

AMENDMENT TO H.R. 3993

OFFERED BY _____

Page 3, line 19, insert after the period the following:

“Such term shall not include—

1 (A) any retail seller whose only activity
2 with respect to the sale of prepaid calling cards
3 is point-of-sale transactions with end-user cus-
4 tomers; or

5 (B) any person whose only activity with re-
6 spect to the sale of prepaid calling cards is the
7 transport or delivery of such cards.

Page 5, line 8, strike “in a clear and conspicuous manner”.

Page 5, line 13, insert before the period the following “, 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”.

Page 6, line 21, strike “Applicable” and insert “A description of the applicable”.

Page 7, line 11, insert “, except as the Commission may provide under paragraph (3)” before the period.

Page 8, line 2, insert “or other promotional material” after “advertising”.

Page 8, after line 16, insert the following:

- 1 (3) DIFFERENT LOCATION OF CERTAIN INFOR-
2 MATION AS DETERMINED BY COMMISSION.—Not-
3 withstanding the requirements of paragraph (1), the
4 Commission may determine that some of the infor-
5 mation required to be disclosed pursuant to sub-
6 section (a) does not need to be disclosed on the pre-
7 paid calling card if the Commission by regulation—
8 (A) requires the information to be other-
9 wise disclosed and available to consumers; and
10 (B) determines that—
11 (i) such disclosures provide for easy
12 comprehension and comparison by con-
13 sumers; and
14 (ii) the remaining disclosures on the
15 prepaid calling card include sufficient in-
16 formation to allow a consumer to effec-
17 tively inquire about or seek clarification of
18 the services provided by the calling card.

Page 9, line 8, insert “clearly and conspicuously” after “disclosed”.

Page 9, after line 9, insert the following:

1 (e) NO FALSE, MISLEADING, OR DECEPTIVE DISCLO-
2 SURES.—No prepaid calling card, packaging, advertise-
3 ment, or other promotional material containing a disclo-
4 sure required pursuant to this section shall contain any
5 false, misleading, or deceptive representations relating to
6 the terms and conditions of the prepaid calling card.

Page 9, beginning on line 10, strike the heading and insert “**FEDERAL TRADE COMMISSION AUTHORITY**”.

Page 10, beginning on line 3, strike “180 days” and insert “1 year”.

Page 10, line 19, insert after “Commission” the following: “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”.

Page 10, line 20, strike “affect” and insert “specify”.

Page 11, after line 5, insert the following:

1 (e) COORDINATION.—If the Federal Communications
2 Commission initiates a rulemaking proceeding to establish
3 requirements relating to the disclosure of terms and condi-
4 tions of prepaid calling cards, the Federal Communica-
5 tions Commission shall coordinate with the Federal Trade
6 Commission to ensure that any such requirements are not
7 inconsistent with the requirements of this Act and the reg-
8 ulations issued under subsection (c).

Page 14, strike lines 17 through 24.

Page 15, line 4, strike “90 days” and insert “180 days”.

Page 15, line 9, strike “90 days” and insert “180 days”.

Page 15, strike lines 12 through 17.

Page 15, beginning on line 19, strike “Nothing in this Act” and all that follows through page 16, line 5, and insert the following: “After the date on which final regulations are promulgated pursuant to section 4(e), no State or political subdivision of a State may establish or continue in effect any provision of law that contains re-

quirements regarding disclosures to be printed on prepaid calling cards or packaging unless such requirements are identical to the requirements of section 3.”.

Page 16, line 6, strike “**GAO STUDY**” and insert “**STUDIES**”.

Page 16, line 7, strike “Beginning” and insert “(a) GAO STUDY.—Beginning”.

Page 16, after line 13, insert the following:

1 (b) **FTC STUDY**.—The Commission shall, in con-
2 sultation with the Federal Communications Commission,
3 conduct a study of the extent to which the business prac-
4 tices of the prepaid calling card industry intended to be
5 addressed by this Act exist in the prepaid wireless industry
6 and shall submit a report of such study, including rec-
7 ommendations, if any, to Congress not later than 3 years
8 after the date of enactment of this Act.

