

to improve its democratic record, and establish good governance and the rule of law, its success will serve as a model for other countries in the region.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this legislation, which renews our commitment to the stabilization of the Zimbabwean democracy and reaffirms our commitment to the establishment of democratic principles throughout the African sub-continent.

This legislation sends a strong message to the rest of the world regarding our intentions toward Zimbabwe with its opening language: "It is the policy of the United States to support the people of Zimbabwe in their struggle to effect peaceful, democratic change, achieve broad-based and equitable economic growth, and restore the rule of law."

The need for such a forthright statement from this nation has been pressing for some time. International news agencies have chronicled the decent into political anarchy within Zimbabwe over the last year, as armed bands of "veterans" attacked homesteads and other economic and farming interests with the support of the Mugabe regime. These interests claim an unfair distribution of resources in the nation, and highlight the need for positive action by the United States.

Mr. Speaker, Zimbabwe is a nation of many needs. HIV/AIDS is ravaging the population at a rate of 25%, and the current average life expectancy of her citizens is only 37 years. The nation had a protracted role in the war in the Democratic Republic of Congo, and this action and other budgetary mismanagement issues have resulted in Zimbabwe being ineligible for IMF and International Bank for Reconstruction and Development programs, further stressing the people of this nation.

Mr. Speaker, this legislation allows the U.S. to acknowledge both the dire economic and social needs of the Zimbabweans while seeking a positive resolution of the political crisis that animates this struggle. This legislation directs the U.S. government to restructure or forgive loans contributing to the sovereign debt of Zimbabwe by any agency of the U.S. government. This act also creates a Southern Africa Finance Center to be located within Zimbabwe that will coordinate the regional offices of OPIC, Eximbank, and TDA in order to help with the economic stabilization of Zimbabwe.

Thus, Mr. Speaker, Congress has provided good incentives for the political leaders in Zimbabwe to work towards reestablishing the rule of law for their people. These benefits will only accrue to Zimbabwe if the President certifies that the rule of law and respect for ownership, property, and freedom of speech has been restored; that the next Zimbabwean election is a free and fair contest; that transparent land reform procedures are enacted; that Zimbabwe contributes a good faith effort to the Lusaka Accords ending the war in the Democratic Republic of Congo; and that the military and national police in the nation are "responsible to and serve the elected civilian government. These requirements can be waived, however, if the President deems it in the national interest to do so.

Fulfillment of these requirements will be a hard task, and thus this legislation includes monies for the land reform and democracy and governance programs in Zimbabwe.

Mr. Speaker, in these times of global uncertainty, the ever present goal of the U.S. is the

widespread development of democratic principle that place the benefits of good governance in the hands of citizens and not politicians. This legislation demonstrates to the rest of the world that we stand for the principles of freedom and democracy above all.

Mr. ROYCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the Senate bill, S. 494, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2299) "An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes."

KNOW YOUR CALLER ACT OF 2001

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 90) to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes, as amended.

The Clerk read as follows:

H.R. 90

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 "Know Your Caller Act of 2001".

SEC. 2. PROHIBITION OF INTERFERENCE WITH CALLER IDENTIFICATION SERVICES.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended—

- (1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and
- (2) by inserting after subsection (d) the following new subsection:

"(e) PROHIBITION ON INTERFERENCE WITH CALLER IDENTIFICATION SERVICES.—

"(1) IN GENERAL.—It shall be unlawful for any person within the United States, in making any telephone solicitation—

"(A) to interfere with or circumvent the capability of a caller identification service to access or provide to the recipient of the telephone call involved in the solicitation

any information regarding the call that such service is capable of providing; and

"(B) to fail to provide caller identification information in a manner that is accessible by a caller identification service, if such person has capability to provide such information in such a manner.

For purposes of this section, the use of a telecommunications service or equipment that is incapable of transmitting caller identification information shall not, of itself, constitute interference with or circumvention of the capability of a caller identification service to access or provide such information.

"(2) REGULATIONS.—Not later than 6 months after the enactment of the Know Your Caller Act of 2001, the Commission shall prescribe regulations to implement this subsection, which shall—

"(A) specify that the information regarding a call that the prohibition under paragraph (1) applies to includes—

"(i) the name of the person or entity who makes the telephone call involved in the solicitation;

"(ii) the name of the person or entity on whose behalf the solicitation is made; and

"(iii) a valid and working telephone number at which the person or entity on whose behalf the telephone solicitation is made may be reached during regular business hours for the purpose of requesting that the recipient of the solicitation be placed on the do-not-call list required under section 64.1200 of the Commission's regulations (47 CFR 64.1200) to be maintained by such person or entity; and

"(B) provide that a person or entity may not use such a do-not-call list for any purpose (including transfer or sale to any other person or entity for marketing use) other than enforcement of such list.

