

| | | |
|------------------|-----------------|------------------|
| Israel | Meek (FL) | Sánchez, Linda |
| Issa | Meeks (NY) | T. |
| Jackson (IL) | Melancon | Sanchez, Loretta |
| Jackson Lee | Mica | Sarbanes |
| (TX) | Michaud | Scalise |
| Jenkins | Miller (FL) | Schakowsky |
| Johnson (GA) | Miller (MI) | Schauer |
| Johnson (IL) | Miller (NC) | Schmidt |
| Johnson, E. B. | Miller, Gary | Schock |
| Johnson, Sam | Miller, George | Schrader |
| Jones | Minnick | Schwartz |
| Jordan (OH) | Mitchell | Scott (GA) |
| Kagen | Mollohan | Scott (VA) |
| Kanjorski | Moore (KS) | Sensenbrenner |
| Kaptur | Moore (WI) | Serrano |
| Kennedy | Moran (KS) | Sessions |
| Kildee | Moran (VA) | Sestak |
| Kilpatrick (MI) | Murphy (CT) | Shadegg |
| Kilroy | Murphy (NY) | Shea-Porter |
| Kind | Murphy, Patrick | Sherman |
| King (IA) | Murphy, Tim | Shimkus |
| King (NY) | Myrick | Shuler |
| Kingston | Nadler (NY) | Shuster |
| Kirkpatrick (AZ) | Napolitano | Simpson |
| Kissell | Neal (MA) | Sires |
| Klein (FL) | Neugebauer | Skelton |
| Kline (MN) | Nunes | Slaughter |
| Kosmas | Nye | Smith (NE) |
| Kratovil | Oberstar | Smith (NJ) |
| Kucinich | Obey | Smith (TX) |
| Lamborn | Ortiz | Smith (WA) |
| Lance | Owens | Snyder |
| Langevin | Pallone | Space |
| Larsen (WA) | Pascarell | Speier |
| Larson (CT) | Pastor (AZ) | Spratt |
| Latham | Paul | Stark |
| LaTourette | Paulsen | Stearns |
| Latta | Payne | Stupak |
| Lee (CA) | Pence | Sullivan |
| Lee (NY) | Perlmutter | Sutton |
| Levin | Perriello | Tanner |
| Lewis (CA) | Peters | Taylor |
| Lewis (GA) | Peterson | Teague |
| Linder | Petri | Terry |
| Lipinski | Pingree (ME) | Thompson (CA) |
| LoBiondo | Pitts | Thompson (MS) |
| Loeback | Poe (TX) | Thompson (PA) |
| Lofgren, Zoe | Polis (CO) | Thornberry |
| Lowey | Pomeroy | Tiberi |
| Lucas | Posey | Tierney |
| Luetkemeyer | Price (GA) | Titus |
| Luján | Price (NC) | Tonko |
| Lummis | Quigley | Towns |
| Lungren, Daniel | Radanovich | Tsongas |
| E. | Rahall | Turner |
| Lynch | Rangel | Upton |
| Mack | Rehberg | Van Hollen |
| Maffei | Reichert | Velázquez |
| Maloney | Reyes | Visclosky |
| Manzullo | Richardson | Walden |
| Marchant | Rodriguez | Walz |
| Markey (CO) | Roe (TN) | Wasserman |
| Markey (MA) | Rogers (AL) | Schultz |
| Marshall | Rogers (KY) | Waters |
| Matsui | Rogers (MI) | Watson |
| McCarthy (NY) | Rohrabacher | Watt |
| McCaul | Rooney | Waxman |
| McClintock | Ros-Lehtinen | Weiner |
| McCollum | Roskam | Welch |
| McCotter | Ross | Westmoreland |
| McDermott | Rothman (NJ) | Whitfield |
| McGovern | Roybal-Allard | Wilson (OH) |
| McHenry | Royce | Wilson (SC) |
| McIntyre | Ruppersberger | Wittman |
| McKeon | Rush | Wolf |
| McMahon | Ryan (OH) | Woolsey |
| McMorris | Ryan (WI) | Wu |
| Rodgers | Salazar | Yarmuth |
| McNerney | | Young (AK) |

NOT VOTING—22

| | | |
|--------------|---------------|------------|
| Baird | Hodes | Platts |
| Barrett (SC) | Hoekstra | Putnam |
| Brown (SC) | Inglis | Schiff |
| Buyer | Kirk | Tiahrt |
| Davis (AL) | Matheson | Wamp |
| Dicks | McCarthy (CA) | Young (FL) |
| Fallin | Olson | |
| Griffith | Oliver | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining.

