

## DANTE B. FASCELL NORTH-SOUTH CENTER ACT OF 1991

Mr. GILMAN. Madam Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the bill (H.R. 4757) to designate the North-South Center as the Dante B. Fascell North-South Center, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HAMILTON. Madam Speaker, reserving the right to object, of course I will not object, but I would like to yield to the chairman for an explanation of the bill.

Mr. GILMAN. Madam Speaker, it is a pleasure for me to bring before the House a bill to honor our esteemed former colleague, the former chairman of the Committee on International Relations, the gentleman from Florida, Dante Fascell.

This bill will rename the educational institution known as the North-South Center as the Dante B. Fascell North-South Center. Chairman Fascell was responsible for establishing that center in 1991 to promote better relations between our Nation and the nations of Latin America, the Caribbean and Canada through cooperative study training and research. Today we recognize the significant contributions that Dante Fascell has made to the U.S.-Latin American relations and, indeed, to so many other aspects of our foreign policy.

Dante Fascell was a dedicated legislator and statesman. It is a privilege to sponsor this measure along with 15 other Members of Congress. This is only a modest gesture to recognize a truly great American.

Accordingly, I urge my colleagues to support this bill.

Mr. HAMILTON. Madam Speaker, continuing my reservation, I strongly support the bill to rename the North-South Center after the former chairman of the House Committee on International Relations, Dante Fascell. I want to thank the gentleman from New York, (Mr. GILMAN) the chairman of the committee, for his initiative in bringing the bill forward.

Dante Fascell was an extraordinarily important figure in this Congress, certainly in the recent history of the international relations committee and in the development of American foreign policy. He was a highly effective legislator, enormously popular in this body. He was an excellent chairman, and his many contributions to the Congress and to the country were simply extraordinary.

Almost all of us who have served on that committee I think have very fond memories of Dante's public service, not the least of which was his accomplishment in getting the North-South Center established. The Center is a concrete example of Dante's intense inter-

est in Latin America. He was a leader in this institution and in the United States Government in fashioning an effective policy toward Latin America. The North-South Center provides independent and serious analysis of Latin America and is an asset to all policy makers.

It is, therefore, only fitting that Dante Fascell would be commemorated permanently in the name of the center that he cares so much about and worked so hard for.

Madam Speaker, I urge unanimous support.

Mr. GILMAN. Madam Speaker, it is a great pleasure to bring before the House a bill to honor our esteemed former colleague, the former Chairman of the International Relations Committee Dante Fascell.

This bill will rename the educational institution known as the North/South Center, as the Dante B. Fascell North-South Center.

Chairman Fascell was responsible for establishing this Center in 1991 to promote better relations between the United States and the nations of Latin America, the Caribbean and Canada through cooperative study training and research.

Today, we recognize the significant contribution Dante Fascell has made to U.S.-Latin American relations and indeed to so many other aspects of our foreign policy. He was a dedicated legislator and statesman. It is a privilege to sponsor this measure along with 15 other Members of Congress. This is only a modest gesture to recognize a truly great American.

I urge my colleagues to support this bill.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4757

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

**SECTION 1. DESIGNATION OF NORTH/SOUTH CENTER AS THE DANTE B. FASCELL NORTH-SOUTH CENTER.**

Section 208 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2075) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) **SHORT TITLE.**—This section may be cited as the “Dante B. Fascell North-South Center Act of 1991”;

(2) in subsection (c)—

(A) by amending the section heading to read as follows: “DANTE B. FASCELL NORTH-SOUTH CENTER.—”; and

(B) by striking “known as the North/South Center,” and inserting “which shall be known and designated as the Dante B. Fascell North-South Center.”; and

(3) in subsection (d) by striking “North/South Center” and inserting “Dante B. Fascell North-South Center”.

**SEC. REFERENCES.**

(a) **CENTER.**—Any reference in any other provision of law to the educational institution in Florida known as the North/South Center shall be deemed to be a reference to the “Dante B. Fascell North-South Center”.

