

(Mr. LEAHY) was added as a cosponsor of S. 1446, a bill to establish the Stop, Observe, Ask, and Respond to Health and Wellness Training pilot program to address human trafficking in the health care system.

S. 1513

At the request of Mr. PORTMAN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1513, a bill to reauthorize the Second Chance Act of 2007.

S. 1767

At the request of Mr. ISAKSON, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 1767, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to combination products, and for other purposes.

S. 2033

At the request of Mr. SCHATZ, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 2033, a bill to provide that 6 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

S. 2185

At the request of Ms. HEITKAMP, the names of the Senator from New Jersey (Mr. BOOKER), the Senator from West Virginia (Mr. MANCHIN) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 2185, a bill to require the Secretary of the Treasury to mint coins in recognition of the fight against breast cancer.

S. 2196

At the request of Mr. CASEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2196, a bill to amend title XVIII of the Social Security Act to provide for the non-application of Medicare competitive acquisition rates to complex rehabilitative wheelchairs and accessories.

S. 2200

At the request of Mrs. FISCHER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2200, a bill to amend the Fair Labor Standards Act of 1938 to strengthen equal pay requirements.

S. 2282

At the request of Mr. HATCH, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2282, a bill to amend the Public Health Service Act to reauthorize the C.W. Bill Young Cell Transplantation Program and the National Cord Blood Inventory, and for other purposes.

S. 2297

At the request of Mr. COONS, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2297, a bill to amend title XVIII of the Social Security Act to encourage Medicare beneficiaries to voluntarily adopt advance directives guiding the medical care they receive.

S. 2312

At the request of Mr. THUNE, the name of the Senator from New Hamp-

shire (Ms. AYOTTE) was added as a cosponsor of S. 2312, a bill to amend titles XVIII and XIX of the Social Security Act to make improvements to payments for durable medical equipment under the Medicare and Medicaid programs.

At the request of Ms. HEITKAMP, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2312, supra.

S. 2337

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2337, a bill to improve homeland security by enhancing the requirements for participation in the Visa Waiver Program, and for other purposes.

S. 2338

At the request of Ms. HIRONO, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 2338, a bill to award grants to States for the development of innovative long-term services and supports programs.

S. 2344

At the request of Mr. COTTON, the names of the Senator from Texas (Mr. CORNYN), the Senator from Alabama (Mr. SESSIONS) and the Senator from Georgia (Mr. PERDUE) were added as cosponsors of S. 2344, a bill to provide authority for access to certain business records collected under the Foreign Intelligence Surveillance Act of 1978 prior to November 29, 2015, to make the authority for roving surveillance, the authority to treat individual terrorists as agents of foreign powers, and title VII of the Foreign Intelligence Surveillance Act of 1978 permanent, and to modify the certification requirements for access to telephone toll and transactional records by the Federal Bureau of Investigation, and for other purposes.

S. 2361

At the request of Mr. THUNE, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 2361, a bill to enhance airport security, and for other purposes.

S. 2393

At the request of Mr. WHITEHOUSE, the names of the Senator from Wisconsin (Ms. BALDWIN), the Senator from Ohio (Mr. BROWN), the Senator from Minnesota (Mr. FRANKEN), the Senator from Hawaii (Ms. HIRONO), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Washington (Mrs. MURRAY) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of S. 2393, a bill to extend temporarily the extended period of protection for members of uniformed services relating to mortgages, mortgage foreclosure, and eviction, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 334—CONGRATULATING THE PENNSYLVANIA STATE UNIVERSITY WOMEN'S SOCCER TEAM FOR WINNING THE 2015 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION SOCCER CHAMPIONSHIP

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

S. RES. 334

Whereas, on December 6, 2015, the Pennsylvania State University Nittany Lions won the 2015 National Collegiate Athletic Association (referred to in this preamble as the "NCAA") Soccer Championship, also known as the College Cup, in Cary, North Carolina with a hard-fought victory over the Duke University Blue Devils in a 1-0 match;

Whereas the Nittany Lions women's soccer team won their first ever NCAA Soccer Championship after advancing to the College Cup for the fifth time and the College Cup Final for the second time;

Whereas the Pennsylvania State University Nittany Lions are the first Big Ten team to earn an NCAA Women's Soccer Championship;