□ 1234

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SCHIFF. Madam Speaker, on rollcall Nos. 380 and 381, had I been present, I would have voted “yea.”

PERSONAL EXPLANATION

Mr. PUTNAM. Madam Speaker, on Tuesday, June 22, 2010, and Wednesday, June 23, 2010, I was not present for six recorded votes. Had I been present, I would have voted the following way: Roll No. 376—“yea”; roll No. 377—“yea”; roll No. 378—“yea”; roll No. 379—“yea”; roll No. 380—“yea”; roll No. 381—“yea.”

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

CALLING CARD CONSUMER PROTECTION ACT

Ms. MATSUI. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3993) 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. 3993

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 cus-

tommer-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. Such term shall not include—

(A) any retail seller whose only activity with respect to the sale of prepaid calling cards is point-of-sale transactions with end-user customers; or

(B) any person whose only activity with respect to the sale of prepaid calling cards is the transport or delivery 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 accurately disclose 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, except that the hours of service may not be

required to be disclosed if the provider's customer service is provided and available 24 hours a day, 7 days per week.

(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) A description of the 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, except as the Commission may provide under paragraph (3). 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 or other promotional material 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), except as the Commission may provide under paragraph (3).

(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.

(3) DIFFERENT LOCATION OF CERTAIN INFORMATION AS DETERMINED BY COMMISSION.—Notwithstanding the requirements of paragraph (1), the Commission may determine that some of the information required to be disclosed pursuant to subsection (a) does not need to be disclosed on the prepaid calling card, advertising, or other promotional material, if the Commission by regulation—

(A) requires the information to be otherwise disclosed and available to consumers; and

(B) determines that—

(i) such disclosures provide for easy comprehension and comparison by consumers; and

(ii) the remaining disclosures on the prepaid calling card, advertising, or other promotional material, include sufficient information to allow a consumer to effectively inquire about or seek clarification of the services provided by the calling card.

(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 clearly and conspicuously to the consumer before the completion of such purchase.

(E) NO FALSE, MISLEADING, OR DECEPTIVE DISCLOSURES.—No prepaid calling card, packaging, advertisement, or other promotional material containing a disclosure required pursuant to this section shall contain any false, misleading, or deceptive representations relating to the terms and conditions of the prepaid calling card.

SEC. 4. FEDERAL TRADE COMMISSION AUTHORITY.

(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, 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 for purposes of this Act.

(c) RULEMAKING AUTHORITY.—Not later than 1 year 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

(2) give due consideration to the views of the Federal Communications Commission

with regard to matters for which that Commission has particular expertise and authority and shall take into consideration the views of States.

In promulgating such regulations, the Commission may prescribe requirements concerning the order, format, presentation, and design of disclosures required by this Act and may establish and require the use of uniform terms, symbols, or categories to describe or disclose fees and additional charges, if the Commission finds that such requirements will assist consumers in making purchasing decisions and effectuate the purposes of this Act. The Commission shall not issue regulations that otherwise specify the rates, terms, and conditions of prepaid calling cards.

(d) SAVINGS PROVISION.—Nothing in this Act shall be construed to limit the authority of the Commission under any other provision of law. Except to the extent expressly provided in this Act, nothing in this Act shall be construed to alter or affect the exemption for common carriers provided by section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 45(a)(2)). Nothing in this Act is intended to limit the authority of the Federal Communications Commission.

(e) COORDINATION.—If the Federal Communications Commission initiates a rulemaking proceeding to establish requirements relating to the disclosure of terms and conditions of prepaid calling cards, the Federal Communications Commission shall coordinate with the Federal Trade Commission to ensure that any such requirements are not inconsistent with the requirements of this Act and the regulations issued under subsection (c).

SEC. 5. STATE ENFORCEMENT.

(a) IN GENERAL.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State, a State utility commission, or other consumer protection agency has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that is prohibited under this Act, the State utility commission or other consumer protection agency, if authorized by State law, or the State, as *parens patriae*, may bring a civil action on behalf of the residents of that State in an appropriate district court of the United States or any other court of competent jurisdiction to—

(A) enjoin that practice;

(B) enforce compliance with this Act;

(C) obtain damages, restitution, or other compensation on behalf of residents of the State; or

(D) obtain such other relief as the court may consider to be appropriate.