(b) **SHORT TITLE.**—Any reference in any other provision of law to the North/South Center Act of 1991 shall be deemed to be a

reference to the “Dante B. Fascell North/South Center Act of 1991”.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**GENERAL LEAVE**

Mr. GILMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4757.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

**AUGUSTUS F. HAWKINS POST OFFICE BUILDING**

Mr. MCHUGH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2349) to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the “Augustus F. Hawkins Post Office Building.”

The Clerk read as follows:

H.R. 2349

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

**SECTION 1. REDESIGNATION.**

The Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, shall be known and designated as the “Augustus F. Hawkins Post Office Building”.

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the “Augustus F. Hawkins Post Office Building”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from California (Ms. MILLENDER-MCDONALD) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

**GENERAL LEAVE**

Mr. MCHUGH. Madam Speaker I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2349.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

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Mr. MCHUGH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2349 was introduced by our distinguished colleague from California (Ms. MILLENDER-MCDONALD) on July 31 of 1997; and as required under the rules of the Committee on Government Reform and

Oversight, all Members of the House delegation from the State of California are cosponsors of this bill. In addition, 46 other Members of this body are cosponsors of the bill honoring former Representative Hawkins.

Madam Speaker, this bill designates the Federal building located at 10301 South Compton Avenue, Los Angeles, California, known as the Watts Finance Office as the Augustus F. Hawkins Post Office Building.

H.R. 2349 was referred to the Committee on Transportation and Infrastructure on July 31 of 1997. On October 1 of 1998, the Committee on Transportation and Infrastructure discharged the measure, and it was referred to the House Committee on Government Reform and Oversight. I am pleased that we are able to bring this legislation to the floor, and I certainly want to congratulate the gentlewoman from California for her hard work in seeing this measure to the end.

We had the opportunity to discuss the bill at the end of last week, and there was some confusion as to the path that this legislation has taken, and I commend her for not being deterred by that confusion but sticking with it and bringing us to this moment and this opportunity to pass this measure.

Madam Speaker, I know the gentlewoman will have a great deal to say about our former colleague, Augustus Hawkins. I would just note that, like so many individuals who have had the honor bestowed upon them of a Post Office-naming legislation, he, too, is an example of the kind of service, the kind of commitment to community that I think merits this kind of designation.

Through his service in the California State legislature for some 28 years, often during that period as the only African American member, he authored some 100 laws attempting to improve such things as child care, housing and fair employment. Of course later, when in 1962 he was elected to the Congress of the United States, he continued to make those kinds of contributions and those kinds of efforts on behalf of all of his constituents.

So I certainly commend the gentlewoman from California for her dedication to this initiative and for bringing us yet another very deserving designee.

Madam Speaker, I urge all of my colleagues to support this measure.

Madam Speaker, I reserve the balance of my time.

Ms. MILLENDER-McDONALD. Madam Speaker, I yield myself such time as I may consume.

I am pleased to join the gentleman from New York (Mr. MCHUGH) in bringing to the House floor this piece of legislation designating a United States finance building after a distinguished and deserving individual. I would like to take this opportunity to thank the chairman for his timely consideration and his support during the struggle in trying to get this bill to the floor.

Madam Speaker, I rise to pay tribute to a dear friend and a former Congressman by renaming the Federal building located at 10301 South Compton Avenue in Los Angeles, California, known as the Watts Finance Office to the Augustus F. Hawkins Post Office Building.

Madam Speaker, H.R. 2349 enjoys the bipartisan support of the entire California delegation, Congressman Hawkins' former colleagues, and support in the United States Senate.

Madam Speaker, The Washington Post once called Gus Hawkins one of the most famous unknown men of our day. However, many of us knew him as a quiet fighter for racial justice, social equality, and education for minorities, women and children. Gus committed his life to serving others, and his 56 years of public service spanned a period that included the Great Depression, World War II, McCarthyism, both the Korean and Vietnam wars, the Civil Rights movement, and the war on poverty. He witnessed the assassination of a President and the resignation of another.

