

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. MCCOTTER) that the House suspend the rules and agree to the resolution, H. Res. 400, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 382, nays 0, not voting 52, as follows:

[Roll No. 564]

YEAS—382

| | | |
|---------------|-----------------|----------------|
| Abercrombie | DeFazio | Issa |
| Aderholt | DeGette | Istook |
| Akin | DeLauro | Jackson (IL) |
| Alexander | DeLay | Jackson-Lee |
| Allen | DeMint | (TX) |
| Andrews | Deutsch | Janklow |
| Baca | Diaz-Balart, L. | Jefferson |
| Bachus | Diaz-Balart, M. | Jenkins |
| Baird | Dicks | John |
| Baker | Dingell | Johnson (CT) |
| Baldwin | Dooley (CA) | Johnson (IL) |
| Ballance | Doyle | Johnson, E. B. |
| Ballenger | Dreier | Johnson, Sam |
| Bartlett (SC) | Duncan | Jones (NC) |
| Bartlett (MD) | Dunn | Jones (OH) |
| Bass | Edwards | Kanjorski |
| Beauprez | Ehlers | Kaptur |
| Bereuter | Emanuel | Keller |
| Berkley | Emerson | Kelly |
| Berman | Engel | Kennedy (MN) |
| Berry | English | Kennedy (RI) |
| Biggert | Eshoo | Kildee |
| Billirakis | Etheridge | Kilpatrick |
| Bishop (GA) | Evans | Kind |
| Bishop (NY) | Everett | King (IA) |
| Bishop (UT) | Farr | King (NY) |
| Blackburn | Feeney | Kingston |
| Blumenauer | Ferguson | Kirk |
| Blunt | Filner | Klecza |
| Boehrlert | Flake | Kline |
| Boehner | Foley | Knollenberg |
| Bonilla | Forbes | Kolbe |
| Bonner | Fossella | Kucinich |
| Bono | Frank (MA) | Lampson |
| Boozman | Franks (AZ) | Langevin |
| Boswell | Frelinghuysen | Lantos |
| Boucher | Frost | Larsen (WA) |
| Boyd | Garrett (NJ) | Larson (CT) |
| Bradley (NH) | Gerlach | Latham |
| Brady (TX) | Gibbons | LaTourette |
| Brown (OH) | Gilchrest | Lee |
| Brown (SC) | Gillmor | Levin |
| Brown-Waite, | Gonzalez | Lewis (CA) |
| Ginny | Goode | Lewis (KY) |
| Burgess | Goodlatte | Linder |
| Burns | Gordon | Lipinski |
| Burton (IN) | Goss | LoBiondo |
| Buyer | Granger | Lofgren |
| Calvert | Graves | Lowe |
| Camp | Green (TX) | Lucas (KY) |
| Cannon | Green (WI) | Lynch |
| Cantor | Greenwood | Majette |
| Capito | Grijalva | Maloney |
| Capuano | Gutknecht | Markey |
| Cardin | Hall | Matheson |
| Cardoza | Harris | Matsui |
| Carson (IN) | Hart | McCarthy (MO) |
| Carter | Hastings (FL) | McCollum |
| Castle | Hastings (WA) | McCotter |
| Chabot | Hayes | McCrery |
| Chocola | Hayworth | McDermott |
| Clyburn | Hefley | McGovern |
| Cole | Hensarling | McHugh |
| Collins | Herger | McInnis |
| Conyers | Hill | McIntyre |
| Cooper | Hinche | McKeon |
| Costello | Hinojosa | McNulty |
| Cox | Hobson | Meehan |
| Cramer | Hoekstra | Meek (FL) |
| Crane | Holden | Meeks (NY) |
| Crenshaw | Holt | Menendez |
| Crowley | Honda | Mica |
| Cubin | Hoolley (OR) | Michaud |
| Culberson | Hostettler | Millender- |
| Cummings | Houghton | McDonald |
| Cunningham | Hoyer | Miller (FL) |
| Davis (AL) | Hulshof | Miller (MI) |
| Davis (IL) | Hunter | Miller (NC) |
| Davis (TN) | Hyde | Miller, Gary |
| Davis, Jo Ann | Insee | Miller, George |
| Davis, Tom | Isakson | Mollohan |
| Deal (GA) | Israel | Moore |