(2) NOTICE TO THE COMMISSION.—

(A) IN GENERAL.—Before filing an action under paragraph (1), the State shall provide to the Commission—

(i) written notice of the action; and

(ii) a copy of the complaint for the action.

(B) EXEMPTION.—

(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to the filing of an action by a State under this subsection, if the attorney general or other appropriate officer determines that it is not feasible to provide the notice described in that subparagraph before the filing of the action.

(ii) NOTIFICATION.—In an action described in clause (i), the State shall provide notice and a copy of the complaint to the Commission at the same time as the State files the action.

(b) INTERVENTION BY COMMISSION.—

(1) IN GENERAL.—On receiving notice under subsection (a)(2), the Commission shall have the right to intervene in the action that is the subject of the notice.

(2) EFFECT OF INTERVENTION.—If the Commission intervenes in an action under subsection (a), it shall have the right—

(A) to be heard with respect to any matter that arises in that action;

(B) to remove the action to the appropriate United States District Court; and

(C) to file a petition for appeal.

(c) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall be construed to prevent an attorney general of a State, a State utility commission, or other consumer protection agency authorized by State law from exercising the powers conferred on the attorney general or other appropriate official by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations;

(3) compel the attendance of witnesses or the production of documentary and other evidence; or

(4) enforce any State law.

(d) ACTION BY THE COMMISSION MAY PRECLUDE STATE ACTION.—In any case in which an action is instituted by or on behalf of the Commission for violation of this Act, or any regulation issued under this Act, no State may, during the pendency of that action, institute an action under subsection (a) against any defendant named in the complaint in that action for violation of this Act or regulation.

SEC. 6. APPLICATION.

This Act shall apply to—

(1) any prepaid calling card issued or placed into the stream of commerce beginning 180 days after the date on which final regulations are promulgated pursuant to section 4(c); and

(2) any advertising, promotion, point-of-sale material or voice prompt regarding a prepaid calling card that is disseminated beginning 180 days after the date on which final regulations are promulgated pursuant to section 4(c).

SEC. 7. EFFECT ON STATE LAWS.

After the date on which final regulations are promulgated pursuant to section 4(c), no State or political subdivision of a State may establish or continue in effect any provision of law that contains requirements regarding disclosures to be printed on prepaid calling cards or packaging unless such requirements are identical to the requirements of section 3.

SEC. 8. STUDIES.

(a) GAO STUDY.—Beginning 2 years after the date on which final regulations are promulgated pursuant to section 4(c), the Comptroller General shall conduct a study of the effectiveness of this Act and the disclosures required under this Act and shall submit a report of such study to Congress not later than 3 years after the date of enactment of this Act.

(b) FTC STUDY.—The Commission shall, in consultation with the Federal Communications Commission, conduct a study of the extent to which the business practices of the prepaid calling card industry intended to be addressed by this Act exist in the prepaid wireless industry and shall submit a report of such study, including recommendations, if any, to Congress not later than 3 years after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. MATSUI) and the gentleman from Kentucky (Mr. WHITFIELD) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. MATSUI. Madam Speaker, I ask unanimous consent that all Members

have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 3993, the Calling Card Consumer Protection Act. I want to thank Mr. ENGEL for introducing this important piece of legislation, and Chairmen WAXMAN and RUSH for their leadership in guiding the bill through the committee.

I am pleased that the House is taking up this important bipartisan measure which will prevent fraud and abuse in the prepaid calling card industry. The bill was voice-voted out of the Energy and Commerce Committee.

American consumers spend billions of dollars on prepaid calling cards. These cards are generally marketed to a particular group of consumers, including immigrants, college students, seniors, and military personnel. Unfortunately, the prepaid calling card market is rife with fraudulent and deceptive practices. Many prepaid calling cards fail to deliver the full number of advertised minutes. Cards often contain hidden charges, such as connection fees, maintenance fees, and disconnect fees, as well as inconsistent rates per minute.

In short, consumers often find that because of misleading information, inconsistent claims, and buried disclosures, they are left with an insufficient product with little or no recourse. To address these issues and protect American consumers, H.R. 3993 will require calling card providers and distributors to clearly and conspicuously disclose all relevant information so that consumers can make informed choices.