"(3) PRIVATE RIGHT OF ACTION.—A person or entity may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate court of that State—

"(A) an action based on a violation of this subsection or the regulations prescribed under this subsection to enjoin such violation;

"(B) an action to recover for actual monetary loss from such a violation, or to receive \$500 in damages for each such violation, whichever is greater; or

"(C) both such actions.

If the court finds that the defendant willfully or knowingly violated this subsection or the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under subparagraph (B) of this paragraph.

"(4) DEFINITIONS.—For purposes of this subsection:

"(A) CALLER IDENTIFICATION SERVICE.—The term 'caller identification service' means any service or device designed to provide the user of the service or device with the telephone number of an incoming telephone call.

"(B) TELEPHONE CALL.—The term 'telephone call' means any telephone call or other transmission which is made to or received at a telephone number of any type of telephone service and includes telephone calls made using the Internet (irrespective of the type of customer premises equipment used in connection with such services). Such term also includes calls made by an automatic telephone dialing system, an integrated services digital network, and a commercial mobile radio source."

SEC. 3. EFFECT ON STATE LAW AND STATE ACTIONS.

(a) EFFECT ON STATE LAW.—Subsection (f)(1) of section 227 of the Communications

Act of 1934 (47 U.S.C. 227(f)(1)), as so redesignated by section 2(1) of this Act, is further amended by inserting after “subsection (d)” the following: “and the prohibition under paragraphs (1) and (2) of subsection (e).”

(b) ACTIONS BY STATES.—The first sentence of subsection (g)(1) of section 227 of the Communications Act of 1934 (47 U.S.C. 227(g)(1)), as so redesignated by section 2(1) of this Act, is further amended by striking “telephone calls” and inserting “telephone solicitations, telephone calls.”

SEC. 4. STUDY REGARDING TRANSMISSION OF CALLER IDENTIFICATION INFORMATION.

The Federal Communications Commission shall conduct a study to determine—

(1) the extent of the capability of the public switched network to transmit the information that can be accessed by caller identification services;

(2) the types of telecommunications equipment being used in the telemarketing industry, the extent of such use, and the capabilities of such types of equipment to transmit the information that can be accessed by caller identification services; and

(3) the changes to the public switched network and to the types of telecommunications equipment commonly being used in the telemarketing industry that would be necessary to provide for the public switched network to be able to transmit caller identification information on all telephone calls, and the costs (including costs to the telemarketing industry) to implement such changes.

The Commission shall complete the study and submit a report to the Congress on the results of the study, not later than one year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Texas (Mr. GREEN) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on this legislation.

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

There was no objection.

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

Mr. Speaker, H.R. 90, the Know Your Caller Act, by my good friend the gentleman from New Jersey (Mr. FRELINGHUYSEN), deals with the controversial business practice of telemarketing.

There are thousands of reputable telemarketing companies and they provide a benefit to the public by offering a broad range of consumer products and business opportunities. These companies employ hundreds of thousands of citizens across this country and they fuel this economy with literally billions of dollars.

Increasingly, however, telemarketers are the cause of complaints. Consumers are concerned that telemarketers are intruding into their homes, and we continue to hear stories about telemarketing schemes that separate consumers from their hard-earned money.

In fact, telemarketing complaints lodged with the Federal Trade Commission seem to support these consumer concerns. In 1997, for example, there were 2,260 complaints. In 2000, there were 36,804 complaints, a significant increase.

H.R. 90 takes these consumer complaints seriously. With the excellent work of the author, the gentleman from New Jersey (Mr. FRELINGHUYSEN), we can remove the cloak of secrecy that fraudulent telemarketers use to swindle their victims. No longer will telemarketers be able to hide behind the anonymous telephone call.

H.R. 90 prohibits telemarketers from blocking the transmission of caller ID information. In addition, this bill requires telemarketers to send caller ID information if their equipment is capable to do so. What this means is that the flashing signals on caller ID boxes, “caller unknown,” or “out of area” will no longer protect the scam artist.

