

S. 1151

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1151, a bill to amend part A of title IV of the Social Security Act to require the Secretary of Health and Human Services to conduct research on indicators of child well-being.

S. 1215

At the request of Mr. CASEY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1215, a bill to amend the Safe Drinking Water Act to repeal a certain exemption for hydraulic fracturing, and for other purposes.

S. 1321

At the request of Mr. UDALL of Colorado, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1321, a bill to amend the Internal Revenue Code of 1986 to provide a credit for property labeled under the Environmental Protection Agency Water Sense program.

S. 1340

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1340, a bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund.

S. 1583

At the request of Mr. ROCKEFELLER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1583, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2014, and for other purposes.

S. 1589

At the request of Ms. CANTWELL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1589, a bill to amend the Internal Revenue Code of 1986 to modify the incentives for the production of biodiesel.

S. 1660

At the request of Ms. KLOBUCHAR, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1660, a bill to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. 1666

At the request of Ms. COLLINS, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1666, a bill to require the Administrator of the Environmental Protection Agency to satisfy certain conditions before issuing to producers of mid-level ethanol blends a waiver from certain requirements under the Clean Air Act, and for other purposes.

S. 1672

At the request of Mr. REED, the names of the Senator from North Caro-

lina (Mr. BURR) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1672, a bill to reauthorize the National Oilheat Research Alliance Act of 2000.

S. 1678

At the request of Mr. CARDIN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 1678, a bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit, and for other purposes.

S. 1685

At the request of Mr. SANDERS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1685, a bill to provide an emergency benefit of \$250 to seniors, veterans, and persons with disabilities in 2010 to compensate for the lack of a cost-of-living adjustment for such year, and for other purposes.

S. 1700

At the request of Mr. LUGAR, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1700, a bill to require certain issuers to disclose payments to foreign governments for the commercial development of oil, natural gas, and minerals, to express the sense of Congress that the President should disclose any payment relating to the commercial development of oil, natural gas, and minerals on Federal land, and for other purposes.

S. 1711

At the request of Mr. REID, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1711, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for making homes more water-efficient, for building new water-efficient homes, for public water conservation, and for other purposes.

S. 1731

At the request of Mr. REED, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1731, a bill to require certain mortgagees to make loan modifications, to establish a grant program for State and local government mediation programs, to create databases on foreclosures, and for other purposes.

S. 1761

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1761, a bill to provide an extension of the low-income housing credit placed-in-service date requirement for certain disaster areas.

S. 1763

At the request of Mr. FRANKEN, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 1763, a bill to amend the Internal Revenue Code of 1986 to deny the deduction for advertising and promotional expenses for prescription pharmaceuticals.

S. 1765

At the request of Mr. CARDIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1765, a bill to amend the Hate Crime Statistics Act to include crimes against the homeless.

S. 1777

At the request of Mr. UDALL of Colorado, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1777, a bill to facilitate the remediation of abandoned hardrock mines, and for other purposes.

S. 1790

At the request of Mr. DORGAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1790, a bill to amend the Indian Health Care Improvement Act to revise and extend that Act, and for other purposes.

S. RES. 312

At the request of Mr. DURBIN, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. Res. 312, a resolution expressing the sense of the Senate on empowering and strengthening the United States Agency for International Development (USAID).

AMENDMENT NO. 2668

At the request of Mr. UDALL of New Mexico, his name was added as a cosponsor of amendment No. 2668 intended to be proposed to H.R. 3548, a bill to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

AMENDMENT NO. 2679

At the request of Ms. KLOBUCHAR, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of amendment No. 2679 intended to be proposed to H.R. 2847, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself, Mr. SCHUMER, Mr. REED, Mr. BROWN, Mr. LEVIN, Mr. MERKLEY, Mr. MENENDEZ, and Mr. REID):

S. 1799. A bill to amend the Truth in Lending Act, to establish fair and transparent practices related to the marketing and provision of overdraft coverage programs at depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, I rise to introduce the Fairness and Accountability in Receiving Overdraft Coverage Act, The FAIR Overdraft Coverage Act. The FAIR Overdraft Coverage Act will rein in abusive fees, give customers greater choice, and bring

greater transparency to overdraft coverage programs.