□ 1240

These disclosures would include critical information such as contact information for the provider, the number of minutes available or the dollar value of the card.

Importantly, H.R. 3993 would mean the end of hidden fees in the prepaid calling card market. Entities would be required to disclose all fees, charges, limitations, changes in value, or other terms that impact the use of the card.

Consumers who purchase prepaid calling cards should get what they pay for. If they don't, consumers should have recourse, and bad actors should face tough enforcement.

I urge my colleagues to support H.R. 3993, and I reserve the balance of my time.

Mr. WHITFIELD. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 3993, the Calling Card Consumer Protection Act. We have a lot of students and military personnel around this country who depend on prepaid

calling cards. Unfortunately, we have discovered that the majority of prepaid cards only deliver 50 to 60 percent of the minutes advertised. While a private enterprise certainly has the right to shape its business model as it sees fit, it does not have the right to misinform and to mistreat customers with exorbitant hang-up fees and maintenance fees, and as I said, many people who have prepaid cards simply do not know what they actually provide them.

That is why H.R. 3993 is so important. It is going to go a long way toward preventing these occurrences in the future. This legislation will ensure that consumers are better informed by requiring an accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services.

Under the bill, prepaid calling card providers would have to clearly disclose how many minutes they offer and the prices for those minutes. They would also have to clearly disclose any additional fees levied on the consumer as well as the card's expiration date and other relevant information.

I want to especially thank my colleagues on the other side of the aisle—and certainly Mr. ENGEL, who introduced this bill—for working so closely with the minority on this important issue. Because of our working together, we have a bill that, I believe, helps consumers without unduly hampering the industry. This legislation includes commonsense preemption standards, liability exemptions for retailers, which is very important, and, of course, strong protections for the consumer.

I would urge all of my colleagues to support this important legislation, and I reserve the balance of my time.

Ms. MATSUI. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. ENGEL), the sponsor of this bill.

Mr. ENGEL. I thank the gentlewoman from California, my good friend, Congresswoman MATSUI, and I thank the gentleman, Mr. WHITFIELD, for his kind remarks.

Madam Speaker, I stand here in support of my legislation, H.R. 3993, the Calling Card Consumer Protection Act.

I want to thank my good friends Chairman WAXMAN, who is the chairman of our Energy and Commerce Committee; BOBBY RUSH, who is the chairman of the Consumer Protection Subcommittee; as well as JOE BARTON and GEORGE RADANOVICH, who are the ranking members of the full committee and subcommittee.

As my colleagues have mentioned, calling cards are an invaluable resource for a number of people who make frequent long distance or overseas calls. Students, members of the Armed Forces, and those whose families live outside of the country regularly use these cards to call home. The cards are also popular among people who either choose not to subscribe to long distance telephone services or who cannot afford them. They are a necessary tool for keeping in touch with

friends or with family members. Calling cards that provide the services that the companies advertise can save consumers a great deal of money when they call home.

Unfortunately, as my colleagues have mentioned, as we see all too often, a number of unscrupulous companies are failing to keep their advertised terms. I first learned of this issue about 3 years ago when I heard from a number of constituents who said that their prepaid calling cards were not delivering the number of minutes that they advertised. In fact, many were not even close to delivering the promised number of minutes.

When I heard about these problems, I purchased a calling card to investigate the problem for myself. What shocked me—although, it should come as no surprise to anybody now—is that I found the exact same problems my constituents were having. One of those companies promised me a certain number of minutes, and I found that it was a complete fabrication. I did not receive even close to the number of minutes that the card advertised. This is when I decided to introduce my legislation to ban this practice.

I have read studies conducted by States' attorneys general as well as by independent groups showing that many calling cards provide far fewer minutes than are advertised. One study by the Hispanic Institute found, on average, that the caller only received about 60 percent of the minutes guaranteed by the card. I recently read that the prepaid calling card industry takes in \$4 billion a year in revenue. If the cards are only providing 60 percent of the minutes, each one of us can do the math.

This deception is costing consumers and honest companies hundreds of millions of dollars every year. Calling card fraud harms segments of the population which are among the most vulnerable to being victimized by unscrupulous companies only seeking to make quick profits. Companies will target poor, minority, and immigrant populations, and they don't stop there. They have even preyed upon our soldiers in Iraq and Afghanistan. This is unconscionable.

