

the gentleman from Illinois (Mr. HYDE).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HYDE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This 15-minute vote on the motion to go to conference will be followed by a 5-minute vote on the Journal.

The vote was taken by electronic device, and there were—yeas 382, nays 0, not voting 50, as follows:

[Roll No. 385]

YEAS—382

Abercrombie	Delahunt	Hulshof
Aderholt	DeLauro	Hunter
Akin	DeLay	Hyde
Allen	DeMint	Inslee
Andrews	Deutsch	Isakson
Baca	Diaz-Balart	Israel
Bachus	Dingell	Istook
Baird	Doggett	Jackson (IL)
Baker	Dooley	Jackson-Lee
Baldacci	Doolittle	(TX)
Baldwin	Doyle	Jefferson
Ballenger	Dreier	Jenkins
Barcia	Duncan	John
Bartlett	Dunn	Johnson (CT)
Barton	Edwards	Johnson (IL)
Bass	Ehlers	Johnson, E. B.
Becerra	Emerson	Johnson, Sam
Bentsen	Engel	Jones (NC)
Berkley	English	Jones (OH)
Berry	Eshoo	Kanjorski
Biggert	Etheridge	Kaptur
Bilirakis	Evans	Keller
Bishop	Everett	Kelly
Blagojevich	Farr	Kennedy (MN)
Blumenauer	Ferguson	Kerns
Blunt	Filner	Kildee
Boehlert	Flake	Kilpatrick
Boehner	Fletcher	Kind (WI)
Bonior	Foley	King (NY)
Bono	Forbes	Kingston
Boozman	Fossella	Klecza
Borski	Frank	Knollenberg
Boswell	Frelinghuysen	Kolbe
Boucher	Frost	Kucinich
Boyd	Ganske	LaFalce
Brady (PA)	Gekas	LaHood
Brady (TX)	Gephardt	Lampson
Brown (OH)	Gibbons	Langevin
Brown (SC)	Gilchrest	Lantos
Bryant	Gillmor	Larsen (WA)
Burr	Goode	Larson (CT)
Burton	Goodlatte	Latham
Buyer	Gordon	LaTourette
Callahan	Goss	Leach
Calvert	Graham	Lee
Camp	Granger	Levin
Cannon	Graves	Lewis (CA)
Cantor	Green (TX)	Lewis (GA)
Capito	Green (WI)	Lewis (KY)
Capps	Greenwood	Linder
Cardin	Grucci	Lipinski
Carson (IN)	Gutierrez	LoBiondo
Carson (OK)	Gutknecht	Lofgren
Castle	Hall (TX)	Lowe
Chabot	Hansen	Lucas (KY)
Chambliss	Harman	Lucas (OK)
Clayton	Hart	Luther
Clyburn	Hastings (FL)	Lynch
Coble	Hayes	Maloney (CT)
Collins	Hayworth	Maloney (NY)
Costello	Hefley	Manzullo
Cox	Herger	Markey
Coyne	Hill	Mascara
Crenshaw	Hilliard	Matheson
Crowley	Hinche	Matsui
Cubin	Hinojosa	McCarthy (MO)
Culberson	Hobson	McCarthy (NY)
Cummings	Hoefel	McCollum
Cunningham	Hoekstra	McCrery
Davis (CA)	Holden	McDermott
Davis (FL)	Holt	McGovern
Davis (IL)	Honda	McInnis
Davis, Jo Ann	Hooley	McIntyre
Davis, Tom	Horn	McKeon
Deal	Hostettler	McKinney
DeFazio	Houghton	McNulty
DeGette	Hoyer	Meehan

