



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 108<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 149

WASHINGTON, MONDAY, SEPTEMBER 15, 2003

No. 126

## House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Mr. ADERHOLT).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
September 15, 2003.

I hereby appoint the Honorable ROBERT B. ADERHOLT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord of the living and guardian of the Nation, we commend to Your loving attention the Members of the House of Representatives and all those who serve in government.

Give to all the freedom to embrace the tasks You set before them today. May their standard of work ethic be a model for all citizens.

Grant safety and health to all in their family, their colleagues, and all those they love.

By working together, may the Nation be strengthened and world peace be realized.

In Your Divine Providence we trust, now and forever. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,  
OFFICE OF THE CLERK,  
Washington, DC, September 12, 2003.

Hon. J. DENNIS HASTERT,  
*Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 12, 2003 at 12:06 p.m.

That the Senate passed without amendment H.R. 978.

With best wishes, I am,  
Sincerely,

JEFF TRANDAHL,  
*Clerk of the House.*

### COMMITTEE RESOLUTION 108-5

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. NEY) is recognized for 5 minutes.

Mr. NEY. Mr. Speaker, pursuant to Committee Rule (4)a of the Committee on House Administration rules, I submit for the RECORD Committee Resolution 108-5. This resolution regarding unsolicited mass communication contained in the Members' Congressional Handbook was adopted on September 5, 2003. This language amended the handbook and I have attached the new policy language for submission.

### COMMITTEE RESOLUTION 108-5, AMENDMENT TO REGULATION OF UNSOLICITED MASS COMMUNICATIONS

*Resolved*, that the Committee on House Administration Regulations of Unsolicited Mass Communications as contained in the Members' Congressional Handbook are amended by the language attached hereto and incorporated herein.

#### ELECTRONIC COMMUNICATIONS

Ordinary and necessary expenses related to electronic communications (Internet, fax machines, etc.) are reimbursable. All official electronic communication content must comply with the Franking Regulations.

#### SUBSCRIBED E-MAIL UPDATES

A subscribed e-mail update is an e-mail sent to constituents who have individually subscribed to an e-mail list. Members must notify constituents who subscribe to e-mail updates that the constituent is authorizing the Member to send regular e-mail updates from the Member's office to the person's e-mail account. All e-mail updates to subscribers must contain an option that enables the constituent to unsubscribe from the e-mail list. Members may send subscribed e-mail updates without obtaining an advisory opinion.

#### NON-SUBSCRIBED E-MAIL UPDATES

If each e-mail address used in mass communication was not obtained with consent for subscribed e-mail updates, then the Member must receive a Franking Advisory prior to the distribution of the mass communication.

Please see Unsolicited Mass Communications Restrictions.

#### UNSOLICITED MASS COMMUNICATION RESTRICTIONS

Unsolicited mass communication is defined consistent with Franking Regulations as any unsolicited communication of substantially identical content to 500 or more persons in a session of Congress.

Except where noted, unsolicited mass communications, regardless of the means of transmittal, must receive an Advisory Opinion from the Franking Commission prior to dissemination. Advisory Opinions may be obtained from the Franking Commission at x59337.

Expenditures from the MRA for unsolicited mass communications, regardless of the means of transmittal, are prohibited if such

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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communication occurs fewer than 90 days immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Member's name will appear on an official ballot for election or reelection to public office.

Examples of unsolicited mass communication are:

1. Radio, TV, Internet, or newspaper advertisements of town hall meetings.
2. Radio or newspaper advertisements announcing a personal appearance of Member.
3. Newspaper inserts.
4. Automated phone calls.
5. Facsimiles.
6. Mass mailings.
7. Posters, leaflets, handouts, etc., that are distributed.
8. Purchase of radio broadcast time.
9. Production and distribution costs for video and audio services.
10. Non-subscriber list e-mails.

This restriction does not apply to the following:

1. Direct response to communications (i.e., solicited communications).
  2. Communications to Members of Congress and other government officials.
  3. News releases.
  4. Web sites and other electronic bulletin boards that post information for voluntary public access.
  5. Advertisements for employee position and internship openings, U.S. Military Academy Days, and An Artistic Discovery.
  6. Member's television appearance as a media guest, whether by newspaper interview, radio, television or other electronic means.
  7. Previously recorded shows and Public Service Announcements aired voluntarily by a media outlet, when no expenses are incurred by the Member.
  8. Purchases of research materials, including video or audio-tapes; and Video Conferencing.
  9. E-mail subscribers list.
- Please see Electronic Communications.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at his own request) to revise and extend his remarks and include extraneous material.)

Mr. NEY, for 5 minutes, today.

#### BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 12, 2003 he presented to the President of the United States, for his approval, the following bill:

H.R. 1668. To designate the United States courthouse located at 101 North Fifth Street in Muskogee, Oklahoma, as the "Ed Edmondson United States Courthouse."

#### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday, September 16, 2003, for morning hour debates.

There was no objection.

Accordingly (at 12 o'clock and 4 minutes p.m.), under its previous order, the

House adjourned until tomorrow, Tuesday, September 16, 2003, at 12:30 p.m., for morning hour debates.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4224. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Update of Nursery Stock Regulations [Docket No. 98-062-2] (RIN: 0579-AB23) received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4225. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Requirements for Recognizing the Animal Health Status of Foreign Regions [Docket No. 01-036-2] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4226. A letter from the Administrator, FSIS, Department of Agriculture, transmitting the Department's final rule—Definitions and Standards of Identity or Composition: Elimination of the Pizza with Meat or Sausage Standards [Docket No. 01-018F] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4227. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—Sugar Beet Disaster Program (RIN: 0560-AH04) received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4228. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—Outside Storage of Extra Long Staple Loan Cotton (RIN: 0560-AH03) received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4229. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—2003 Agricultural Assistance Act-Crop Disaster Program and Livestock Assistance Program (RIN: 0560-AG95) received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4230. A communication from the President of the United States, transmitting requests for FY 2004 budget amendments for the Departments of Agriculture, Homeland Security, Housing and Urban Development and the Corps of Engineers; (H. Doc. No. 108—125); to the Committee on Appropriations and ordered to be printed.

4231. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Multiyear Contracting Authority Revisions [DFARS Case 2002-D041] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4232. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Contractor Performance of Security-Guard Functions [DFARS Case 2002-D042] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4233. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Caribbean Basin Country—Dominican Republic [DFARS Case 2003-D007] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4234. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Liability for Loss Under Vessel Repair and Alteration Contracts [DFARS Case 2002-D016] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4235. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Customer Identification Programs for Futures Commission Merchants and Introducing Brokers (RIN: 1506-AA34) received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4236. A letter from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Federal Savings Associations—Operations, Agency Offices; Fiduciary Powers of Savings Associations [No. 2003-44] (RIN: 1550-AB80) received September 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4237. A letter from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Regulatory Reporting Standards: Qualifications for Independent Public Accountants Performing Audit Services for Voluntary Audit Filers [No. 2003-45] (RIN: 1550-AB54) received September 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4238. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Changes in Flood Elevation Determinations—received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4239. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Final Flood Elevation Determinations—received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4240. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Filing Procedures, Corporate Powers, International Banking, Management Official Interlocks, Golden Parachute and Indemnification Payments (RIN: 3064-AC55) received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4241. A letter from the General Counsel, National Credit Union Administration, transmitting the Administrator's final rule—Investment and Deposit Activities and Regulatory Flexibility Program—received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4242. A letter from the Acting Assistant Secretary, Department of Education, transmitting the Department's final rule—Indian Education Discretionary Grant Programs (RIN: 1810-AA93) received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.