

stop selling its gift cards and is required to honor existing gift cards until it goes out of business.

First, this bill will ban expiration dates and inactivity fees.

Connecticut gift card consumers have the benefit of clear and robust protections: their gift cards do not expire, and they do not carry any non-use or dormancy fees. These protections apply whether the gift card is purchased by a consumer or obtained as a rebate or bonus for the purchase of another product because in both situations, the consumer is relying on an expectation that the funds on the card will not expire and will not be depleted by fees.

As a U.S. Senator, I have often advocated for bringing Connecticut's strong consumer protection laws to the rest of the Nation, and that is what this bill does.

Under current Federal law, gift cards may expire after 5 years, and they be charged inactivity fees after 1 year. And loyalty, award, and promotional cards are not covered at all.

This bill would eliminate expiration dates and inactivity fees for gift cards, and it would include those protections for loyalty, award, and promotional gift cards.

This bill will give peace of mind and security to consumers when they purchase gift cards. They can shop with confidence, knowing that the money on their gift cards will not expire, will not diminish over time, and will not be refused if a company goes out of business.

I am grateful that many in the industry already follow these practices. Best Buy, for instance, doesn't charge fees on their gift cards and they do not expire. When you get a bonus card for a purchase, that card doesn't expire or carry fees, either. The same is true for Barnes and Noble, and others.

These practices should prevail uniformly for every company.

Unfortunately that is not the case. Some large companies assess inactivity fees after a year, others issue promotional gift cards that expire very quickly, sometimes as soon as forty days from the card's issuance.

The result is confusion and a lack of consumer confidence. "Does this company's gift card have hidden fees? Does the money on this \$20 bonus card last until I use it, or will it expire next month? This ad says I get a promotional gift card when I buy a new TV: does that mean it won't expire for five years, or will it expire in 30 days?"

The Gift Card Consumer Protection Act will address and dispel such doubt and confusion and make it clear that consumers who receive or buy gift cards whether by purchasing them directly or as part of a rebate or promotion need not worry about the cards expiring or being depleted by inactivity fees. It provides protections for gift card holders when a company files for bankruptcy protection.

The Gift Card Consumer Protection Act assures that consumers get their

money's worth, no matter when they use the gift card.

I invite my colleagues to cosponsor the Gift Card Consumer Protection Act and ensure that gift card consumers do not see the value of their gift cards disappear due to unfair fees or expiration dates or a company bankruptcy.

By Mr. REID:

S. 3637. A bill to temporarily extend the transaction account guarantee program, and for other purposes; read the first time.

Mr. REID. 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. 3637

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

**SECTION 1. INSURED DEPOSITORY INSTITUTION TRANSACTION ACCOUNT GUARANTEE PROGRAM.**

(a) EXTENSION.—Notwithstanding any other provision of law that would repeal subparagraphs (B) and (C) of section 11(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)) on January 1, 2013, such subparagraphs shall remain in effect until December 31, 2014.

(b) PROSPECTIVE REPEAL.—Effective on January 1, 2015, section 11(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)) is amended—

(1) in subparagraph (B)—

(A) by striking "DEPOSIT—" and all that follows through "clause (ii), the net amount" in clause (i), and inserting "DEPOSIT.—The net amount"; and

(B) by striking clauses (ii) and (iii); and

(2) in subparagraph (C), by striking "subparagraph (B)(i)" and inserting "subparagraph (B)".

(c) COST RECOVERY.—The Federal Deposit Insurance Corporation (in this section referred to as the "Corporation") shall fully offset, in each calendar year, any estimated losses to the Deposit Insurance Fund established under section 11(a)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(4)) that may occur as a result of the amendments made under subsections (a) and (b) of this section, by—

(1) estimating the losses, if any, that are expected to occur for each calendar year; and

(2) collecting an amount equal to such estimated losses by September 30 of such calendar year, which shall be in addition to the assessments that would otherwise be collected by the Corporation with respect to such year for insured depository institutions (as defined in section 3(c)(2) of that Act (12 U.S.C. 1813(c)(2))) pursuant to section 7(b) of that Act (12 U.S.C. 1817(b)).