Meeks (NY)	Regula
Menendez	Rehberg
Mica	Reyes
Millender-McDonald	Reynolds
Miller, Dan	Riley
Miller, Jeff	Rivers
Mollohan	Rodriguez
Moore	Roemer
Moran (KS)	Rogers (KY)
Moran (VA)	Rogers (MI)
Morella	Rohrabacher
Murtha	Ros-Lehtinen
Nadler	Ross
Napolitano	Rothman
Nethercutt	Roybal-Allard
Ney	Royce
Northup	Rush
Norwood	Ryun (KS)
Nussle	Sabo
Oberstar	Sanchez
Obey	Sanders
Oliver	Sandlin
Ortiz	Sawyer
Osborne	Saxton
Ose	Schaffer
Otter	Schakowsky
Owens	Schiff
Oxley	Schrock
Pallone	Scott
Pascarell	Sensenbrenner
Pastor	Serrano
Paul	Sessions
Payne	Shadegg
Pelosi	Shaw
Pence	Shays
Peterson (MN)	Sherman
Peterson (PA)	Sherwood
Petri	Shimkus
Phelps	Shows
Pickering	Shuster
Pitts	Simmons
Platts	Simpson
Pombo	Skeen
Pomeroy	Skelton
Price (NC)	Slaughter
Pryce (OH)	Smith (NJ)
Putnam	Smith (TX)
Quinn	Smith (WA)
Radanovich	Snyder
Rangel	Solis
	Spratt

NOT VOTING—50

Ackerman	Dicks	Myrick
Arney	Ehrlich	Neal
Barr	Fattah	Portman
Barrett	Ford	Rahall
Bereuter	Gallegly	Ramstad
Berman	Gilman	Roukema
Bonilla	Gonzalez	Ryan (WI)
Brown (FL)	Hastings (WA)	Smith (MI)
Capuano	Hilleary	Souder
Clay	Issa	Stump
Clement	Kirk	Stupak
Combest	Kirk	Sununu
Condit	McHugh	Towns
Conyers	Meek (FL)	Velazquez
Cooksey	Miller, Gary	Watson (CA)
Cramer	Miller, George	Wexler
Crane	Mink	

□ 1032

Mr. TANCREDO changed his vote from “nay” to “yea.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FORD. Mr. Speaker, with regard to rollcall vote 385 on the motion to go to conference on H.R. 1646, the State Department authorization, I missed that vote en route back to the Capitol. Had I been present, I would have voted “yea.”

Mr. STUPAK. Mr. Speaker, This morning, September 12, my plane back to Washington was delayed and I missed rollcall vote number 385 on the motion to go to conference on the State Department authorization, H.R.

1646. On this vote I would have voted “yea”.

THE JOURNAL

The SPEAKER pro tempore (Mr. TERRY). Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal.

The question is on agreeing to the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BROWN of South Carolina. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 342, noes 42, answered “present” 1, not voting 47, as follows:

[Roll No. 386]

AYES—342

Abercrombie	Cummings	Hayes
Akin	Cunningham	Hayworth
Allen	Davis (CA)	Herger
Andrews	Davis (FL)	Hill
Armey	Davis (IL)	Hinojosa
Baca	Davis, Jo Ann	Hobson
Baird	Davis, Tom	Hoefel
Baker	Deal	Hoekstra
Baldacci	DeGette	Holden
Ballenger	Delahunt	Holt
Barcia	DeLauro	Honda
Bartlett	DeLay	Horn
Barton	DeMint	Hostettler
Bass	Deutsch	Houghton
Becerra	Diaz-Balart	Hoyer
Bentsen	Dicks	Hulshof
Berkley	Dingell	Hunter
Berry	Doggett	Hyde
Biggert	Dooley	Inslee
Bilirakis	Doolittle	Isakson
Bishop	Doyle	Israel
Blagojevich	Dreier	Istook
Blumenauer	Duncan	Jackson (IL)
Blunt	Dunn	Jackson-Lee
Boehlert	Edwards	(TX)
Boehner	Ehlers	Jefferson
Bonior	Emerson	Jenkins
Bono	Engel	John
Boozman	Eshoo	Johnson (CT)
Boswell	Etheridge	Johnson (IL)
Boucher	Evans	Johnson, E. B.
Boyd	Everett	Johnson, Sam
Brady (TX)	Farr	Jones (NC)
Brown (OH)	Fattah	Jones (OH)
Brown (SC)	Ferguson	Kanjorski
Bryant	Flake	Kaptur
Burr	Fletcher	Keller
Burton	Foley	Kelly
Buyer	Forbes	Kerns
Callahan	Ford	Kildee
Calvert	Fossella	Kilpatrick
Camp	Frank	Kind (WI)
Cannon	Frelinghuysen	King (NY)
Cantor	Frost	Kingston
Capito	Ganske	Klecza
Capps	Gekas	Knollenberg
Cardin	Gibbons	Kolbe
Carson (IN)	Gilchrest	LaFalce
Carson (OK)	Goode	LaHood
Castle	Goodlatte	Lampson
Chabot	Gordon	Langevin
Chambliss	Goss	Lantos
Clayton	Graham	Larson (CT)
Clyburn	Granger	LaTourette
Coble	Graves	Leach
Collins	Green (WI)	Lee
Condit	Greenwood	Levin
Cox	Grucci	Lewis (CA)
Coyne	Gutierrez	Lewis (GA)
Crenshaw	Gutknecht	Lewis (KY)
Crowley	Hall (TX)	Linder
Cubin	Hansen	Lipinski
Culberson	Harman	Lofgren