The transmission of caller identification information is so important to consumers, not only for safety and privacy reasons, but also because it provides the consumer with a telephone number that can be used to place the consumer on what is known as a telemarketer’s “do-not-call” list. You see, if you know who is calling you and you do not want them to call him again, under the law, you can put a call in and say do not call me anymore; I do not want to be bothered anymore. By being placed on a do-not-call list, the telemarketer is prohibited from calling back for the next 10 years. That will protect you for a while.

Additionally, the bill takes steps to prevent the sale of do-not-call lists, which is currently allowed under the law.

I have worked with the gentleman from Michigan (Mr. DINGELL) on bipartisan amendment efforts to clarify this point. To remedy this loophole, H.R. 90 prohibits telemarketers from selling, leasing or receiving anything of value for these do-not-call lists. Few things are more offensive than being asked to be placed on a do-not-call list, only to have your name sold to another direct mail company.

This amendment respects and protects the privacy requests of the consumer and should prevent an increase in unwanted telephone solicitations.

I believe this bill strikes a good balance between the consumers’ right to privacy and safety and the telemarketers’ legitimate business interests. It protects consumers as well as the very thriving commercial industry and, indeed, protects the good players from the bad consequences of bad actors.

I support this bill and urge support from the House as well.

Mr. Speaker, I reserve the balance of my time.

Mr. GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to begin by complimenting the gentleman from New

Jersey (Mr. FRELINGHUYSEN), the sponsor of H.R. 90, who did excellent work here in crafting this legislation.

Consumers who want to exercise their right to be placed on a do-not-call list, or to take a telemarketer to small claims court after being called, are often frustrated when they cannot get the caller ID information from the telemarketer to identify them.

This legislation prohibits telemarketers from interfering with or circumventing the capability of caller ID services. Telemarketers who solicit the public in their homes for commercial gains should not be permitted to evade the purpose and function of caller ID services. This bill will prevent the telemarketers from doing so, while further empowering consumers to control the communications going to and from their home.

Mr. Speaker, the bottom line is the telecommunications revolution gives enormous opportunities for telemarketers, but it also gives opportunities for consumer power. These powers should include the ability, by using caller ID, to prevent information from going to their family which they deem and believe is inappropriate.

I think this information strikes a good balance between the rights of consumers to protect their privacy and the rights of telemarketers to practice their trade. This bill allows consumers to use the best available technology to protect their privacy but does not allow telemarketers to start a de facto race to outsmart this technology.

I congratulate the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. Speaker, I reserve the balance of my time.

□ 1530

Mr. TAUZIN. Mr. Speaker, I am pleased to yield as much time as he may consume to the gentleman from New Jersey (Mr. FRELINGHUYSEN), the author of the legislation.

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN) for yielding me the time, and I want to commend him and the gentleman from Michigan (Mr. DINGELL), the ranking member, and all Members for their assistance in getting this bill to the floor, particularly the gentleman from Louisiana (Mr. TAUZIN), who has been very helpful. He has been very supportive, and he has been personally very interested in this bill. H.R. 90 would not be here without his support and the way that he has helped me along the way.

Mr. Speaker, the Know Your Caller Act will provide a simple but important consumer protection. Many consumers purchase and pay for caller ID service and caller ID equipment for several reasons: In the first instance, to protect their privacy; secondly, they provide for their personal security by identifying incoming calls and allow them the opportunity to decide before picking up the receiver, whether or not to answer the call.

Guess what, some of the most frequent calls, those from telemarketers, not all telemarketers but many, appear with a message Out of the Area or Caller Unknown. Mr. Speaker, telemarketing is a commercial enterprise. As such, what would be the reason for not disclosing a business telephone number? There simply is no reason.

I believe that all commercial enterprises that use the telephone to advertise or sell their services to encourage the purchase of property or goods or for any other good commercial purposes should be required to have the name of their business and their business telephone number disclosed on caller ID boxes. Some telemarketing enterprises purposely block out caller ID devices; yet these same companies know a person's name, address, and telephone number. Is it not only fair that they share their company name and their telephone number so a person can make sure that they are a legitimate company, that they are who they say they are?

Also, if my colleagues are like me and politely ask to have their name removed from their list, I think we should also be able to track the name and number of these telemarketing callers to ensure that they do not call back again. My legislation will simply require any person making a telephone solicitation to clearly identify themselves on these devices.