**SEC. 2. INSURED CREDIT UNION TRANSACTION ACCOUNT GUARANTEE PROGRAM.**

(a) EXTENSION.—Notwithstanding any other provision of law that would repeal subparagraphs (A) and (B) of section 207(k)(1) of the Federal Credit Union Act (12 U.S.C. 1787(k)(1)) on January 1, 2013, such subparagraphs shall remain in effect until December 31, 2014.

(b) PROSPECTIVE REPEAL.—Effective on January 1, 2015, section 207(k)(1) of the Federal Credit Union Act (12 U.S.C. 1787(k)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking "(A) IN GENERAL.—" and all that follows through "paragraph (2), the net amount" in clause (i), and inserting the following:

"(1) IN GENERAL.—Subject to the provisions of paragraph (2), the net amount"; and

(B) by striking clauses (ii) and (iii); and

(2) in subparagraph (B), by striking "subparagraph (A)(i)" and inserting "subparagraph (A)".

(c) COST RECOVERY.—The National Credit Union Administration (in this section referred to as the "Administration") shall fully offset, in each calendar year, any estimated losses to the National Credit Union Share Insurance Fund established under section 203(a) of the Federal Credit Union Act (12 U.S.C. 1783(a)) that may occur as a result of the amendments made under subsections (a) and (b) of this section, by—

(1) estimating the losses, if any, that are expected to occur for each calendar year; and

(2) collecting an amount equal to such estimated losses by September 30 of such calendar year, which shall be in addition to the assessments that would otherwise be collected by the Administration with respect to such year for insured credit unions (as defined in section 101 of that Act (12 U.S.C. 1752)) pursuant to section 202 of that Act (12 U.S.C. 1782).

**SUBMITTED RESOLUTIONS**

**S. RES. 600—SUPPORTING THE GOALS AND IDEALS OF AMERICAN DIABETES MONTH**

Mrs. SHAHEEN (for herself, Ms. COLLINS, Mr. LAUTENBERG, Ms. MIKULSKI, Ms. LANDRIEU, Mr. AKAKA, and Mr. TESTER) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

Whereas, according to the Centers for Disease Control and Prevention (referred to in this preamble as the "CDC"), nearly 26,000,000 people in the United States have diabetes and 79,000,000 people in the United States have pre-diabetes;

Whereas diabetes is a serious chronic condition that affects people of every age, race, ethnicity, and income level;

Whereas the CDC reports that Hispanics, African-Americans, Asian-Americans, and Native Americans are disproportionately affected by diabetes and suffer from diabetes at rates that are much higher than the general population of the United States;

Whereas, according to the CDC, someone is diagnosed with diabetes every 17 seconds;

Whereas, each day, approximately 5,082 people are diagnosed with diabetes;

Whereas, in 2010, the CDC estimated that approximately 1,900,000 individuals age 20 and older were newly diagnosed with diabetes;

Whereas a joint National Institutes of Health and CDC study found that approximately 15,000 youth in the United States are diagnosed with type 1 diabetes annually and approximately 3,600 youth are diagnosed with type 2 diabetes annually;

Whereas, according to the CDC, between 1980 and 2007, the prevalence of diabetes in the United States increased by more than 300 percent;

Whereas the CDC reports that more than 27 percent of individuals with diabetes are undiagnosed;

Whereas the National Diabetes Fact Sheet issued by the CDC states that more than 11 percent of adults in the United States and 26.9 percent of people in the United States age 60 and older have diabetes;

Whereas the CDC estimates that as many as 1 in 3 adults in the United States will have diabetes in 2050 if present trends continue;

Whereas the CDC estimates that as many as 1 in 2 Hispanic, African-American, Asian-American, and Native American adults will have diabetes in 2050 if present trends continue;

Whereas, according to the American Diabetes Association, in 2007, the total cost of diagnosed diabetes in the United States was \$174,000,000,000, and 1 in 10 dollars spent on health care was attributed to diabetes and its complications;

Whereas, according to a Lewin Group study, in 2007, the total cost of diabetes (including both diagnosed and undiagnosed diabetes, pre-diabetes, and gestational diabetes) was \$218,000,000,000;