As was mentioned, there are so many ways that they use fraudulent terms. There are different fees. If you call and don't get anyone home, there is a fee. If you call and someone hangs up, there is a fee. There are all kinds of hidden fees in terms of what time you can call and what day you can call. It just gets ridiculous.

In an article in *BusinessWeek* magazine, the author detailed one example of a company that marketed toward Spanish-speaking consumers. It had packaging with Spanish language information, but the fine print that detailed all the various fees they would charge the user was in English. When confronted about this deception, the company simply said, "We're in America." They had the audacity to claim

that, even when they put Spanish language advertisements in markets with Spanish-speaking consumers, they could hide all of their fees in English.

This legislation will put a stop to a number of deceptive practices employed by unscrupulous companies. It would simply require calling cards and advertisements to include the clear disclosure of all terms, conditions, and fees in the language in which the calling card is advertised. Just like the nutrition information on a box of cereal, consumers should be able to quickly and easily compare two products side by side.

I would strongly encourage all Members to support this bipartisan and, as Mr. WHITFIELD pointed out, well-thought-out legislation. I thank everyone for marking up this legislation today.

Mr. WHITFIELD. Madam Speaker, this issue is so important that I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I won't take 2 minutes, Madam Speaker.

I would just like to say that my colleague who just spoke, Mr. ENGEL, and I became aware of this some time ago when one of the people we know, who is in this business, brought to our attention the way some of these companies have been so unscrupulous in bilking the public out of the minutes that they pay for.

I am very happy that Congressman ENGEL has introduced this bill. Though, I only wish I'd known about it because I certainly would have wanted to have been a cosponsor on it. You may rest assured that I will support it, and I hope that all of my colleagues will because it is unconscionable that the American people would buy something like this, especially military personnel, knowing that they are going to be able to call their loved ones, then to find out that they've been shortchanged. It's almost a criminal act. I think we ought to look down the road. If this is being done intentionally by these calling card companies, there possibly ought to be some prosecutions that take place.

Mr. WHITFIELD. Madam Speaker, I yield back the balance of my time.

Ms. MATSUI. Madam Speaker, H.R. 3993 will protect consumers from faulty and deceptive calling cards.

Again, I want to thank my colleague, Representative ENGEL, for his work on this legislation.

This bill is bipartisan, and I urge my colleagues to support this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. MATSUI) that the House suspend the rules and pass the bill, H.R. 3993, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. MATSUI. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1250

FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS ACT

Ms. MATSUI. Madam Speaker, I move to suspend the rules and pass the bill (S. 1660) to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1660

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 "Formaldehyde Standards for Composite Wood Products Act".

SEC. 2. FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS.

(a) AMENDMENT.—The Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended by adding at the end the following:

"TITLE VI—FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS

"SEC. 601. FORMALDEHYDE STANDARDS.

"(a) DEFINITIONS.—In this section:

"(1) FINISHED GOOD.—

"(A) IN GENERAL.—The term 'finished good' means any good or product (other than a panel) containing—

"(i) hardwood plywood;

"(ii) particleboard; or

"(iii) medium-density fiberboard.

"(B) EXCLUSIONS.—The term 'finished good' does not include—

"(i) any component part or other part used in the assembly of a finished good; or

"(ii) any finished good that has previously been sold or supplied to an individual or entity that purchased or acquired the finished good in good faith for purposes other than resale, such as—

"(I) an antique; or

"(II) secondhand furniture.

"(2) HARDBOARD.—The term 'hardboard' has such meaning as the Administrator shall establish, by regulation, pursuant to subsection (d).

"(3) HARDWOOD PLYWOOD.—

"(A) IN GENERAL.—The term 'hardwood plywood' means a hardwood or decorative panel that is—

"(i) intended for interior use; and

"(ii) composed of (as determined under the standard numbered ANSI/HPVA HP-1-2009) an assembly of layers or plies of veneer, joined by an adhesive with—

"(I) lumber core;

"(II) particleboard core;

"(III) medium-density fiberboard core;

"(IV) hardboard core; or

"(V) any other special core or special back material.

"(B) EXCLUSIONS.—The term 'hardwood plywood' does not include—

"(i) military-specified plywood;

"(ii) curved plywood; or

"(iii) any other product specified in—

"(I) the standard entitled 'Voluntary Product Standard—Structural Plywood' and numbered PS 1-07; or

"(II) the standard entitled 'Voluntary Product Standard—Performance Standard