

Moran (VA)  
Obey  
Porter

Poshard  
Sandlin  
Smith, Adam

NAYS—345

Ackerman  
Aderholt  
Allen  
Andrews  
Archer  
Armey  
Bachus  
Baesler  
Baker  
Baldacci  
Ballenger  
Barcia  
Barr  
Barrett (NE)  
Bartlett  
Barton  
Bass  
Bateman  
Bentsen  
Berry  
Bilbray  
Bilirakis  
Bishop  
Bliley  
Blumenauer  
Blunt  
Boehlert  
Boehner  
Bonilla  
Bono  
Boswell  
Boucher  
Brady (TX)  
Brown (CA)  
Brown (FL)  
Bryant  
Bunning  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Campbell  
Canady  
Cannon  
Capps  
Carson  
Castle  
Chabot  
Chambliss  
Chenoweth  
Christensen  
Clay  
Clayton  
Clement  
Clyburn  
Coble  
Coburn  
Collins  
Combest  
Condit  
Conyers  
Cook  
Cooksey  
Costello  
Cox  
Crane  
Crapo  
Cubin  
Cummings  
Cunningham  
Danner  
Davis (FL)  
Davis (IL)  
Davis (VA)  
Deal  
DeGette  
DeLay  
Diaz-Balart  
Dickey  
Dicks  
Dixon  
Doggett  
Dooley  
Doolittle  
Dreier  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Emerson  
English  
Ensign  
Evans

Everett  
Ewing  
Fawell  
Fazio  
Filner  
Foley  
Forbes  
Fossella  
Fowler  
Fox  
Franks (NJ)  
Frelinghuysen  
Gallegly  
Ganske  
Gejdenson  
Gekas  
Gibbons  
Gilchrist  
Gilman  
Goode  
Goodlatte  
Goodling  
Goss  
Graham  
Granger  
Greenwood  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hamilton  
Hansen  
Hastert  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Hefley  
Hefner  
Herger  
Hill  
Hilleary  
Hilliard  
Hinojosa  
Hobson  
Hoekstra  
Hooley  
Horn  
Hostettler  
Houghton  
Hulshof  
Hunter  
Hutchinson  
Hyde  
Inglis  
Istook  
Jackson (IL)  
Jefferson  
Jenkins  
John  
Johnson (CT)  
Johnson (WI)  
Johnson, E.B.  
Johnson, Sam  
Jones  
Kasich  
Kelly  
Kennelly  
Kildee  
Kilpatrick  
Kim  
Kind (WI)  
King (NY)  
Kingston  
Klecza  
Klink  
Klug  
Knollenberg  
Kolbe  
LaHood  
Lampson  
Lantos  
Largent  
Latham  
LaTourette  
Lazio  
Lee  
Lewis (CA)  
Lewis (KY)  
Linder  
Livingston  
LoBiondo  
Lofgren  
Lucas  
Manton  
Manzullo  
Markey

Martinez  
Mascara  
Matsui  
McCarthy (NY)  
McCollum  
McCrery  
McDade  
McDermott  
McHale  
McInnis  
McIntosh  
McIntyre  
McKeon  
McKinney  
McNulty  
Meek (FL)  
Meeks (NY)  
Metcalf  
Mica  
Millender-  
McDonald  
Miller (FL)  
Mink  
Mollohan  
Moran (KS)  
Morella  
Murtha  
Myrick  
Nethercutt  
Neumann  
Ney  
Northup  
Norwood  
Nussle  
Oberstar  
Olver  
Ortiz  
Owens  
Oxley  
Packard  
Pappas  
Parker  
Pascrell  
Pastor  
Paul  
Paxon  
Payne  
Pease  
Pelosi  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickering  
Pickett  
Pitts  
Pombo  
Portman  
Price (NC)  
Pryce (OH)  
Quinn  
Radanovich  
Rahall  
Ramstad  
Rangel  
Redmond  
Regula  
Riggs  
Riley  
Rivers  
Rodriguez  
Roemer  
Rogan  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Roukema  
Roybal-Allard  
Royce  
Rush  
Ryun  
Sabo  
Salmon  
Sanders  
Sanford  
Saxton  
Scarborough  
Schaefer, Dan  
Schaffer, Bob  
Scott  
Sensenbrenner  
Serrano  
Sessions  
Shadegg  
Shaw