| | | |
|---------------|------------------|---------------|
| Moran (KS) | Renzi | Stearns |
| Moran (VA) | Reynolds | Strickland |
| Murphy | Rodriguez | Stupak |
| Murtha | Rogers (AL) | Sullivan |
| Musgrave | Rogers (MI) | Sweeney |
| Myrick | Rohrabacher | Tancredo |
| Nadler | Ros-Lehtinen | Tanner |
| Napolitano | Ross | Tauscher |
| Nethercutt | Rothman | Tauzin |
| Neugebauer | Royce | Taylor (NC) |
| Ney | Ruppersberger | Terry |
| Norwood | Rush | Thomas |
| Nunes | Ryan (OH) | Thompson (CA) |
| Nussle | Ryan (WI) | Thompson (MS) |
| Oberstar | Ryun (KS) | Thornberry |
| Obey | Sabo | Tiahrt |
| Olver | Sanchez, Linda | Tiberi |
| Ortiz | T. | Tierney |
| Osborne | Sanchez, Loretta | Toomey |
| Ose | Sanders | Towns |
| Otter | Sandlin | Turner (OH) |
| Oxley | Saxton | Turner (TX) |
| Pallone | Schakowsky | Turner (CO) |
| Pascarell | Schiff | Udall (NM) |
| Pastor | Schrock | Upton |
| Paul | Scott (GA) | Van Hollen |
| Payne | Scott (VA) | Velazquez |
| Pearce | Scott (VA) | Walden (OR) |
| Pelosi | Sensenbrenner | Walsh |
| Pence | Serrano | Wamp |
| Peterson (MN) | Shadegg | Walters |
| Peterson (PA) | Shaw | Watson |
| Petri | Shays | Watt |
| Pickering | Sherman | Waxman |
| Pitts | Sherwood | Weldon (FL) |
| Platts | Shimkus | Weldon (PA) |
| Pombo | Shuster | Weller |
| Pomeroy | Simmons | Wicker |
| Porter | Simpson | Wilson (NM) |
| Portman | Skelton | Wilson (SC) |
| Price (NC) | Smith (MI) | Wolf |
| Quinn | Smith (NJ) | Woolsey |
| Radanovich | Smith (TX) | Wu |
| Rahall | Smith (WA) | Wynn |
| Rangel | Snyder | Young (AK) |
| Regula | Solis | Young (FL) |
| Rehberg | Souder | |
| | Spratt | |

NOT VOTING—52

| | | |
|----------------|---------------|---------------|
| Ackerman | Fletcher | Pryce (OH) |
| Barton (TX) | Ford | Putnam |
| Becerra | Galgely | Ramstad |
| Bell | Gephardt | Reyes |
| Brady (PA) | Gingrey | Rogers (KY) |
| Brown, Corrine | Gutierrez | Roybal-Allard |
| Burr | Harman | Sessions |
| Capps | Hoeffel | Slaughter |
| Carson (OK) | LaHood | Stark |
| Case | Leach | Stenholm |
| Clay | Lewis (GA) | Taylor (MS) |
| Coble | Lucas (OK) | Visclosky |
| Davis (CA) | Manzullo | Vitter |
| Davis (FL) | Marshall | Weiner |
| Delahunt | McCarthy (NY) | Wexler |
| Doggett | Neal (MA) | Whitfield |
| Doolittle | Northup | |
| Fattah | Owens | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DUNCAN) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1906

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. DAVIS of California. Mr. Speaker, on rollcall No. 564, had I been present, I would have voted "yea."

