

By Mr. TESTER (for himself and Mr. BEGICH):

S. 1359. A bill to make the National Parks and Federal Recreation Lands Pass available at a discount to members of the Armed Forces and veterans; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ (for himself, Mr. BLUMENTHAL, Mr. LAUTENBERG, Mr. WHITEHOUSE, Mr. BROWN of Ohio, and Mrs. FEINSTEIN):

S. 1360. A bill to amend the Securities Exchange Act of 1934 to require shareholder authorization before a public company may make certain political expenditures, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERRY:

S. 1361. A bill to reduce human exposure to endocrine-disrupting chemicals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WEBB:

S. 1362. A bill to simplify the Trafficking in Persons Report by reducing the number of country categories and ranking countries within each category according to their relative adherence to the minimum standards set forth in section 108 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7106); to the Committee on Foreign Relations.

By Mr. ROCKEFELLER:

S. 1363. A bill to amend titles 10 and 41, United States Code, to allow contracting officers to consider information regarding domestic employment before awarding a Federal contract, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON of Florida:

S. 1364. A bill to ensure the timely payment of Social Security benefits in August 2011; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 1365. A bill to provide funds to ensure that members of the Armed Forces, including reserve components thereof, and supporting civilian personnel continue to receive pay and allowances for active service performed when a funding gap caused by the failure to enact interim or full-year appropriations for the Armed Forces occurs, which results in the furlough of non-emergency personnel and the curtailment of Government activities and services; to the Committee on Armed Services.

By Ms. CANTWELL (for herself, Mr. CRAPO, and Mrs. MURRAY):

S. 1366. A bill to amend the Internal Revenue Code of 1986 to broaden the special rules for certain governmental plans under section 105(j) to include plans established by political subdivisions; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MENENDEZ (for himself and Mr. COBURN):

S. Res. 232. A resolution recognizing the continued persecution of Falun Gong practitioners in China on the 12th anniversary of the campaign by the Chinese Communist Party to suppress the Falun Gong movement, recognizing the Tuidang movement whereby Chinese citizens renounce their ties to the Chinese Communist Party and its affiliates, and calling for an immediate end to the campaign to persecute Falun Gong practitioners; to the Committee on Foreign Relations.

By Mr. NELSON of Florida (for himself, Mr. BROWN of Ohio, Mrs. HUTCHISON, Mr. BOOZMAN, Mr. ROCKEFELLER, Ms. MIKULSKI, Mr. RUBIO, Mr. UDALL of Colorado, Mr. WARNER, and Mr. VITTER):

S. Res. 233. A resolution honoring the men and women of the National Aeronautics and Space Administration Space Shuttle Program on reaching the historic milestone of the 135th and final flight of the Space Transportation System; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 44

At the request of Ms. KLOBUCHAR, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 44, a bill to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate covered part D drug prices on behalf of Medicare beneficiaries.

S. 48

At the request of Mr. INOUE, the names of the Senator from Nevada (Mr. REID) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 48, a bill to amend the Public Health Service Act to provide for the participation of pharmacists in National Health Services Corps programs, and for other purposes.

S. 82

At the request of Mr. JOHANNIS, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 82, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs, to repeal the sunset of the Patient Protection and Affordable Care Act with respect to increased dollar limitations for such credit and programs, and to allow the adoption credit to be claimed in the year expenses are incurred, regardless of when the adoption becomes final.

S. 133

At the request of Mrs. MCCASKILL, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 133, a bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

S. 164

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 164, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 384

At the request of Mrs. FEINSTEIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Iowa (Mr. HARKIN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 384, a bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

S. 412

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 412, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 534

At the request of Mr. KERRY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 534, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 539

At the request of Mr. WHITEHOUSE, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 539, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 745

At the request of Mr. SCHUMER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 745, a bill to amend title 38, United States Code, to protect certain veterans who would otherwise be subject to a reduction in educational assistance benefits, and for other purposes.

S. 800

At the request of Mr. HARKIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 800, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 807

At the request of Mr. ENZI, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 807, a bill to authorize the Department of Labor's voluntary protection program and to expand the program to include more small businesses.

S. 838

At the request of Mr. TESTER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 838, a bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act.

S. 906

At the request of Mr. WICKER, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 906, a bill to prohibit taxpayer funded abortions and to provide for conscience protections, and for other purposes.

S. 968

At the request of Mr. LEAHY, the name of the Senator from Maryland

(Mr. CARDIN) was added as a cosponsor of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1049

At the request of Mr. KYL, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1049, a bill to lower health premiums and increase choice for small business.

S. 1107

At the request of Mr. MENENDEZ, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1107, a bill to authorize and support psoriasis and psoriatic arthritis data collection, to express the sense of the Congress to encourage and leverage public and private investment in psoriasis research with a particular focus on interdisciplinary collaborative research on the relationship between psoriasis and its comorbid conditions, and for other purposes.