For too long, some in the financial services industry have gotten rich by taking advantage of consumers.

Earlier this year, in a 90-5 vote, this body passed legislation to crack down on credit card companies who were charging excessive fees and indiscriminately raising customers' rates. Those practices were wrong, and I was proud to lead the charge to put a stop to them.

Today, I hope to rally my colleagues' support to curtail another abusive practice: overdraft fees.

Let me be clear, people have a responsibility to spend within their means.

However, too often, banks take advantage of their customers under the guise of providing the "service" of overdraft protection, a service that the customer may not want and may not even know has been applied to his or her account.

The Financial Times recently reported that banks stand to collect a record \$38.5 billion in overdraft fees this year.

According to the Center for Responsible Lending, nearly \$1 billion of that will come from young adults.

Another \$4.5 billion will come from senior citizens like Mario Livieri of Branford, Connecticut. Mario is a 75-year-old retired homebuilder who accidentally overdrew his account by approximately \$2, and was charged \$35 by his bank. The bank took several days to notify him that the account was overdrawn, and in the meantime, he made three additional minor purchases for which he was charged three additional \$35 fees—a total of \$140.

When Mario protested, the bank waived one of the four \$35 charges. They told him there was nothing more he could do to fight the fees, because this practice was perfectly legal. Mario Livieri is no longer a customer at that bank, and this prevalent practice should no longer be perfectly legal.

Slow-walking notifications to consumers when their accounts are overdrawn is just one way in which banks try to run up the score on overdraft fees. Sometimes, they even re-arrange the order in which they process your purchases, charging you for a later, larger purchase first and then they charge you repeated overdraft fees for earlier, smaller purchases.

Worst of all, so-called "overdraft protection" is often added to customers' accounts without their permission, or even their knowledge. Customers who don't know that this feature is attached to their accounts think their purchases will just be denied if they don't have sufficient money in their accounts. Instead, their depository institutions will let these purchases go through and charge a \$35 flat fee for each purchase that overdrafts the account—no matter how small the purchase. And there generally is no limit on the number of fees that a customer can be charged in a single day.

That is just wrong. Families in my State of Connecticut and across the country are already struggling to make ends meet—and these unfair and excessive charges are making it even harder. Over the past few weeks, I've worked with consumer groups and listened to folks like Mario who have been the victims of these abusive practices. Those discussions resulted in the bill I present to you today.

Here is how the bill works.

First and foremost, no consumer should be enrolled in a program like this without their knowledge. My bill will establish an opt-in rule for overdraft protection for ATM and debit transactions so that customers will have to consent before they can be charged an overdraft coverage fee. You will recall that the credit card bill we passed earlier this year had a similar approach to over-the-limit fees.

If you do choose to opt into an overdraft coverage program, the bill will limit the number of overdraft fees banks can charge you—one per month, and no more than six per year. And that fee will be required to be proportional to the cost of processing the overdraft—no more \$40 charges for \$2 cups of coffee.

My legislation will also put a stop to the practice of manipulating the order in which transactions are posted, and require banks to warn customers if they are about to overdraw their account, giving them a chance to cancel the transaction.

Finally, it will require banks to notify customers promptly when they've overdrawn an account—through a means the customer chooses, from e-mail to text message to letter—so that they can quickly restore their balance and avoid unnecessary fees.

Abusive overdraft policies are unfair, and the banks know it. After it came out in the press that I was working on this legislation, a few of the big banks took steps towards responsible reform.

We will see whether these few are truly committed to reform. America's consumers deserve better—and this legislation will make sure they won't continue to be victims of greedy banks looking to line their pockets at the expense of hard-working families.

I urge my colleagues to join me and Senators HARRY REID, CHARLES SCHUMER, JACK REED, SHERROD BROWN, CARL LEVIN, JEFF MERKLEY, and ROBERT MENENDEZ in support of this legislation.

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. 1799

*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 "Fairness and Accountability in Receiving Overdraft Coverage Act of 2009" or the "FAIR Overdraft Coverage Act".