AMENDING TITLE XXI OF THE SOCIAL SECURITY ACT

The SPEAKER pro tempore. The pending business is the question of sus-

pending the rules and passing the bill, H.R. 3288.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 3288, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 382, nays 0, not voting 52, as follows:

[Roll No. 565]

YEAS—382

| | | |
|---------------|-----------------|----------------|
| Abercrombie | Deal (GA) | Isakson |
| Aderholt | DeFazio | Israel |
| Akin | DeGette | Issa |
| Alexander | DeLauro | Istook |
| Allen | DeLay | Jackson (IL) |
| Andrews | DeMint | Jackson-Lee |
| Baca | Deutsch | (TX) |
| Bachus | Diaz-Balart, L. | Janklow |
| Baird | Diaz-Balart, M. | Jefferson |
| Baker | Dicks | Jenkins |
| Baldwin | Dingell | John |
| Ballance | Dooley (CA) | Johnson (CT) |
| Ballenger | Doyle | Johnson (IL) |
| Barrett (SC) | Dreier | Johnson, E. B. |
| Bartlett (MD) | Duncan | Johnson, Sam |
| Bass | Dunn | Jones (NC) |
| Beauprez | Edwards | Jones (OH) |
| Bereuter | Ehlers | Kanjorski |
| Berkley | Emanuel | Kaptur |
| Berman | Emerson | Keller |
| Berry | Engel | Kelly |
| Biggert | English | Kennedy (MN) |
| Billirakis | Eshoo | Kennedy (RI) |
| Bishop (GA) | Etheridge | Kildee |
| Bishop (NY) | Evans | Kilpatrick |
| Bishop (UT) | Everett | King (IA) |
| Blackburn | Farr | King (NY) |
| Blumenauer | Feeney | Kingston |
| Blunt | Ferguson | Kirk |
| Boehrlert | Filner | Klecza |
| Boehner | Flake | Kline |
| Bonilla | Foley | Knollenberg |
| Bonner | Forbes | Kolbe |
| Bono | Fossella | Kucinich |
| Boozman | Frank (MA) | Lampson |
| Boswell | Franks (AZ) | Langevin |
| Boucher | Frelinghuysen | Lantos |
| Boyd | Frost | Larsen (WA) |
| Bradley (NH) | Garrett (NJ) | Larson (CT) |
| Brady (TX) | Gerlach | Latham |
| Brown (OH) | Gibbons | LaTourette |
| Brown (SC) | Gilchrest | Lee |
| Brown-Waite, | Gillmor | Levin |
| Ginny | Gonzalez | Lewis (CA) |
| Burgess | Goode | Lewis (KY) |
| Burns | Goodlatte | Linder |
| Burton (IN) | Gordon | Lipinski |
| Buyer | Goss | LoBiondo |
| Calvert | Granger | Lofgren |
| Camp | Graves | Lowe |
| Cannon | Green (TX) | Lucas (KY) |
| Capito | Green (WI) | Lynch |
| Capuano | Greenwood | Majette |
| Cardin | Grijalva | Maloney |
| Cardoza | Gutknecht | Manzullo |
| Carson (IN) | Hall | Markey |
| Carter | Harris | Matheson |
| Castle | Hart | Matsui |
| Chabot | Hastings (FL) | McCarthy (MO) |
| Chocola | Hastings (WA) | McCollum |
| Clyburn | Hayes | McCotter |
| Cole | Hayworth | McCrery |
| Collins | Hefley | McDermott |
| Conyers | Hensarling | McGovern |
| Cooper | Herger | McHugh |
| Costello | Hill | McInnis |
| Cox | Hinche | McIntyre |
| Cramer | Hinojosa | McKeon |
| Crane | Hobson | McNulty |
| Crenshaw | Hoekstra | Meehan |
| Crowley | Holden | Meek (FL) |
| Cubin | Holt | Meeks (NY) |
| Culberson | Honda | Menendez |
| Cummings | Hoolley (OR) | Mica |
| Cunningham | Hostettler | Michaud |
| Davis (AL) | Houghton | Millender- |
| Davis (CA) | Hoyer | McDonald |
| Davis (IL) | Hulshof | Miller (FL) |
| Davis (TN) | Hunter | Miller (MI) |
| Davis, Jo Ann | Hyde | Miller (NC) |
| Davis, Tom | Insee | |

