncos;

Whereas the Broncos’ appearance in the Super Bowl was their National Football League record-tying eighth appearance;

Whereas quarterback Peyton Manning earned his 200th career win;

Whereas linebacker Von Miller earned the Most Valuable Player award while recording 2 ½ sacks and 2 forced fumbles;

Whereas running back C.J. Anderson rushed for 90 yards and 1 touchdown;

Whereas wide receiver Emmanuel Sanders caught 6 passes for 83 yards;

Whereas defensive tackle Malik Jackson recorded 5 tackles and a defensive touchdown;

Whereas wide receiver Jordan Norwood’s 61-yard punt return was the longest in Super Bowl history;

Whereas head coach Gary Kubiak led the team to a Super Bowl victory in his first season as head coach of the Broncos;

Whereas defensive coordinator Wade Phillips won the National Football League Assistant Coach of the Year award;

Whereas Owner Pat Bowlen and the Bowlen family have owned the Denver Broncos since 1984 and led the team to 7 American Football Conference championships and 3 Super Bowl victories, and the Broncos have the third-highest winning percentage among all professional sports teams during that period;

Whereas Executive Vice President of Football Operations and General Manager of the Denver Broncos, John Elway, has helped lead the Broncos to 2 Super Bowl appearances in 5 seasons; and

Whereas the Denver Broncos football team has proudly represented the City of Denver and the State of Colorado, and all of the loyal Broncos fans: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Denver Broncos for winning Super Bowl 50;

(2) recognizes the achievements of all the players, coaches, and staff who contributed to the victory; and

(3) requests that the Secretary of the Senate prepare an official copy of this resolution for presentation to—

(A) the Owner of the Denver Broncos, Pat Bowlen;

(B) the President and CEO of the Denver Broncos, Joe Ellis;

(C) the Head Coach of the Denver Broncos, Gary Kubiak.

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator CHARLES E. GRASSLEY, intend to object to proceeding to the nomination of Mary Katherine Wakefield, to be Deputy Secretary of Health and Human Services; dated February 22, 2016.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 371—CONGRATULATING THE DENVER BRONCOS FOR WINNING SUPER BOWL 50

Mr. GARDNER (for himself and Mr. BENNET) submitted the following resolution; which was considered and agreed to:

S. RES 371

Whereas, on February 7, 2016, the Denver Broncos won Super Bowl 50, defeating the Carolina Panthers by a score of 24-10 at Levi’s Stadium in Santa Clara, California;

NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ALEXANDER. Mr. President, the Committee on Health, Education, Labor, and Pensions will meet during the session of the Senate on February 23, 2016, at 10 a.m., in room SD-430 of the Dirksen Senate Office Building, to conduct a hearing entitled “ESSA Implementation in States and School Districts: Perspectives from Education Leaders.”

For further information regarding this meeting, please contact Jake