

is waning support for our policies throughout the world. We know that when people visit us here in our country, they almost always like Americans more and are likely to consider American foreign policy more favorably than those who don't visit us. Members of Congress know better than anyone in the country that our best ambassadors are our constituents, when given the opportunity.

The Travel Promotion Act of 2008 is an effort to encourage all of those things, and reverse the dangerous notion that America is an unwelcoming place, not even worth the trouble of visiting. It creates a partnership that combines the resources and willpower of the private sector and the government to generate renewed interest in visiting America. We also took a hard look at what's already on the books and streamlined parts of the government that are supposed to be doing this work but aren't doing it effectively.

One area where I wish we'd spent some more time and effort was on updating the language relating to the Electronic System for Traveler Authorization (ESTA). When we originally crafted this bill, the ESTA had not yet been created, so our language included a reference to this on the condition it was authorized. The ESTA was authorized as part of the 9/11 bill that Congress passed last year. Unfortunately that legislation did not provide a mandate for the administration to collect the very fee that will provide the federal matching funds for the Corporation. I had hoped that as a result of the negotiations that got us here today, we would have found a way to create that mandate. I've been told that the Department of Homeland Security intends to create a fee in order to implement the ESTA in the near future. I would encourage the Department to do that and help get this program established.

The bill we have in front of us is an amended version of the bill that Mr. DELAHUNT and I introduced last year. I appreciate the hard work that Chairman DINGELL and Ranking Member BARTON have put into these amendments, as well as the work that Mr. RUSH and Mr. STEARNS put into the amendments that cleared the subcommittee last week. I think most of these changes enhance the bill and make it a better product.

I'd also like to thank Chairman BENNIE THOMPSON and Ranking Member PETER KING from the Homeland Security Committee, and Chairman JOHN CONYERS and Ranking Member LAMAR SMITH from the Judiciary Committee. Without the hard work of these members and their staffs, we wouldn't have this bill up on the floor today.

I'm looking forward to passage of the Travel Promotion Act. I'm looking forward to working with the industry experts who eventually will serve on the board of the Corporation for Travel Promotion and with the Department of Commerce to develop a strategy to ensure our country is an attractive market for international travelers. And, of course, I'm looking forward to welcoming as many of those travelers as possible to Branson, Missouri.

Mr. DINGELL. Madam Speaker, I submit two letters for the RECORD regarding H.R. 3232.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
Washington, DC, September 24, 2008.

Hon. JOHN D. DINGELL,  
Chairman, Committee on Energy and Commerce,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you regarding H.R. 3232, the Travel Promotion Act of 2007, introduced by Mr. Delahunt on July 31, 2007, which upon introduction was referred to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary and Homeland Security.

H.R. 3232 was marked up and ordered reported by the Committee on Energy and Commerce on September 23, 2008. I recognize and appreciate your desire to bring this bill before the House in an expeditious manner, and, accordingly, I will waive further consideration of this bill in Committee. However, agreeing to waive consideration of this bill should not be construed as the Committee on Homeland Security waiving, altering, or otherwise affecting its jurisdiction over H.R. 3232.

Further, I request your support for the appointment of Committee on Homeland Security conferees during any House-Senate conference convened on this or similar legislation. Finally, I request that a copy of this letter be included in the Congressional Record during floor consideration of H.R. 3232. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,  
Chairman.

HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON ENERGY AND COM-  
MERCE,

Washington, DC, September 25, 2008.

Hon. BENNIE G. THOMPSON,  
Chairman, Committee on Homeland Security,  
Washington, DC.

DEAR CHAIRMAN THOMPSON: Thank you for your letter regarding H.R. 3232, the Travel Promotion Act of 2008.

The letter expresses the jurisdictional interest of the Committee on Homeland Security in the bill. The Committee on Energy and Commerce recognizes that your Committee has received a referral on H.R. 3232. I appreciate your decision to forgo a markup of the bill, and I agree with you that the decision does not in any way prejudice the Committee on Homeland Security with respect to its jurisdictional prerogatives, including the appointment of conferees, on this bill or similar legislation in the future. If a House-Senate conference is convened on H.R. 3232, I would support a request by the Committee on Homeland Security for an appropriate number of conferees with respect to provisions within its jurisdiction.

I will include our letters in the Congressional Record during consideration of the bill on the House floor. I appreciate the collaboration between our committees in crafting H.R. 3232, and I look forward to continuing to work with you to pass this important legislation.

Sincerely,

JOHN D. DINGELL,  
Chairman.