#### SEC. 2. FINDINGS AND PURPOSE.

Section 102 of the Truth in Lending Act (15 U.S.C. 1601) is amended by adding at the end the following:

“(C) FAIRNESS AND ACCOUNTABILITY IN OVERDRAFT COVERAGE.—

“(1) FINDINGS.—The Congress also finds that—

“(A) overdraft coverage is a form of short-term credit that depository institutions provide for consumer transaction accounts. Historically, depository institutions covered overdrafts for a fee on an ad hoc basis;

“(B) with the growth in specially designed software programs and in consumer use of debit cards, overdraft coverage for a fee has become more prevalent;

“(C) most depository institutions do not notify consumers when adding this feature to their transaction accounts, and some do not permit consumers to eliminate this feature from such accounts;

“(D) most depository institutions collect a high flat fee, including for small dollar transactions, each time the institution covers an overdraft, in some cases impose multiple overdraft coverage fees within a single day, and many charge additional fees for each day during which the account remains overdrawn; and

“(E) such abusive and misleading practices in connection with overdraft coverage fees have deprived consumers of meaningful choices about their accounts and placed significant financial burdens on low- and moderate-income consumers.

“(2) PURPOSE.—It is the purpose of this title to protect consumers by limiting abusive and misleading overdraft coverage fees and practices, and by providing meaningful disclosures and consumer choice in connection with overdraft coverage fees.”.

#### SEC. 3. DEFINITIONS.

(a) ADDITIONAL DEFINITIONS.—Section 103 of the Truth in Lending Act (15 U.S.C. 1602) is amended by adding at the end the following:

“(cc) DEFINITIONS RELATING TO OVERDRAFT COVERAGE.—

“(1) CHECK.—The term ‘check’ has the same meaning as in section 3(6) of the Check Clearing for the 21st Century Act (12 U.S.C. 5001 et seq.), other than a travelers check.

“(2) DEPOSITORY INSTITUTION.—The term ‘depository institution’ has the same meaning as in clauses (i) through (vi) of section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)).

“(3) NONSUFFICIENT FUND FEE.—The term ‘nonsufficient fund fee’ means a fee or charge assessed in connection with an overdraft for which a depository institution declines payment.

“(4) OVERDRAFT.—The term ‘overdraft’ means the amount of a withdrawal by check or other debit from a transaction account in which there are insufficient or unavailable funds in the account to cover such check or debit.

“(5) OVERDRAFT COVERAGE.—The term ‘overdraft coverage’ means the payment of a check presented or other debit posted against a transaction account by the depository institution in which such account is held, even though there are insufficient or unavailable funds in the account to cover such checks or other debits.

“(6) OVERDRAFT COVERAGE FEE.—The term ‘overdraft coverage fee’ means any fee or charge assessed in connection with overdraft coverage, or in connection with any negative account balance that results from overdraft coverage, excluding fees or charges relating to overdraft lines of credit or transfers from an account linked to another transaction account or line of credit. Such fee shall be considered a ‘finance charge’ for purposes of section 106(a), but shall not be included in the

calculation of the rate of interest for purposes of section 107(5)(A)(vi) of the Federal Credit Union Act (12 U.S.C. 1757(5)(A)(vi)).

“(7) OVERDRAFT COVERAGE PROGRAM.—The term ‘overdraft coverage program’ means a service under which a depository institution assesses an overdraft coverage fee for overdraft coverage.

“(8) TRANSACTION ACCOUNT.—The term ‘transaction account’ has the same meaning as in section 19(b)(1)(C) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(C)).”

(b) CONFORMING AMENDMENT.—Section 107(5)(A)(vi) of the Federal Credit Union Act (12 U.S.C. 1757(5)(A)(vi)) is amended by inserting “, other than an overdraft coverage fee, as defined in section 103(cc) of the Truth in Lending Act (12 U.S.C. 1602(cc))” after “inclusive of all finance charges”.