Lowey	Payne	Shows
Lucas (KY)	Pence	Shuster
Lucas (OK)	Peterson (PA)	Simmons
Luther	Petri	Simpson
Lynch	Phelps	Skeen
Maloney (CT)	Pickering	Skelton
Maloney (NY)	Pitts	Smith (MI)
Manzullo	Platts	Smith (NJ)
Markey	Pombo	Smith (TX)
Mascara	Pomeroy	Smith (WA)
Matheson	Portman	Solis
Matsui	Price (NC)	Spratt
McCarthy (MO)	Pryce (OH)	Stark
McCarthy (NY)	Putnam	Stearns
McCollum	Quinn	Stenholm
McCrery	Radanovich	Sullivan
McGovern	Rangel	Tanner
McInnis	Regula	Tauscher
McIntyre	Rehberg	Tauzin
McKeon	Reyes	Taylor (NC)
McKinney	Reynolds	Terry
McNulty	Riley	Thomas
Meehan	Rivers	Thornberry
Meeks (NY)	Rodriguez	Thune
Menendez	Roemer	Thurman
Mica	Rogers (KY)	Tiahrt
Millender-	Rogers (MI)	Tiberi
McDonald	Rohrabacher	Tierney
Miller, Dan	Ros-Lehtinen	Toomey
Miller, Jeff	Ross	Turner
Mollohan	Rothman	Upton
Moran (KS)	Roybal-Allard	Vitter
Moran (VA)	Royce	Walden
Morella	Rush	Walsh
Murtha	Ryun (KS)	Wamp
Nadler	Sanchez	Watkins (OK)
Napolitano	Sanders	Watt (NC)
Nethercutt	Sandlin	Watts (OK)
Ney	Sawyer	Waxman
Northup	Saxton	Weiner
Norwood	Schakowsky	Weldon (FL)
Nussle	Schiff	Weldon (PA)
Obey	Schrock	Wexler
Ortiz	Scott	Whitfield
Osborne	Sensenbrenner	Wilson (NM)
Ose	Sessions	Wilson (SC)
Otter	Shadegg	Wolf
Owens	Shaw	Woolsey
Pallone	Shays	Wynn
Pascarell	Sherman	Young (AK)
Pastor	Sherwood	Young (FL)
Paul	Shimkus	

NOES—42

Aderholt	Hilliard	Slaughter
Bachus	Hinchey	Strickland
Baldwin	Kennedy (MN)	Stupak
Borski	Kucinich	Sweeney
Brady (PA)	Larsen (WA)	Taylor (MS)
Costello	Latham	Thompson (CA)
DeFazio	LoBiondo	Thompson (MS)
English	McDermott	Udall (CO)
Filner	Moore	Udall (NM)
Gillmor	Oberstar	Visclosky
Green (TX)	Olver	Waters
Hart	Peterson (MN)	Weller
Hastings (FL)	Sabo	Wicker
Hefley	Schaffer	Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—47