| | | |
|----------------|------------------|---------------|
| Miller, Gary | Rangel | Spratt |
| Miller, George | Regula | Stearns |
| Mollohan | Rehberg | Strickland |
| Moore | Renzi | Stupak |
| Moran (KS) | Reynolds | Sullivan |
| Moran (VA) | Rodriguez | Sweeney |
| Murphy | Rogers (AL) | Tancredo |
| Murtha | Rogers (MI) | Tanner |
| Musgrave | Rohrabacher | Tauscher |
| Myrick | Ros-Lehtinen | Tauzin |
| Nadler | Ross | Taylor (NC) |
| Napolitano | Rothman | Terry |
| Nethercutt | Royce | Thomas |
| Neugebauer | Rush | Thompson (CA) |
| Ney | Ryan (OH) | Thompson (MS) |
| Norwood | Ryan (WI) | Thornberry |
| Nunes | Ryun (KS) | Tiahrt |
| Nussle | Sabo | Tiberi |
| Oberstar | Sanchez, Linda | Tierney |
| Obey | T. | Toomey |
| Olver | Sanchez, Loretta | Towns |
| Ortiz | Sanders | Turner (OH) |
| Osborne | Sandlin | Turner (TX) |
| Ose | Saxton | Udall (CO) |
| Otter | Schakowsky | Udall (NM) |
| Oxley | Schiff | Upton |
| Pallone | Schrock | Van Hollen |
| Pascrell | Scott (GA) | Velazquez |
| Pastor | Scott (VA) | Walden (OR) |
| Paul | Sensenbrenner | Walsh |
| Payne | Serrano | Wamp |
| Pearce | Shadegg | Waters |
| Pelosi | Shaw | Watson |
| Pence | Shays | Watt |
| Peterson (MN) | Sherman | Waxman |
| Peterson (PA) | Sherwood | Weldon (FL) |
| Petri | Shimkus | Weldon (PA) |
| Pickering | Shuster | Weller |
| Pitts | Simmons | Wicker |
| Platts | Simpson | Wilson (NM) |
| Pombo | Skelton | Wilson (SC) |
| Pomeroy | Smith (MI) | Wolf |
| Porter | Smith (NJ) | Woolsey |
| Portman | Smith (TX) | Wu |
| Price (NC) | Smith (WA) | Wynn |
| Quinn | Snyder | Young (AK) |
| Radanovich | Solis | Young (FL) |
| Rahall | Souder | |

NOT VOTING—52

| | | |
|----------------|---------------|---------------|
| Ackerman | Fletcher | Putnam |
| Barton (TX) | Ford | Ramstad |
| Becerra | Galleghy | Reyes |
| Bell | Gephardt | Rogers (KY) |
| Brady (PA) | Gingrey | Roybal-Allard |
| Brown, Corrine | Gutierrez | Ruppersberger |
| Burr | Harman | Sessions |
| Cantor | Hoefel | Slaughter |
| Capps | LaHood | Stark |
| Carson (OK) | Leach | Stenholm |
| Case | Lewis (GA) | Taylor (MS) |
| Clay | Lucas (OK) | Visclosky |
| Coble | Marshall | Vitter |
| Davis (FL) | McCarthy (NY) | Weiner |
| Delahunt | Neal (MA) | Wexler |
| Doggett | Northup | Whitfield |
| Doolittle | Owens | |
| Fattah | Pryce (OH) | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DUNCAN) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1922

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBER TO COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

The SPEAKER pro tempore. Pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431 Note), amended by section 681(b) of the Foreign Relations Au-

thorization Act, fiscal year 2003 (22 U.S.C. 2651 Note), the order of the House of January 8, 2003, and upon the recommendation of the minority leader, the Speaker appointed the following member on the part of the House to the Commission on International Religious Freedom for a 1-year term ending May 14, 2004, to fill the existing vacancy thereon:

Ms. Patricia W. Chang, San Francisco, California.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 2535, ECONOMIC DEVELOPMENT ADMINISTRATION REAUTHORIZATION ACT OF 2003

Mrs. BLACKBURN. Mr. Speaker, I ask unanimous consent that it shall be in order anytime without intervention of any point of order to consider in the House H.R. 2535; the bill shall be considered as read for amendment; the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, modified by the amendment that I have placed at the desk, shall be considered as adopted; all points of order against the bill, as amended, shall be waived; the previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except, one, 1 hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure; and, two, one motion to recommit, with or without instructions; and the amendment that I have placed at the desk shall be considered as read for purposes of this unanimous consent request.