Whereas a Mathematica Policy Research study in 2007 found that, for each fiscal year, total expenditures for Medicare beneficiaries with diabetes comprise 32.7 percent of the Medicare budget;

Whereas, according to the CDC, diabetes was the seventh leading cause of death in 2007 and contributed to the deaths of more than 230,000 people in the United States in 2007;

Whereas there is not yet a cure for diabetes;

Whereas there are proven means to reduce the incidence, and delay the onset, of type 2 diabetes;

Whereas, with the proper management and treatment, people with diabetes live healthy, productive lives; and

Whereas American Diabetes Month is celebrated in November: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of American Diabetes Month, including—

(A) encouraging the people of the United States to fight diabetes through public awareness about prevention and treatment options; and

(B) increasing education about the disease; (2) recognizes the importance of early detection of diabetes, awareness of the symptoms of diabetes, and the risk factors that often lead to the development of diabetes, including—

(A) being over the age of 45;

(B) having a specific racial and ethnic background;

(C) being overweight;

(D) having a low level of physical activity;

(E) having high blood pressure; and

(F) having a family history of diabetes or a history of diabetes during pregnancy; and

(3) supports decreasing the prevalence of type 1, type 2, and gestational diabetes in the United States through increased research, treatment, and prevention.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2928. Mrs. McCASKILL (for herself, Ms. COLLINS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2929. Mrs. McCASKILL (for herself, Ms. COLLINS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2930. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2931. Mr. BARRASSO submitted an amendment intended to be proposed to

amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table.

SA 2932. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2933. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2934. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2935. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2936. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2937. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2938. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2939. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2940. Mr. BLUMENTHAL (for himself, Mr. KERRY, Mrs. MURRAY, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2941. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2942. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2943. Mr. WEBB (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2944. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2945. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 2928. Mrs. McCASKILL (for herself, Ms. COLLINS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

#### SEC. 1084. RESPONSIBILITIES REGARDING FINANCING OF OVERSEAS CONTINGENCY OPERATIONS.

(a) RESPONSIBILITIES OF THE PRESIDENT.—The President shall ensure that any request to Congress for funds for or relating to an overseas contingency operation includes the following:

(1) A specific statement of the requested funds, including—

(A) amounts requested for each appropriations account covered by the request; and

(B) amounts intended to be allocated, where available, to programs, projects, and activities to be funded through the request.

(2) A specific proposal for means of financing the amount requested, including an increase in specified revenues, a decrease in specified programs, projects, or activities, borrowing by the Federal Government, or other appropriate means.

(b) RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall be the principal official of the Federal Government with responsibility for advising the President on financial matters in connection with overseas contingency operations, including the costs and proposed means of financing of all programs, projects, and activities of the Federal Government in connection with such operations.

(2) PARTICULAR RESPONSIBILITIES.—The responsibility of the Director under this subsection shall include the responsibilities as follows:

(A) To advise and report to the President on estimates of costs in connection with overseas contingency operations, including direct and indirect costs, current and future costs, and anticipated contracting costs.

(B) To identify and report to the President on means of financing the costs of the Federal Government in connection with overseas contingency operations, including an increase in specified revenues, a decrease in specified programs, projects, or activities, borrowing by the Federal Government, or other appropriate means.

(3) CONSULTATION.—The Director shall carry out the responsibility of the Director under this subsection in consultation with the Secretary of the Treasury, the Secretary of Defense, the Secretary of State, and other appropriate officials of the Federal Government.

(c) ANNUAL REPORTS TO CONGRESS.—Not later than 45 days after the end of each fiscal year in which Federal funds are obligated for or in connection with an overseas contingency operation, the Director of the Office of Management and Budget shall submit to Congress a report on the obligation and expenditure of Federal funds for or in relation to the operation during such fiscal year and in the aggregate since the commencement or designation of the operation as a contingency operation.

(d) OVERSEAS CONTINGENCY OPERATION DEFINED.—In this section, the term “overseas contingency operation” means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

SA 2929. Mrs. McCASKILL (for herself, Ms. COLLINS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3254, to