Mr. DINGELL. Madam Speaker, I rise in support of H.R. 3232, the "Travel Promotion Act of 2008." This legislation is the bipartisan product of negotiations between three committees. I commend several of my colleagues who contributed to this bill's improvement. In particular, my good friend and the chairman of the Subcommittee on

Commerce, Trade, and Consumer Protection, BOBBY RUSH, deserves recognition for his efforts. I also extend my personal thanks to the chairmen and ranking members of the Committees on Homeland Security and the Judiciary, Representatives THOMPSON, KING, CONYERS, and SMITH, respectively. Lastly, I offer my gratitude and congratulations to my friend from Massachusetts, Representative DELAHUNT, the distinguished Republican Whip, Representative BLUNT, and Representative LOPGREN of California.

The amendments made to H.R. 3232 by the Committee on Energy and Commerce in consultation with the other Committees have measurably strengthened the accountability standards to which the Corporation for Travel Promotion, which this bill charts, will be held. I support the goal of encouraging more foreign tourists traveling to the United States, and would urge my colleagues to adopt the "Travel Promotion Act of 2008."

Mr. TERRY. Madam Speaker, we have no further speakers, and I yield back my time.

Mr. RUSH. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BOYDA of Kansas). The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 3232, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 2851. An act to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5057. An act to reauthorize the Debbie Smith DNA Backlog Grant Program, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1276. An act to facilitate the creation of methamphetamine precursor electronic log-book systems, and for other purposes.

S. 3296. An act to extend the authority of the United States Supreme Court Police to protect court officials off the Supreme Court Grounds and change the title of the Administrative Assistant to the Chief Justice.

S. 3560. An act to amend title XIX of the Social Security Act to provide additional funds for the qualifying individual (QI) program, and for other purposes.

□ 1815

## CALLING CARD CONSUMER PROTECTION ACT

Mr. RUSH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3402) to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3402

*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 "Calling Card Consumer Protection Act".

### SEC. 2. DEFINITIONS.

For purposes of this Act, the following definitions apply:

(1) The term "Commission" means the Federal Trade Commission.

(2) The term "prepaid calling card" has the meaning given the term "prepaid calling card" by section 64.5000(a) of the Federal Communications Commission's regulations (47 C.F.R. 64.5000(a)). Such term shall also include calling cards that use VoIP service or a successor protocol. Such term shall also include an electronic or other mechanism that allows users to pay in advance for a specified amount of calling. Such term shall not include—

(A) calling cards or other rights of use that are provided for free or at no additional cost as a promotional item accompanying a product or service purchased by a consumer;

(B) any card, device, or other right of use, the purchase of which establishes a customer-carrier relationship with a provider of wireless telecommunications service or wireless hybrid service, or that provides access to a wireless telecommunications service or wireless hybrid service account wherein the purchaser has a pre-existing relationship with the wireless service provider; or

(C) payphone service, as that term is defined in section 276(d) of the Communications Act of 1934 (47 U.S.C. 276(d)).

(3) The term "prepaid calling card provider" has the meaning given the term "prepaid calling card provider" by section 64.5000(b) of the Federal Communications Commission's regulations (47 C.F.R. 64.5000(b)). Such term shall also include—

(A) a provider of a prepaid calling card that uses VoIP service or a successor protocol; and

(B) a provider of a prepaid calling card that allows users to pay in advance for a specified amount of minutes through an electronic or other mechanism.

(4) The term "prepaid calling card distributor" means any entity or person that purchases prepaid calling cards from a prepaid calling card provider or another prepaid calling card distributor and sells, re-sells, issues, or distributes such cards to one or more distributors of such cards or to one or more retail sellers of such cards.

(5) The term "wireless hybrid service" is defined as a service that integrates both commercial mobile radio service (as defined by section 20.3 of the Federal Communications Commission's regulations (47 C.F.R. 20.3)) and VoIP service.

(6) The term "VoIP service" has the meaning given the term "interconnected Voice

over Internet protocol service" by section 9.3 of the Federal Communications Commission's regulations (47 C.F.R. 9.3). Such term shall include any voice calling service that utilizes a voice over Internet protocol or any successor protocol in the transmission of the call.

(7) The term "fees" includes all charges, fees, taxes, or surcharges applicable to a prepaid calling card that are—

(A) required by Federal law or regulation or order of the Federal Communications Commission or by the laws and regulations of any State or political subdivision of a State; or

(B) expressly permitted to be assessed under Federal law or regulation or order of the Federal Communications Commission or under the laws and regulations of any State or political subdivision of a State.

(8) The term "additional charge" means any charge assessed by a prepaid calling card provider or prepaid calling card distributor for the use of a prepaid calling card, other than a fee or rate.

(9) The term "international preferred destination" means one or more specific international destinations named on a prepaid calling card or on the packaging material accompanying a prepaid calling card.