Whereas the Pennsylvania State University Nittany Lions won both the Big Ten regular season title and the Big Ten Tournament, concluding the 2015 season with a record of 16 wins, including 15 shutouts, and only 3 losses;

Whereas senior Raquel Rodriguez was named a First Team All-American by the National Soccer Coaches Association of America;

Whereas seniors Britt Eckerstrom and Raquel Rodriguez were named to the Academic All-District 2 First Team by the College Sports Information Directors of America; and

Whereas, this season, Head Coach Erica Walsh and her coaching staff depended on team captains Raquel Rodriguez, Mallory Weber, and Britt Eckerstrom to lead by example on the field: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Pennsylvania State University women's soccer team, coaches, and staff for winning the 2015 National Collegiate Athletic Association Soccer Championship;

(2) commends the Pennsylvania State University women's soccer team, coaches, and staff for their hard work and dedication; and

(3) recognizes the students, faculty, alumni, and devoted fans of Pennsylvania State University who supported the Nittany Lions on the path to winning their first ever National Collegiate Athletic Association Soccer Championship.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2927. Mr. MCCONNELL (for Mr. THUNE (for himself, Mr. SCHATZ, Mr. MORAN, Mr. DAINES, Mr. BLUMENTHAL, Mr. BOOKER, and Mr. WYDEN)) proposed an amendment to the bill S. 2044, to prohibit the use of certain clauses in form contracts that restrict the ability of a consumer to communicate regarding the goods or services offered in interstate commerce that were the subject of the contract, and for other purposes.

TEXT OF AMENDMENTS

SA 2927. Mr. McCONNELL (for Mr. THUNE (for himself, Mr. SCHATZ, Mr. MORAN, Mr. DAINES, Mr. BLUMENTHAL, Mr. BOOKER, and Mr. WYDEN)) proposed an amendment to the bill S. 2044, to prohibit the use of certain clauses in form contracts that restrict the ability of a consumer to communicate regarding the goods or services offered in interstate commerce that were the subject of the contract, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Consumer Review Freedom Act of 2015”.

SEC. 2. CONSUMER REVIEW PROTECTION.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term “Commission” means the Federal Trade Commission.

(2) COVERED COMMUNICATION.—The term “covered communication” means a written, oral, or pictorial review, performance assessment of, or other similar analysis of, including by electronic means, the goods, services, or conduct of a person by an individual who is party to a form contract with respect to which such person is also a party.

(3) FORM CONTRACT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term “form contract” means a contract with standardized terms—

(i) used by a person in the course of selling or leasing the person’s goods or services; and
(ii) imposed on an individual without a meaningful opportunity for such individual to negotiate the standardized terms.

(B) EXCEPTION.—The term “form contract” does not include an employer-employee or independent contractor contract.

(4) PICTORIAL.—The term “pictorial” includes pictures, photographs, video, illustrations, and symbols.

(b) INVALIDITY OF CONTRACTS THAT IMPEDE CONSUMER REVIEWS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a provision of a form contract is void from the inception of such contract if such provision—

(A) prohibits or restricts the ability of an individual who is a party to the form contract to engage in a covered communication;

(B) imposes a penalty or fee against an individual who is a party to the form contract for engaging in a covered communication; or

(C) transfers or requires an individual who is a party to the form contract to transfer to any person any intellectual property rights in review or feedback content, with the exception of a non-exclusive license to use the content, that the individual may have in any otherwise lawful covered communication about such person or the goods or services provided by such person.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to affect—

(A) any duty of confidentiality imposed by law (including agency guidance);

(B) any civil cause of action for defamation, libel, or slander, or any similar cause of action;

(C) any party’s right to remove or refuse to display publicly on an Internet website or webpage owned, operated, or otherwise controlled by such party any content of a covered communication that—

(i) contains the personal information or likeness of another person or is libelous, harassing, abusive, obscene, vulgar, sexually explicit, or inappropriate with respect to race, gender, sexuality, ethnicity, or other intrinsic characteristic;

(ii) is unrelated to the goods or services offered by or available at such party’s Internet website or webpage; or

(iii) is clearly false or misleading; or

(D) a party’s right to establish terms and conditions with respect to the creation of photographs or video of such party’s property when those photographs or video are created by an employee or independent contractor of a commercial entity and solely intended for commercial purposes by that entity.