The text of the amendment is as follows:

Page 15, line 25, strike the closing quotation marks and the final period and insert the following:

“(4) PRESERVATION OF SECURITIES LAWS.—“(A) NOT TREATED AS EXEMPTED SECURITIES.—No securities issued pursuant to paragraph (2)(C) shall be treated as exempted securities for purposes of the Securities Act of 1933 or the Securities Exchange Act of 1934, unless exempted by rule or regulation of the Securities and Exchange Commission.

“(B) PRESERVATION.—Except as provided in subparagraph (A), no provision of this subsection or any regulation issued by the Secretary under this subsection shall supersede or otherwise affect the application of the securities laws (as such term is defined in section 2(a)(47) of the Securities Exchange Act of 1934) or the rules, regulations, or orders of the Securities and Exchange Commission or a self-regulatory organization thereunder.”

Page 24, line 2, strike the period at the end and insert the following:

; except that recipients may use grant funds awarded under this section for the administrative costs of economic development activities.

Page 25, line 15, strike the period at the end and insert the following:

; except that recipients may use grant funds awarded under this section for the adminis-

trative costs of economic development activities.

At the end of the bill, add the following:

TITLE VIII—APPALACHIAN REGIONAL DEVELOPMENT

SEC. 801. ADDITIONS TO APPALACHIAN REGION.

(a) KENTUCKY.—Section 14102(a)(1)(C) of title 40, United States Code, is amended—

(1) by inserting “Nicholas,” after “Morgan,”; and

(2) by inserting “Robertson,” after “Pulaski,”.

(b) OHIO.—Section 14102(a)(1)(H) of such title is amended—

(1) by inserting “Ashtabula,” after “Adams,”;

(2) by inserting “Fayette,” after “Coshocton,”;

(3) by inserting “Mahoning,” after “Lawrence,”; and

(4) by inserting “Trumbull,” after “Scioto,”.

(c) TENNESSEE.—Section 14102(a)(1)(K) of such title is amended—

(1) by inserting “Giles,” after “Franklin,”; and

(2) by inserting “Lawrence, Lewis, Lincoln,” after “Knox,”.

(d) VIRGINIA.—Section 14102(a)(1)(L) of such title is amended—

(1) by inserting “Henry,” after “Grayson,”; and

(2) by inserting “Patrick,” after “Montgomery,”.

SEC. 802. AUTHORIZATION OF APPROPRIATIONS.

Section 14703(a) of title 40, United States Code, is amended by striking paragraphs (1) through (3) and inserting the following:

“(1) \$88,000,000 for each of fiscal years 2002 and 2003.

“(2) \$91,000,000 for fiscal year 2004.

“(3) \$93,000,000 for fiscal year 2005.

“(4) \$95,000,000 for fiscal year 2006.”.

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

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003.

Mr. MARKEY. Mr. Speaker, subject to rule XXII, clause 7, I hereby announce my intention to offer a motion to instruct on H.R. 6, the Energy Policy Act.

The form of the motion is as follows:

Mr. MARKEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 6 be instructed to insist upon the provisions contained in—

(1) section 14011 of the House bill relating to secure transfer of nuclear materials;

(2) section 14012(d) of the House bill relating to nuclear facility threats, directing the Nuclear Regulatory Commission to issue regulations, including changes to the design basis threat, to ensure that nuclear facilities licensed by Commission address the threat of a terrorist attack against such facilities; and

(3) section 14013 of the House bill requiring the Nuclear Regulatory Commission, before entering into any agreement of indemnification with respect to a utilization facility under section 170 of the Atomic Energy Act of 1954, to consult with the Assistant to the President for Homeland Security (or any successor official) with respect to that facility concerning whether the location of the facility and the design of that type of facility ensures that the facility provides for the