### SEC. 3. REQUIRED DISCLOSURES OF PREPAID CALLING CARDS.

(a) REQUIRED DISCLOSURE.—Any prepaid calling card provider or prepaid calling card distributor shall disclose clearly and conspicuously the following information relating to the terms and conditions of the prepaid calling card:

(1) The name of the prepaid calling card provider and such provider's customer service telephone number and hours of service.

(2)(A) The number of domestic interstate minutes available from the prepaid calling card and the number of available minutes for all international preferred destinations served by the prepaid calling card at the time of purchase; or

(B) the dollar value of the prepaid calling card, the domestic interstate rate per minute provided by such card, and the applicable per minute rates for all international preferred destinations served by the prepaid calling card at the time of purchase.

(3)(A) The applicable per minute rate for all individual international destinations served by the card at the time of purchase; or

(B) a toll-free customer service number and website (if the provider maintains a website) where a consumer may obtain the information described in subparagraph (A) and a statement that such information may be obtained through such toll-free customer service number and website.

(4) The following terms and conditions pertaining to, or associated with, the use of the prepaid calling card:

(A) Any applicable fees associated with the use of the prepaid calling card.

(B) A description of any additional charges associated with the use of the prepaid calling card and the amount of such charges.

(C) Any limitation on the use or period of time for which the promoted or advertised minutes or rates will be available.

(D) Applicable policies relating to refund, recharge, and any predetermined decrease in value of such card over a period of time.

(E) Any expiration date applicable to the prepaid calling card or the minutes available with such calling card.

(b) LOCATION OF DISCLOSURE AND LANGUAGE REQUIREMENT.—

(1) CLEAR AND CONSPICUOUS.—

(A) CARDS.—The disclosures required under subsection (a) shall be printed in plain English language (except as provided in paragraph (2)) in a clear and conspicuous

manner and location on the prepaid calling card. If the card is enclosed in packaging that obscures the disclosures on the card, such disclosures also shall be printed on the outside packaging of the card.

(B) ONLINE SERVICES.—In addition to the requirements under subparagraph (A), in the case of a prepaid calling card that consumers purchase via the Internet, the disclosures required under subsection (a) shall be displayed in plain English language (except as provided in paragraph (2)) in a clear and conspicuous manner and location on the Internet website that the consumer must access prior to purchasing such card.

(C) ADVERTISING AND OTHER PROMOTIONAL MATERIAL.—Any advertising for a prepaid calling card that contains any representation, expressly or by implication, regarding the dollar value, the per minute rate, or the number of minutes provided by the card shall include in a clear and conspicuous manner and location all the disclosures described in subsection (a).

(2) FOREIGN LANGUAGES.—If a language other than English is prominently used on a prepaid calling card, its packaging, or in point-of-sale advertising, Internet advertising, or promotional material for such card, the disclosures required by this section shall be disclosed in that language on such card, packaging, advertisement, or promotional material.

(c) MINUTES ANNOUNCED, PROMOTED, OR ADVERTISED THROUGH VOICE PROMPTS.—Any information provided to a consumer by any voice prompt given to the consumer at the time the consumer uses the prepaid calling card relating to the remaining value of the calling card or the number of minutes available from the calling card shall be accurate, taking into account the application of the fees and additional charges required to be disclosed under subsection (a).

(d) DISCLOSURES REQUIRED UPON PURCHASE OF ADDITIONAL MINUTES.—If a prepaid calling card permits a consumer to add value to the card or purchase additional minutes after the original purchase of the prepaid calling card, any changes to the rates or additional charges required to be disclosed under subsection (a) shall apply only to the additional minutes to be purchased and shall be disclosed to the consumer before the completion of such purchase.

### SEC. 4. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) UNFAIR AND DECEPTIVE ACT OR PRACTICE.—A violation of section 3 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)).

(b) AUTHORITY OF THE COMMISSION.—The Commission shall enforce this Act in the same manner and by the same means as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act. Notwithstanding any provision of the Federal Trade Commission Act or any other provision of law and solely for purposes of this Act, common carriers subject to the Communications Act of 1934 (47 U.S.C. 151 et seq.) and any amendment thereto shall be subject to the jurisdiction of the Commission.

(c) RULEMAKING AUTHORITY.—Not later than 180 days after the date of enactment of this Act, the Commission shall, in consultation with the Federal Communications Commission and in accordance with section 553 of title 5, United States Code, issue regulations to carry out this Act. In promulgating such regulations, the Commission shall—

(1) take into consideration the need for clear disclosures that provide for easy comprehension and comparison by consumers, taking into account the size of prepaid calling cards; and