He was born in Shreveport, Louisiana, in 1907. When he was only 11, he and his family moved to Los Angeles to escape the racial discrimination that was prevalent in the south at that time. His legislative career began in the California State Assembly where he served for 28 years and was often the legislature's only black member. His record in Sacramento includes the passage of the State's first law against discrimination in housing and employment. He also carried successful State legislation concerning minimum wages for women, child care centers, workers compensation for domestic employees, and the removal of racial designations on State documents.

After his remarkable tenure in the assembly, Gus was elected and sworn in as a member of the 88th Congress in 1962. He served as chairman of the Joint Committee on Printing in the 97th Congress, the Joint Committee on Libraries in the 97th Congress, as well as the Committee on House Administration in the 97th Congress and the 98th Congress, before serving as Chairman of the Committee on Education and Labor in the 101st Congress.

By and large, Gus was known by his colleagues as a hard-working, trustworthy, low-key legislator who concentrated on issues of importance to his district. He preferred to work behind the scenes and let others capture the headlines. He is the author of more than 17 Federal laws, including the Full Employment and Balanced Growth Act, Title VII of the Civil Rights Act, establishing the Equal Employment Opportunity Commission, the Job Training Partnership Act, the School Improvement Act, which rewrote virtually all major elementary and secondary education programs, and the Civil Rights Restoration Act.

In 1978, he coauthored and passed the Humphrey-Hawkins Full Employment Act, which pledged Federal Govern-

ment efforts to reduce unemployment to 4 percent by 1983, if the private sector failed to do so. The Humphrey-Hawkins bill is seen as one of Gus's greatest pieces of legislation accomplishments because it established a real blueprint for moving this country ahead in job training and employment, the foundation to every other policy.

Throughout his remarkable career in public service, Gus has championed the rights of children, the poor, the elderly working people, and minorities. He never forgot who he was, where he came from, nor the people whom he served. It is only fitting that we rise to pay tribute to him by redesignating the Federal building located at 10301 South Compton Avenue in Los Angeles, California, known as the Watts Finance Office to the Augustus F. Hawkins Post Office Building.

I would again like to thank my colleagues in the California delegation and all of the cosponsors of this legislation for joining me in a bipartisan fashion to pay tribute to a great man, a man who would want to be remembered by his colleagues and friends alike as someone who simply loved children, the honorable Augustus F. Hawkins, former distinguished member of the U.S. House of Representatives.

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

Mr. MCHUGH. Madam Speaker, with an additional compliment and thank you to the gentlewoman from California, I would like to urge all of our colleagues to support this very worthy nominee.

Mrs. MINK of Hawaii. Madam Speaker, I am pleased to rise in support of H.R. 2349, which redesignates the Federal building on South Compton Ave in Los Angeles, California, known as the Watts Finance Office, as the "Augustus Hawkins Post Office Building".

I had the great privilege to serve in the Congress with the Honorable Augustus Hawkins from 1965 to 1976. Congressman Hawkins served on the House Committee on Education and Labor. He retired in 1990, the year that I returned. From 1984 until his retirement he served as Chair of the House Education and the Labor Committee.

There was no greater advocate for workers' rights than Gus Hawkins. His Full Employment Act, passed in 1978, played a significant role in reminding the leaders of this nation that until unemployment was at 4% our task was not over. He constantly voiced his great frustration that our policies were not reaching the urban centers and our minority youth. He championed job training and education as the key to the future of our nation's workforce.

Gus Hawkins was the people's legislator always working to improve the quality of life of those who were struggling to make ends meet.

One of the last bills he advanced was an omnibus child care bill which he knew was the key to a stable, secure workforce. Today the agenda advanced by Gus Hawkins is very much at the top of our unmet needs.