S. 1147

At the request of Mr. BLUMENTHAL, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1147, a bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 and title 38, United States Code, to require the provision of chiropractic care and service to veterans at all Department of Veterans Affairs medical centers and to expand access to such care and services, and for other purposes.

S. 1228

At the request of Mr. WHITEHOUSE, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1228, a bill to prohibit trafficking in counterfeit military goods or services.

S. 1251

At the request of Mr. CARPER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1251, a bill to amend title XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs.

S. 1257

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1257, a bill to establish grant programs to improve the health of border area residents and for all hazards preparedness in the border area including bioterrorism and infectious disease, and for other purposes.

S. 1265

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a co-

sponsor of S. 1265, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 1280

At the request of Mr. ISAKSON, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 1280, a bill to amend the Peace Corps Act to require sexual assault risk-reduction and response training, and the development of sexual assault protocol and guidelines, the establishment of victims' advocates, the establishment of a Sexual Assault Advisory Council, and for other purposes.

S. 1292

At the request of Mr. TOOMEY, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 1292, a bill to require the Administrator of the Environmental Protection Agency to consider the impact on employment levels and economic activity prior to issuing a regulation, policy statement, guidance document, endangerment finding, or other requirement, implementing any new or substantially altered program, or denying any permit, and for other purposes.

S. 1297

At the request of Mr. BURR, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Kansas (Mr. MORAN), the Senator from North Dakota (Mr. HOEVEN) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 1297, a bill to preserve State and institutional authority relating to State authorization and the definition of credit hour.

S. 1308

At the request of Mr. HATCH, the name of the Senator from Florida (Mr. RUBIO) was withdrawn as a cosponsor of S. 1308, a bill to amend title 18, United States Code, with respect to child pornography and child exploitation offenses.

S. 1313

At the request of Mr. WHITEHOUSE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1313, a bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes.

S. 1316

At the request of Mr. ENZI, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 1316, a bill to prevent a fiscal crisis by enacting legislation to balance the Federal budget through reductions of discretionary and mandatory spending.

S. 1340

At the request of Mr. LEE, the names of the Senator from Texas (Mr. COR-

NYN), the Senator from Kansas (Mr. MORAN), the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Nebraska (Mr. JOHANNIS) were added as cosponsors of S. 1340, a bill to cut, cap, and balance the Federal budget.

S. 1341

At the request of Mr. SESSIONS, the names of the Senator from Wisconsin (Mr. JOHNSON) and the Senator from Kentucky (Mr. PAUL) were added as cosponsors of S. 1341, a bill to provide a point of order against consideration of any measure that would increase the statutory limit on the public debt above \$14.294 trillion unless that measure has been publicly available for a full 7 calendar days before consideration on the floor of the Senate.

S.J. RES. 17

At the request of Mr. MCCONNELL, the names of the Senator from Arkansas (Mr. BOOZMAN), the Senator from North Dakota (Mr. HOEVEN) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S.J. RES. 19

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. RES. 175

At the request of Mrs. SHAHEEN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. Res. 175, a resolution expressing the sense of the Senate with respect to ongoing violations of the territorial integrity and sovereignty of Georgia and the importance of a peaceful and just resolution to the conflict within Georgia's internationally recognized borders.

S. RES. 226

At the request of Mr. GRAHAM, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. Res. 226, a resolution expressing the sense of the Senate that the President does not have the authority to ignore the statutory debt limit by ordering the Secretary of the Treasury to continue issuing debt on the full faith and credit of the United States.

S. RES. 228

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. Res. 228, a resolution expressing the sense of the Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 PM Eastern Daylight Time on September 11, 2011, in honor of the

10th anniversary of the terrorist attacks committed against the United States on September 11, 2001.

STATEMENTS ON INTRODUCED  
BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself  
and Mr. DURBIN):

S. 1355. A bill to regulate political robocalls; to the Committee on Rules and Administration.

Mrs. FEINSTEIN. Mr. President, today I am introducing the Robocall Privacy Act, a simple, straight-forward bill that would allow continued political outreach through prerecorded phone messages, but protect American families from being inundated by calls throughout the day and night. I am pleased to be joined by Senator DURBIN.

In recent years, we have seen an increase in the development of new technologies that help political candidates reach out to voters. This is a good thing. Political speech is essential and should be protected. The vast majority of these developments strengthen the Democratic process by promoting an interchange of information and ideas.

One of these developments is the robocall—a prerecorded message that can be sent out to tens of thousands of voters at a minor cost through computer automation. With television and radio ads becoming so expensive, these prerecorded calls can play an important role in alerting voters to a candidate's position and urging their support at the polls.

But the process can be abused. Throughout recent elections, we have continued to hear stories about people being inundated with phone calls throughout the day and night. There is simply no good reason why Americans wanting a good night's sleep should be awakened at 4:30 in the morning by a robocall.

Commercial calls are already limited by the Federal Trade Commission's "Do Not Call" list, which millions of individuals have registered for. But political calls are specifically exempted from this list.