Ackerman	Gallegly	Neal
Barr	Gephardt	Oxley
Barrett	Gilman	Pelosi
Bereuter	Gonzalez	Rahall
Berman	Hastings (WA)	Ramstad
Bonilla	Hilleary	Roukema
Brown (FL)	Hookey	Ryan (WI)
Capuano	Issa	Serrano
Clay	Kennedy (RI)	Snyder
Clement	Kirk	Souder
Combest	McHugh	Stump
Conyers	Meek (FL)	Sununu
Cooksey	Miller, Gary	Towns
Cramer	Miller, George	Velazquez
Crane	Mink	Watson (CA)
Ehrlich	Myrick	

□ 1045

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BEREUTER. Mr. Speaker, on September 12, 2002, official business in Washington, D.C., caused this Member to unavoidably miss two rollcall votes. On rollcall No. 385 (motion to go to conference on H.R. 1646, the State Department Authorization bill), this Member would have voted "yea." On rollcall No. 386 (approving the Journal), this Member would have voted "yea."

PERSONAL EXPLANATION

Mr. STUPAK. Mr. Speaker, on September 11 I was in my district taking part in September 11 ceremonies and remembrances and I missed rollcall vote number 384. Had I been present, I would have voted an emphatic "yea" on this vote expressing the sense of Congress on the anniversary of the terrorist attacks launched against the United States on September 11, 2001.

APPOINTMENT OF CONFEREES ON H.R. 1646, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2002 AND 2003

The SPEAKER pro tempore (Mr. TERRY). Without objection, the Chair appoints the following conferees:

From the Committee on International Relations, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. HYDE, SMITH of New Jersey, LANTOS and BERMAN and Ms. ROS-LEHTINEN.

From the Committee on the Judiciary for consideration of sections 234, 236, 709, 710, and 844 and section 404 of the Senate amendment, and modifications committed to conference:

Messrs. SENSENBRENNER, SMITH of Texas and CONYERS.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5193, BACK TO SCHOOL TAX RELIEF ACT OF 2002

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 521 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 521

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 5193) to amend the Internal Revenue Code of 1986 to allow a deduction to certain taxpayers for elementary and secondary education expenses. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. REYNOLDS asked and was given permission to revise and extend his remarks.)

Mr. REYNOLDS. Mr. Speaker, House Resolution 521 is a standard closed rule providing for the consideration of H.R. 5193, the Back to School Tax Relief Act of 2002. The rule waives all points of order against consideration of the bill and provides one motion to recommit, with or without instructions.

Mr. Speaker, one of the great successes of this Congress and this administration was the enactment of the No Child Left Behind Act, legislation to extend and amend the Elementary and Secondary Education Act.

Containing some of the most sweeping education reforms in decades, the act incorporates four key principles: Stronger accountability to ensure results; increased flexibility and local control that sends dollars and decisions directly to the classroom; expanded options for parents; and an emphasis on teaching methods that have been proven to work. It is one of these principles, expanded options for parents, that brings us here today.

The Back to School Tax Relief Act of 2002 will give parents the opportunity to take advantage of the Tax Code and take control over financing their child's education. According to the National Center for Education Statistics, student enrollment at public and private elementary and secondary schools peaked to a record level of 53.2 million in the fall of 2000, a 14 percent increase since 1990. In my home State of New York, enrollment in grades K through 12 increased more than 4 percent from 1994 to 2000, and in many parts of the country, enrollments are expected to continue increasing through at least 2005.

As more and more students hit the books, more and more parents are straining the family finances trying to make ends meet as they put their kids through school. Under present law, above-the-line deductions are allowed for qualified tuition and related expenses for higher education only. The legislation before us today simply extends that deduction of up to \$3,000 to qualified elementary and secondary education expenses paid in connection with eligible K through 12 students. This includes expenses at public, private, religious or home schools.

Not every school district is the same nor is every family. By incorporating this tax deduction we can provide parents the flexibility to tailor their education expenses to best suit the needs of their families and their children.