Shays  
Sherman  
Shimkus  
Shuster  
Sisisky  
Skaggs  
Skeen  
Skelton  
Smith (MI)  
Smith (NJ)  
Smith (OR)  
Smith (TX)  
Smith, Linda  
Snowbarger  
Snyder  
Solomon  
Souder  
Spence  
Spratt  
Stearns

Stenholm  
Stokes  
Strickland  
Stump  
Sununu  
Talent  
Tanner  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Thomas  
Thompson  
Thornberry  
Thune  
Tiahrt  
Torres  
Towns  
Traficant  
Turner  
Upton  
Velazquez

Visclosky  
Walsh  
Wamp  
Waters  
Watkins  
Watt (NC)  
Watts (OK)  
Weldon (FL)  
Weldon (PA)  
Weller  
Weygand  
White  
Whitfield  
Wicker  
Wolf  
Wynn  
Yates  
Young (AK)  
Young (FL)

It was decided in the negative { Yeas ..... 181  
Nays ..... 246

¶56.12 [Roll No. 227]  
AYES—181

Abercrombie  
Ackerman  
Allen  
Baesler  
Baldacci  
Barcia  
Barrett (WI)  
Becerra  
Bentsen  
Berry  
Bishop  
Blagojevich  
Blumenauer  
Bonior  
Borski  
Boucher  
Brady (PA)  
Brown (CA)  
Brown (FL)  
Brown (OH)  
Capps  
Cardin  
Carson  
Clay  
Clayton  
Clement  
Clyburn  
Conyers  
Costello  
Coyne  
Cummings  
Danner  
Davis (IL)  
DeFazio  
DeGette  
DeLahunt  
DeLauro  
Deutsch  
Dicks  
Dingell  
Dixon  
Doggett  
Doyle  
Edwards  
Engel  
English  
Eshoo  
Evans  
Fattah  
Fazio  
Filner  
Ford  
Frank (MA)  
Frost  
Furse  
Gejdenson  
Gephardt  
Gordon  
Green  
Gutierrez  
Hall (OH)

Nadler  
Neal  
Pallone  
Pomeroy  
Rothman  
Sanchez  
Sawyer  
Slaughter  
Stabenow  
Thurman  
Tierney  
Waxman  
Wexler  
Wise  
Woolsey

Harman  
Hastings (FL)  
Hefner  
Hilliard  
Hinchev  
Hinojosa  
Holden  
Hooley  
Hoyer  
Jackson (IL)  
Jackson-Lee  
Jefferson  
Johnson, E. B.  
Kanjorski  
Kaptur  
Kennedy (MA)  
Kennedy (RI)  
Kennelly  
Kildee  
Kilpatrick  
Klecza  
Klink  
Kucinich  
LaFalce  
Lampson  
Lantos  
Lee  
Levin  
Lipinski  
Lofgren  
Lowey  
Luther  
Maloney (CT)  
Maloney (NY)  
Manton  
Markey  
Martinez  
Mascara  
Matsui  
McCarthy (MO)  
McDermott  
McGovern  
McHale  
McIntyre  
McKinney  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Millender-  
McDonald  
Miller (CA)  
Minge  
Mink  
Moakley  
Mollohan  
Moran (VA)  
Murtha  
Nadler

Neal  
Oberstar  
Obey  
Olver  
Ortiz  
Owens  
Pallone  
Pascrell  
Pastor  
Payne  
Pelosi  
Peterson (MN)  
Pomeroy  
Poshard  
Price (NC)  
Rahall  
Rangel  
Reyes  
Rivers  
Rodriguez  
Rothman  
Roybal-Allard  
Rush  
Sabo  
Sanchez  
Sanders  
Sandlin  
Sawyer  
Schumer  
Scott  
Serrano  
Sherman  
Skaggs  
Skelton  
Slaughter  
Smith, Adam  
Snyder  
Spratt  
Stabenow  
Stark  
Stokes  
Strickland  
Stupak  
Thompson  
Thurman  
Tierney  
Torres  
Towns  
Turner  
Velazquez  
Vento  
Visclosky  
Waters  
Watt (NC)  
Waxman  
Wexler  
Weygand  
Wise  
Woolsey  
Yates