Let me be clear: I am not seeking to eliminate all robocalls. Instead, this legislation is carefully designed to provide some safeguards. Let me tell you exactly what this bill would do.

It would ban political robocalls between the hours of 9 p.m. and 8 a.m.

It would ban any campaign or group from making more than two robocalls to the same telephone number in a single day.

It would prohibit the organizer of any robocall from blocking the "caller identification" number and require an announcement at the beginning of the call identifying the individual or organization making the call, and the fact that it is a prerecorded message. This is to prevent robocalls from misleading the recipient of the call.

The enforcement provisions of this bill are simple and directed toward stopping the worst of these calls. The

bill would create a civil fine for violators of the law, with additional fines for callers who willfully violate the law.

The bill also allows voters to sue to stop those calls immediately, but not receive monetary damages. A judge can order violators of the law to stop these abusive calls.

Let me briefly describe a few incidents that showcase why the provisions in this bill are so important.

On Election Day in 2010, over 110,000 Maryland voters began receiving anonymous robocalls instructing them to "relax" and stay home because Governor Martin O'Malley had already won re-election. These calls came a full two hours before the polls would close.

Days before the 2010 Midterm elections, voters in Kansas received anonymous robocalls telling them to bring a voter registration card and proof of home ownership to the polls on Wednesday. Not only are these items not required to vote, but as we know, the election was on a Tuesday.

Similarly, in my home state of California, about two dozen Los Angeles residents complained of receiving Spanish language robocalls from an unidentifiable source instructing them to vote on Wednesday, November 3—the day after Election Day.

Shortly before last year's elections, individuals in St. Louis, Missouri, heard their phones ring and checked the caller ID to find a number belonging to a local hospital. Expecting the worst, they answered the call. The voice on the other end was not a hospital employee, but rather a prerecorded political message from an organization that had been able to manipulate caller ID devices to make it seem as if the calls were coming from emergency officials.

In October 2010, 50,000 Nevadans were awoken at 1 a.m. by a robocall regarding a ballot question in the state that would change the judicial selection process. The calls came in the middle of the night due to a programming error—they were supposed to be made at 1 p.m.

To be clear, incidences like these involving the malicious or untimely use of robocalls are not unique to the recent election.

In a Maryland race in November 2006, in a conservative area residents received a middle-of-the-night robocall from the nonexistent "Gay and Lesbian Push Organization," urging them to support one of the candidates. That candidate lost the election, in part because of the false, late-night call.

In the 2006 Congressional elections, many calls wrongly implied that one candidate was making a robocall. The message began with a recorded voice stating that the call contained information about U.S. Representative Melissa Bean. Some voters called Bean's office to complain without listening to the entire message, which eventually identified an opposing party committee as the sponsor—when most voters had

hung up. Representative Bean had to spend campaign funds informing voters she had not made that call.

I am a strong supporter of the First Amendment protection for political speech, but the worst of these calls are disturbing people in their homes and spreading misleading and outright false information. Something must be done to rein in the robocalls which perpetrate these actions.

This bill presents a solution. It does not ban robocalls. It merely provides a reasonable framework of tailored time, place, and manner restrictions.

I hope my colleagues will join me in supporting the Robocall Privacy Act.

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. 1355

*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 "Robocall Privacy Act of 2011".

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) Abusive political robocalls harass voters and discourage them from participating in the political process.

(2) Abusive political robocalls infringe on the privacy rights of individuals by disturbing them in their homes.

**SEC. 3. DEFINITIONS.**

For purposes of this Act—

(1) **POLITICAL ROBOCALL.**—The term "political robocall" means any outbound telephone call—

(A) in which a person is not available to speak with the person answering the call, and the call instead plays a recorded message; and

(B) which promotes, supports, attacks, or opposes a candidate for Federal office.

(2) **IDENTITY.**—The term "identity" means, with respect to any individual making a political robocall or causing a political robocall to be made, the name of the sponsor or originator of the call.

(3) **SPECIFIED PERIOD.**—The term "specified period" means, with respect to any candidate for Federal office who is promoted, supported, attacked, or opposed in a political robocall—

(A) the 60-day period ending on the date of any general, special, or run-off election for the office sought by such candidate; and

(B) the 30-day period ending on the date of any primary or preference election, or any convention or caucus of a political party that has authority to nominate a candidate, for the office sought by such candidate.

(4) **OTHER DEFINITIONS.**—The terms "candidate" and "Federal office" have the respective meanings given such terms under section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431).

**SEC. 4. REGULATION OF POLITICAL ROBOCALLS.**

It shall be unlawful for any person during the specified period to make a political robocall or to cause a political robocall to be made—

(1) to any person during the period beginning at 9 p.m. and ending at 8 a.m. in the place which the call is directed;

(2) to the same telephone number more than twice on the same day;

(3) without disclosing, at the beginning of the call—