I stand with others as one of his greatest admirers and urge the passage of H.R. 2349 as one way to honor his work and to remember his commitment to public service.

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

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 2349.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### TELECOMMUNICATIONS COMPETITION AND CONSUMER PROTECTION ACT OF 1998

Mr. BLILEY. Madam Speaker, I move to suspend the rules and pass the (H.R. 3888) to amend the Communications Act of 1934 to improve the protection of consumers against "slamming" by telecommunications carriers, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3888

*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 "Telecommunications Competition and Consumer Protection Act of 1998".

#### TITLE I—SLAMMING

#### SEC. 101. IMPROVED PROTECTION FOR CONSUMERS.

(a) CONSUMER PROTECTION PRACTICES.—Section 258 of the Communications Act of 1934 (47 U.S.C. 258) is amended to read as follows: "**SEC. 258. ILLEGAL CHANGES IN SUBSCRIBER SELECTIONS OF CARRIERS.**

"(a) ALTERNATIVE MODES OF REGULATION.—  
 "(1) INDUSTRY/COMMISSION CODE.—Within 180 days after the date of enactment of the Telecommunications Competition and Consumer Protection Act of 1998, the Commission, after consulting with the Federal Trade Commission and representatives of telecommunications carriers providing telephone toll service and telephone exchange service, State commissions, and consumers, and considering any proposals developed by such representatives, shall prescribe, after notice and public comment and in accordance with subsection (b), a Code of Subscriber Protection Practices (hereinafter in this section referred as the 'Code') governing changes in a subscriber's selection of a provider of telephone exchange service or telephone toll service.

"(2) OBLIGATION TO COMPLY.—No telecommunications carrier (including a reseller of telecommunications services) shall submit or execute a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service except in accordance with—

"(A) the Code, if such carrier elects to comply with the Code in accordance with subsection (b)(2); or

"(B) the requirements of subsection (c), if—

"(i) the carrier does not elect to comply with the Code under subsection (b)(2); or

"(ii) such election is revoked or withdrawn.

"(b) MINIMUM PROVISIONS OF THE CODE.—

"(1) SUBSCRIBER PROTECTION PRACTICES.—The Code required by subsection (a)(1) shall include provisions addressing the following:

"(A) IN GENERAL.—A telecommunications carrier (including a reseller of telecommuni-

cations services) electing to comply with the Code shall submit or execute a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service only in accordance with the provisions of the Code.

"(B) NEGATIVE OPTION.—A telecommunications carrier shall not use negative option marketing.

"(C) VERIFICATION.—A telecommunications carrier that submits the change to an executing carrier, or that is both a submitting and an executing carrier, shall verify the subscriber's selection of the carrier in accordance with procedures specified in the Code.

"(D) UNFAIR AND DECEPTIVE ACTS AND PRACTICES.—No telecommunications carrier, nor any person acting on behalf of any such carrier, shall engage in any unfair or deceptive acts or practices in connection with the solicitation of a change in a subscriber's selection of a telecommunications carrier.

"(E) NOTIFICATION AND RIGHTS.—A telecommunications carrier shall provide timely and accurate notification to the subscriber in accordance with procedures specified in the Code.

"(F) SLAMMING LIABILITY AND REMEDIES.—

"(i) REQUIRED REIMBURSEMENT AND CREDIT.—A telecommunications carrier that has improperly changed the subscriber's selection of a telecommunications carrier without authorization, shall at a minimum—

"(I) reimburse the subscriber for the fees associated with switching the subscriber back to their original carrier; and

"(II) provide a credit for any telecommunications charges incurred by the subscriber during the period, not to exceed 30 days, while that subscriber was improperly presubscribed.