#### SEC. 4. FAIR MARKETING AND PROVISION OF OVERDRAFT COVERAGE PROGRAMS.

Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by adding at the end the following new section:

##### “SEC. 140B. OVERDRAFT COVERAGE PROGRAM DISCLOSURES AND CONSUMER PROTECTION.

“(a) PROHIBITIONS.—No depository institution may engage in acts or practices in connection with the marketing of or the provision of overdraft coverage that are unfair, deceptive, or designed to evade the provisions of this section.

“(b) MARKETING DISCLOSURES.—Each depository institution that provides or offers to provide overdraft coverage with respect to transaction accounts held at that depository institution shall clearly and conspicuously disclose in all marketing materials for such overdraft coverage any overdraft coverage fees.

“(c) CONSUMER CONSENT OPT-IN.—A depository institution may charge overdraft coverage fees with respect to withdrawals from automated teller machines or debit card transfers only if the consumer has consented in writing, in electronic form, or in such other form as is permitted under regulations of the Board.

“(d) CONSUMER DISCLOSURES.—Each depository institution shall clearly disclose to each consumer covered by an overdraft protection program of that depository institution—

“(1) that—

“(A) the consumer may be charged for not more than one overdraft coverage fee in any single calendar month and not more than 6 overdraft coverage fees in any single calendar year, per transaction account; and

“(B) the depository institution retains the discretion to pay (without assessing an overdraft coverage fee) or reject overdrafts incurred by the consumer beyond the numbers described in subparagraph (A);

“(2) information about any alternative overdraft products that are available, including a clear explanation of how the terms and fees for such alternative services and products differ; and

“(3) such other information as the Board may require, by rule.

“(e) PERIODIC STATEMENTS.—Each depository institution that offers an overdraft coverage program shall, in each periodic statement for any transaction account that has an overdraft coverage program feature, clearly disclose to the consumer the dollar amount of all overdraft coverage fees charged to the consumer for the relevant period and year to date.

“(f) EXCLUSION FROM ACCOUNT BALANCE INFORMATION.—No depository institution may include the amount available under the overdraft coverage program of a consumer as part of the transaction account balance of that consumer.

“(g) PROMPT NOTIFICATION.—Each depository institution shall promptly notify con-

sumers, through a reasonable means selected by the consumer, when overdraft coverage has been accessed with respect to the account of the consumer, not later than on the day on which such access occurs, including—

“(1) the date of the transaction;

“(2) the type of transaction;

“(3) the overdraft amount;

“(4) the overdraft coverage fee;

“(5) the amount necessary to return the account to a positive balance; and

“(6) whether the participation of a consumer in an overdraft coverage program will be terminated if the account is not returned to a positive balance within a given time period.

“(h) TERMINATED OR SUSPENDED COVERAGE.—Each depository institution shall provide prompt notice to the consumer, using a reasonable means selected by the consumer, if the institution terminates or suspends access to an overdraft coverage program with respect to an account of the consumer, including a clear rationale for the action.

“(i) NOTICE AND OPPORTUNITY TO CANCEL.—Each depository institution shall—

“(1) warn any consumer covered by an overdraft coverage program who engages in a transaction through an automated teller machine or a branch teller if completing the transaction would trigger overdraft coverage fees, including the amount of the fees; and

“(2) provide to the consumer the opportunity to cancel the transaction before it is completed.

“(j) OVERDRAFT COVERAGE FEE LIMITS.—

“(1) FREQUENCY.—A depository institution may charge not more than one overdraft coverage fee in any single calendar month, and not more than 6 overdraft coverage fees in any single calendar year, per transaction account.

“(2) REASONABLE AND PROPORTIONAL OVERDRAFT COVERAGE FEES.—

“(A) IN GENERAL.—The amount of any overdraft coverage fee that a depository institution may assess for paying a transaction (including a check or other debit) shall be reasonable and proportional to the cost of processing the transaction.

“(B) SAFE HARBOR RULE AUTHORIZED.—The Board, in consultation with the Comptroller of the Currency, the Board of Directors of the Federal Deposit Insurance Corporation, the Director of the Office of Thrift Supervision, and the National Credit Union Administration Board, may issue rules to provide an amount for any overdraft coverage fee that is presumed to be reasonable and proportional to the actual cost of processing the transaction.