ANSWERED "PRESENT"—51

Abercrombie  
Becerra  
Blagojevich  
Bonior  
Borski  
Brady (PA)  
Brown (OH)  
Cardin  
Coyne  
DeLahunt  
DeLauro  
Deutsch  
Eshoo  
Fattah  
Frank (MA)  
Frost  
Furse  
Gephardt

Gordon  
Gutierrez  
Hoyer  
Jackson-Lee  
(TX)  
Kanjorski  
Kaptur  
Kucinich  
Levin  
Lowe  
Maloney (CT)  
Maloney (NY)  
McCarthy (MO)  
McGovern  
Meehan  
Menendez  
Miller (CA)  
Moakley

Nadler  
Neal  
Pallone  
Pomeroy  
Rothman  
Sanchez  
Sawyer  
Slaughter  
Stabenow  
Thurman  
Tierney  
Waxman  
Wexler  
Wise  
Woolsey

NOT VOTING—8

Berman  
Boyd  
Cramer

Etheridge  
Farr  
Gonzalez

Lewis (GA)  
Schumer

So less than two-thirds of the Members present having voted in favor thereof, said joint resolution was not passed.

A motion to reconsider the vote whereby said joint resolution was not was passed was, by unanimous consent, laid on the table.

¶56.10 SALES INCENTIVE COMPENSATION

The SPEAKER pro tempore, Mr. EWING, pursuant to House Resolution 461 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2888) to amend the Fair Labor Standards Act of 1938 to exempt from the minimum wage recordkeeping and overtime compensation requirements certain specialized employees.

Mr. WICKER, Acting Chairman of the Committee of the Whole, resumed the chair.

¶56.11 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. OWENS of New York:

Page 6, line 9, strike the period, quotation marks, and the period following and insert a semicolon and insert after line 9 the following:

except that an employer may not require an employee who is exempt from overtime payment under this paragraph to work any hours in excess of 40 in any workweek or 8 in any day unless the employee gives the employee's consent, voluntarily and not as a condition of employment, to perform such work."

NOES—246

Aderholt  
Andrews  
Archer  
Armey  
Bachus  
Baker  
Ballenger  
Barr  
Barrett (NE)  
Bartlett  
Barton  
Bass  
Bateman  
Bereuter  
Bilbray  
Bilirakis  
Bliley  
Blunt  
Boehlert  
Boehner  
Bonilla  
Bono  
Boswell  
Brady (TX)  
Bryant  
Bunning  
Burr  
Burton  
Buyer  
Callahan  
Calvert

Camp  
Campbell  
Canady  
Cannon  
Castle  
Chabot  
Chambliss  
Chenoweth  
Christensen  
Coble  
Coburn  
Collins  
Combest  
Condit  
Cook  
Cooksey  
Cox  
Cramer  
Crane  
Crapo  
Cubin  
Cunningham  
Davis (FL)  
Davis (VA)  
Deal  
DeLay  
Diaz-Balart  
Dickey  
Dooley  
Doolittle  
Dreier

Duncan  
Dunn  
Ehlers  
Ehrlich  
Emerson  
Ensign  
Everett  
Ewing  
Fawell  
Foley  
Forbes  
Fossella  
Fowler  
Fox  
Franks (NJ)  
Frelinghuysen  
Gallegly  
Ganske  
Gekas  
Gibbons  
Gilchrist  
Gillmor  
Gilman  
Goode  
Goodlatte  
Goodling  
Goss  
Graham  
Granger  
Greenwood  
Gutknecht