(3) EXCEPTIONS.—Paragraph (1) shall not apply to the extent that a provision of a form contract prohibits disclosure or submission of, or reserves the right of a person or business that hosts online consumer reviews or comments to remove—

(A) trade secrets or commercial or financial information obtained from a person and considered privileged or confidential;

(B) personnel and medical files and similar information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(C) records or information compiled for law enforcement purposes, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(D) content that is unlawful or otherwise meets the requirements of paragraph (2)(C); or

(E) content that contains any computer viruses, worms, or other potentially damaging computer code, processes, programs, applications, or files.

(c) PROHIBITION.—It shall be unlawful for a person to offer a form contract containing a provision described as void in subsection (b).

(d) ENFORCEMENT BY COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of subsection (c) by a person with respect to which the Commission is empowered under section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 45(a)(2)) shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) POWERS OF COMMISSION.—

(A) IN GENERAL.—The Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act.

(B) PRIVILEGES AND IMMUNITIES.—Any person who violates this section shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(e) ENFORCEMENT BY STATES.—

(1) AUTHORIZATION.—Subject to subparagraph (B), in any case in which the attorney general of a State has reason to believe that an interest of the residents of the State has been or is threatened or adversely affected by the engagement of any person subject to subsection (c) in a practice that violates such subsection, the attorney general of the State may, as *parens patriae*, bring a civil action on behalf of the residents of the State in an appropriate district court of the United States to obtain appropriate relief.

(2) RIGHTS OF FEDERAL TRADE COMMISSION.—

(A) NOTICE TO FEDERAL TRADE COMMISSION.—

(i) IN GENERAL.—Except as provided in clause (iii), the attorney general of a State shall notify the Commission in writing that the attorney general intends to bring a civil action under paragraph (1) before initiating the civil action against a person described in subsection (d)(1).

(ii) CONTENTS.—The notification required by clause (i) with respect to a civil action shall include a copy of the complaint to be filed to initiate the civil action.

(iii) EXCEPTION.—If it is not feasible for the attorney general of a State to provide the notification required by clause (i) before initiating a civil action under paragraph (1), the attorney general shall notify the Commission immediately upon instituting the civil action.

(B) INTERVENTION BY FEDERAL TRADE COMMISSION.—The Commission may—

(i) intervene in any civil action brought by the attorney general of a State under paragraph (1) against a person described in subsection (d)(1); and

(ii) upon intervening—

(I) be heard on all matters arising in the civil action; and

(II) file petitions for appeal of a decision in the civil action.

(3) INVESTIGATORY POWERS.—Nothing in this subsection may be construed to prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of the State to conduct investigations, to administer oaths or affirmations, or to compel the attendance of witnesses or the production of documentary or other evidence.

(4) PREEMPTIVE ACTION BY FEDERAL TRADE COMMISSION.—If the Federal Trade Commission institutes a civil action or an administrative action with respect to a violation of subsection (c), the attorney general of a State may not, during the pendency of such action, bring a civil action under paragraph (1) against any defendant named in the complaint of the Commission for the violation with respect to which the Commission instituted such action.

(5) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under paragraph (1) may be brought in—

(i) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(ii) another court of competent jurisdiction.

(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

(6) ACTIONS BY OTHER STATE OFFICIALS.—

(A) IN GENERAL.—In addition to civil actions brought by attorneys general under paragraph (1), any other consumer protection officer of a State who is authorized by the State to do so may bring a civil action under paragraph (1), subject to the same requirements and limitations that apply under this subsection to civil actions brought by attorneys general.

(B) SAVINGS PROVISION.—Nothing in this subsection may be construed to prohibit an authorized official of a State from initiating or continuing any proceeding in a court of the State for a violation of any civil or criminal law of the State.

(f) EDUCATION AND OUTREACH FOR BUSINESSES.—Not later than 60 days after the date of the enactment of this Act, the Commission shall commence conducting education and outreach that provides businesses with non-binding best practices for compliance with this Act.

(g) RELATION TO STATE CAUSES OF ACTION.—Nothing in this section shall be construed to affect any cause of action brought by a person that exists or may exist under State law.

(h) EFFECTIVE DATES.—This section shall take effect on the date of the enactment of this Act, except that—