“(3) POSTING ORDER.—In order to minimize overdraft coverage fees charged to consumers, each depository institution shall post transactions with respect to transaction accounts in such a manner that the consumer does not incur avoidable overdraft coverage fees.

“(k) DEBIT HOLDS.—No depository institution may charge an overdraft coverage fee on any category of transaction, if the overdraft results solely from a debit hold amount placed on a transaction account that exceeds the actual dollar amount of the transaction.

“(1) NONDISCRIMINATION FOR NOT OPTING IN.—In implementing the requirements of this section, each depository institution shall provide to consumers who have not consented to participate in an overdraft coverage program, transaction accounts having the same terms, conditions, or other features as those that are provided to consumers who have consented to participate in such overdraft coverage program, except for features of such overdraft coverage.

“(m) NON-SUFFICIENT FUND FEE LIMITS.—No depository institution may charge any non-sufficient fund fee with respect to—

“(1) any transaction at an automated teller machine; or

“(2) any debit card transaction.

“(n) REPORTS TO CONSUMER REPORTING AGENCIES.—No depository institution may report negative information regarding the use of overdraft coverage by a consumer to any consumer reporting agency (as that term is defined in section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a)) when the overdraft amounts and overdraft coverage fees are paid under the terms of an overdraft coverage program.

“(o) RULE OF CONSTRUCTION.—No provision of this section may be construed as prohibiting a depository institution from retaining the discretion to pay, without assessing an overdraft coverage fee or charge, an overdraft incurred by a consumer.”

#### SEC. 5. REGULATORY AUTHORITY OF THE BOARD.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act (except as provided in subsection (b)), the Board of Governors of the Federal Reserve System (in this Act referred to as the “Board”), in consultation with the Comptroller of the Currency, the Board of Directors of the Federal Deposit Insurance Corporation, the Director of the Office of Thrift Supervision, and the National Credit Union Administration Board, shall issue such final rules and publish such model forms as necessary to carry out section 140B of the Truth in Lending Act, as added by this Act.

(b) BOARD AUTHORITY REGARDING ADDITIONAL WARNINGS.—The Board may, by rule, after taking into account the findings of the Comptroller General of the United States under section 6, require warnings at locations such as point-of-sale transfer terminals or other locations, that are similar to those required under section 140B(i) of the Truth in Lending Act, as added by this Act, where feasible, and if the cost of providing such warnings does not outweigh the benefit to consumers.

#### SEC. 6. STUDY AND REPORT BY THE GAO.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding whether it is feasible for a depository institution—

(A) to provide a warning to a consumer at a point-of-sale transfer terminal that completing a transfer may trigger overdraft coverage fees; and

(B) to provide the consumer with the opportunity to cancel the point-of-sale transfer before the transaction is completed.

(2) CONSIDERATIONS.—In conducting the study under this subsection, the Comptroller General shall evaluate—

(A) the benefits to consumers of a point-of-sale transfer overdraft warning and opportunity to cancel;

(B) the availability of technology to provide such a warning and opportunity; and

(C) the cost of providing such warning and opportunity.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study conducted under subsection (a).

(c) DEFINITIONS.—As used in this section, the terms “overdraft coverage program”, “overdraft coverage fee”, and “depository institution” have the same meanings as in section 103(cc) of the Truth in Lending Act, as added by this Act.

#### SEC. 7. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendments made by this Act shall become effective 1 year after the date of enactment of this Act, whether or not the rules of the Board under this Act or such amendments are issued in final form.

## (b) MORATORIUM ON FEE INCREASES.—

(1) IN GENERAL.—During the 1-year period beginning on the date of enactment of this Act, no depository institution may increase the overdraft coverage fees or charges assessed on transaction accounts for paying a transaction (including a check or other debit) in connection with an overdraft or for non-sufficient funds.

(2) DEFINITIONS.—As used in this section, the terms “depository institution”, “overdraft”, “overdraft coverage fee”, “transaction account” and “nonsufficient fund fee” have the same meanings as in section 103(cc) of the Truth in Lending Act, as added by this Act.