"(ii) PROCEDURES.—The Code shall prescribe procedures by which—

"(I) a subscriber may make an allegation of a violation under clause (i);

"(II) the telecommunications carrier may rebut such allegation;

"(III) the subscriber may, without undue delay, burden, or expense, challenge the rebuttal; and

"(IV) resolve any administrative review of such an allegation within 75 days after receipt of an appeal.

"(G) RECORDKEEPING.—A telecommunications carrier shall make and maintain a record of the verification process and shall provide a copy to the subscriber immediately upon request.

"(H) QUALITY CONTROL.—A telecommunications carrier shall institute a quality control program to prevent inadvertent changes in a subscriber's selection of a carrier.

"(I) INDEPENDENT AUDITS.—A telecommunications carrier shall provide the Commission with an independent audit regarding its compliance with the Code at intervals prescribed by the Code. The Commission may require a telecommunications carrier to provide an independent audit on a more frequent basis if there is evidence that such telecommunications carrier is violating the Code.

"(2) ELECTION BY CARRIERS.—Each telecommunications carrier electing to comply with the Code shall file with the Commission within 20 days after the adoption of the Code, or within 20 days after commencing operations as a telecommunications carrier, a statement electing the Code to govern such carrier's submission or execution of a change in a customer's selection of a provider of telephone exchange service or telephone toll service. Such election by a carrier may not be revoked or withdrawn unless the Commission finds that there is good cause therefor, including a determination that the carrier has failed to adhere in good faith to the applicable provisions of the Code, and that the

revocation or withdrawal is in the public interest. Any telecommunications carrier that fails to elect to comply with the Code shall be deemed to have elected to be governed by the subsection (c) and the Commission's regulations thereunder.

"(c) REGULATIONS OF CARRIERS NOT COMPLYING WITH CODE.—

"(1) IN GENERAL.—A telecommunications carrier (including a reseller of telecommunications services) that has not elected to comply with the Code under subsection (b), or as to which the election has been withdrawn or revoked, shall not submit or execute a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service except in accordance with this subsection and such verification procedures as the Commission shall prescribe.

"(2) VERIFICATION.—

"(A) IN GENERAL.—In order to verify a subscriber's selection of a telephone exchange service or telephone toll service provider under this subsection, the telecommunications carrier submitting the change to an executing carrier shall, at a minimum, require the subscriber—

"(i) to affirm that the subscriber is authorized to select the provider of that service for the telephone number in question;

"(ii) to acknowledge the type of service to be changed as a result of the selection;

"(iii) to affirm the subscriber's intent to select the provider as the provider of that service;

"(iv) to acknowledge that the selection of the provider will result in a change in providers of that service; and

"(v) to provide such other information as the Commission considers appropriate for the protection of the subscriber.

"(B) ADDITIONAL REQUIREMENTS.—The procedures prescribed by the Commission to verify a subscriber's selection of a provider shall—

"(i) preclude the use of negative option marketing;

"(ii) provide for a complete copy of verification of a change in telephone exchange service or telephone toll service provider in oral, written, or electronic form;

"(iii) require the retention of such verification in such manner and form and for such time as the Commission considers appropriate;

"(iv) mandate that verification occur in the same language as that in which the change was solicited; and

"(v) provide for verification to be made available to a subscriber on request.

"(C) NOTICE TO SUBSCRIBER.—Whenever a telecommunications carrier submits a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service, such telecommunications carrier shall clearly notify the subscriber in writing, not more than 15 days after the change is submitted to the executing carrier—

"(i) of the subscriber's new carrier; and

"(ii) that the subscriber may request information regarding the date on which the change was agreed to and the name of the individual who authorized the change.

"(3) LIABILITY FOR VIOLATIONS.—

"(A) NOTIFICATION OF CHANGE.—The first bill issued after the effective date of a change in a subscriber's provider of telephone exchange service or telephone toll service by the executing carrier for such change shall—

"(i) prominently disclose the change in provider and the effective date of such change;

"(ii) contain the name and toll-free number of any telecommunications carrier for such new service; and