Mr. Speaker, this legislation will help separate legitimate telemarketers from fraudulent ones. While the majority of telemarketers are legitimate business people attempting to sell a product or service, there are some unscrupulous individuals and companies violating existing telemarketing rules and scamming many customers.

Consumers pay a monthly service fee to subscribe to the caller ID service because they want to protect their personal privacy and their pocketbooks, but they have little recourse to protest intrusions on their privacy because most telemarketers intentionally block their identity from being transmitted to caller ID devices.

Mr. Speaker, we already require telemarketers to identify themselves over the telephone and via telephone fax transmission. This bill simply extends the protection to consumers with caller ID devices.

Mr. Speaker, I express my thanks for this opportunity. This bill passed unanimously in the last session; and again, I thank the gentleman from Louisiana (Mr. TAUZIN) for his support of it.

Mr. GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

I say in closing that this is a good bill. I especially appreciate the ability of individuals and the private cause of action that is in the legislation.

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

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

Again, I want to thank the gentleman from New Jersey (Mr. FRELINGHUYSEN) for his absolute perseverance in seeing to it that this bill is passed again this year. Hopefully, it will become law and consumers will be much better off for it and he will be a hero. A lot of Americans have been troubled by this, and I commend this bill to the House.

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 90, as amended.

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

A motion to reconsider was laid on the table.

RECOGNIZING IMPORTANT CONTRIBUTIONS OF HISPANIC CHAMBER OF COMMERCE

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 277) recognizing the important contributions of the Hispanic Chamber of Commerce.

The Clerk read as follows:

H. CON. RES. 277

Whereas the Hispanic Chamber of Commerce of the United States has had a significant impact among Hispanic businesses, and in the business community in general;

Whereas the Hispanic Chamber of Commerce has served in a key support role, not merely as a business group but also as a civic organization working in the Hispanic-American community; and

Whereas the Hispanic Chamber of Commerce has helped to bring entrepreneurship to the Hispanic community as well as helping to pool the resources and talents of Hispanic American entrepreneurs; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that it is important to the promotion of the free market process of the United States, to the future success of Hispanic Americans, and to society at large that the special role of the Hispanic Chamber of Commerce of the United States be recognized and further cultivated to the benefit of all Americans.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from New York (Mr. TOWNS) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Mr. 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. Con. Res. 277.

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

There was no objection.

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

Mr. Speaker, I rise today in support of House Concurrent Resolution 277, recognizing the important contributions of the United States Hispanic Chamber of Commerce.

The Hispanic community is booming in this country. In fact, it has become the fastest-growing segment of our Nation's population; and by the year 2010, Hispanics will become the largest minority group in the United States and by 2050 will comprise nearly 25 percent of the entire U.S. population.

One sector within the Hispanic community that has been experiencing especially rapid growth over the past few years is the small business community. At present, it is estimated that there are over 1.5 million Hispanic-owned small businesses in the country.

Created in 1979 by a handful of dedicated Hispanic leaders, the U.S. Hispanic Chamber of Commerce has helped to realize the enormous potential of the Hispanic business community in these United States, and the U.S. Hispanic Chamber of Commerce has worked tirelessly to bring the issues of the Nation's Hispanic-owned businesses to the national economic agenda and drives the engine of economic growth.

Today, we thank them for increasing their contribution to the strength of this country.

It is a good resolution. My mother, Ms. Enola Martinez Tazin, appreciates it personally; and I urge the House to adopt it.

Mr. Speaker, I reserve the balance of my time.

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

I rise in strong support of this resolution, H. Con. Res. 277, which recognizes the important contributions of the Hispanic Chamber of Commerce. The chamber's mission, to actively promote the economic growth and development of Hispanic entrepreneurs, is important to the free market process and the success of Hispanic Americans. Especially during these times of economic hardship, I fully expect that the Hispanic business community will be an engine for growth and recovery benefiting our whole economy.

In the 5-year period from 1992 to 1997, Hispanic businesses across the Nation grew about 82 percent. The programs, services and support that the chamber continues to offer the more than 200 local chambers across this Nation have been integral to the success and vitality of these Hispanic businesses.

I have seen the effects of the chamber's initiatives in my own 10th Congressional District in Brooklyn. The Hispanic community has produced some of the most exciting entrepreneurial initiatives, enriching Brooklyn for all of its residents. From small stores and bodegas to supermarkets like Compare Market and ABC Beverages to large construction companies like Park Avenue Building and Roofing Supplies, Hispanic-owned businesses