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 314—DESIGNATING THE WEEK BEGINNING OCTOBER 18, 2009, AS “NATIONAL CHARACTER COUNTS WEEK”

Mr. DODD (for himself, Mr. GRASSLEY, Mr. BROWN, Mr. ENZI, Mr. CASEY, Mr. ALEXANDER, Mr. LEVIN, Ms. MURKOWSKI, Mr. ROCKEFELLER, Mr. INHOFE, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. JOHNSON, Mr. CORNYN, Ms. STABENOW, and Mr. PRYOR) submitted the following resolution; which was considered and agreed to:

S. RES. 314

Whereas the well-being of the United States requires that the young people of this Nation become an involved, caring citizenry of good character;

Whereas the character education of children has become more urgent, as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the United States;

Whereas effective character education is based on core ethical values, which form the foundation of democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those that have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities; and

Whereas the establishment of “National Character Counts Week”, during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations focus on character education, is of great benefit to the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning October 18, 2009, as “National Character Counts Week”; and

(2) calls upon the people of the United States and interested groups—

(A) to embrace the elements of character identified by local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) to observe the week with appropriate ceremonies, programs, and activities.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2692. Mr. HARKIN (for himself and Mr. ENZI) proposed an amendment to the bill S. 1793, to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS.

SA 2693. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill S. 1776, to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

SA 2692. Mr. HARKIN (for himself and Mr. ENZI) proposed an amendment to the bill S. 1793, to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS; as follows:

On page 5, line 14, strike “In” and insert “in”.

On page 7, line 12, add “and” at the end.

On page 7, line 24, strike “(vi)” and insert “(C)” and realign the margin accordingly.

On page 8, line 1, strike “(g)” and insert “(d)”.

On page 26, line 5, insert “section” after “in”.

On page 26, line 6, strike “(c)(A)” and insert “(c)(4)(A)”.

On page 26, line 13, strike “(c)” and insert “(c)”.

On page 31, line 24, strike “(a)” and insert “(1)” and realign the margin accordingly.

On page 31, line 26, strike “(b)” and insert “(2)” and realign the margin accordingly.

On page 42, line 13, strike “subpart” and insert “part”.

On page 46, line 24, strike “subpart” and insert “part”.

On page 47, line 10, strike “subpart” and insert “part”.

On page 48, strike lines 1 through 8, and insert the following:

“(a) LIABILITY OF MEDICAL FACILITIES, DESIGNATED OFFICERS, PUBLIC HEALTH OFFICERS, AND GOVERNING ENTITIES.—This part may not be construed to authorize any cause of action for damages or any civil penalty against any medical facility, any designated officer, any other public health officer, or any governing entity of such facility or officer for failure to comply with the duties established in this part.”.

On page 48, line 9, strike “subpart” and insert “part”.

On page 48, line 13, strike “subpart” and insert “part”.

On page 48, line 20, strike “subpart” and insert “part”.

On page 49, line 18, strike “subpart” and insert “part”.

On page 49, line 23, strike “subpart” and insert “part”.

On page 50, line 1, strike “subpart” and insert “part”.

On page 50, line 2, strike “subpart” and insert “part”.

On page 50, line 5, strike “subpart” and insert “part”.

SA 2693. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill S. 1776, to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

## SEC. . . . REDUCTION IN TARP FUNDS TO OFFSET THE COSTS OF THE PAYMENT UPDATE FOR MEDICARE PHYSICIANS' SERVICES.

Paragraph (3) of section 115(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225) is amended by striking “\$1,244,000,000” and inserting “\$251,244,000,000”.

## RYAN WHITE HIV/AIDS TREATMENT EXTENSION ACT OF 2009

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 182, S. 1793.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1793) to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS.

There being no objection, the Senate proceeded to consider the bill.

Mr. HARKIN. Mr. President, today marks an important milestone in our ongoing national effort to combat HIV and AIDS. Twenty-eight years ago, the Centers for Disease Control and Prevention issued its first warning about the disease we now know as AIDS. Today, we are approving the fourth extension of the Ryan White CARE Act, comprehensive legislation first enacted