Hall (TX)	McCrery	Saxton
Hamilton	McDade	Scarborough
Hansen	McHugh	Schaefer, Dan
Hastert	McInnis	Schaffer, Bob
Hastings (WA)	McIntosh	Sensenbrenner
Hayworth	McKeon	Sessions
Hefley	Metcalf	Shadegg
Herger	Mica	Shaw
Hill	Miller (FL)	Shays
Hilleary	Moran (KS)	Shimkus
Hobson	Morella	Shuster
Hoekstra	Myrick	Sisisky
Horn	Nethercutt	Skeen
Hostettler	Neumann	Smith (MI)
Houghton	Ney	Smith (NJ)
Hulshof	Northup	Smith (OR)
Hunter	Norwood	Smith (TX)
Hutchinson	Nussle	Smith, Linda
Hyde	Oxley	Snowbarger
Inglis	Packard	Solomon
Istook	Pappas	Souder
Jenkins	Parker	Spence
John	Paul	Stearns
Johnson (CT)	Paxon	Stenholm
Johnson (WI)	Pease	Stump
Johnson, Sam	Peterson (PA)	Sununu
Jones	Petri	Talent
Kasich	Pickering	Tanner
Kelly	Pickett	Tauscher
Kim	Pitts	Tauzin
Kind (WI)	Pombo	Taylor (MS)
King (NY)	Porter	Taylor (NC)
Kingston	Portman	Thomas
Klug	Pryce (OH)	Thornberry
Knollenberg	Quinn	Thune
Kolbe	Radanovich	Tiahrt
LaHood	Ramstad	Trafcant
Largent	Redmond	Upton
Latham	Regula	Walsh
LaTourette	Riggs	Wamp
Lazio	Riley	Watkins
Leach	Roemer	Watts (OK)
Lewis (CA)	Rogan	Weldon (FL)
Lewis (KY)	Rogers	Weldon (PA)
Linder	Rohrabacher	Weller
Livingston	Ros-Lehtinen	White
LoBiondo	Roukema	Whitfield
Lucas	Royce	Wicker
Manzullo	Ryun	Wolf
McCarthy (NY)	Salmon	Young (AK)
McCollum	Sanford	Young (FL)

NOT VOTING—6

Berman	Etheridge	Gonzalez
Boyd	Farr	Lewis (GA)

So the amendment was not agreed to. After some further time,

The SPEAKER pro tempore, Mr. BE-REUTER, assumed the Chair.

When Mr. WICKER, Acting Chairman, pursuant to House Resolution 461, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sales Incentive Compensation Act".

SEC. 2. EXEMPTION.

Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)) is amended by striking the period at the end of paragraph (17) and inserting a semicolon and by adding at the end the following:

"(18) any employee employed in a sales position if—

"(A) the employee has specialized or technical knowledge related to products or services being sold;

"(B) the employee's—

"(i) sales are predominantly to persons or entities to whom the employee's position has made previous sales; or

"(ii) the position does not involve initiating sales contacts;

"(C) the employee has a detailed understanding of the needs of those to whom the employee is selling;

"(D) the employee exercises discretion in offering a variety of products and services;

"(E) the employee receives—

"(i) base compensation, determined without regard to the number of hours worked by the employee, of not less than an amount equal to one and one-half times the minimum wage in effect under section 6(a)(1) multiplied by 2,080; and

"(ii) in addition to the employee's base compensation, compensation based upon each sale attributable to the employee;

"(F) the employee's aggregate compensation based upon sales attributable to the employee is not less than 40 percent of one and one-half times the minimum wage multiplied by 2,080;

"(G) the employee receives a rate of compensation based upon each sale attributable to the employee which is beyond sales required to reach the compensation required by subparagraph (F) which rate is not less than the rate on which the compensation required by subparagraph (F) is determined; and

"(H) the rate of annual compensation or base compensation for any employee who did not work for an employer for an entire calendar year is prorated to reflect annual compensation which would have been earned if the employee had been compensated at the same rate for the entire calendar year."

SEC. 3. CONSTRUCTION.

The amendment made by section 2 may not be construed to apply to individuals who are employed as route sales drivers.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce, Will the House pass said bill?

The SPEAKER pro tempore, Mr. BE-REUTER, announced that the yeas had it.

Mr. OWENS of New York demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas ..... 261 affirmative ..... } Nays ..... 165

56.13

[Roll No. 228]

AYES—261

Aderholt	Callahan	Deal
Andrews	Calvert	DeLay
Archer	Camp	Dickey
Armey	Campbell	Doggett
Bachus	Canady	Dooley
Baker	Cannon	Doolittle
Ballenger	Capps	Dreier
Barr	Castle	Duncan
Barrett (NE)	Chabot	Dunn
Bartlett	Chambliss	Ehlers
Barton	Chenoweth	Ehrlich
Bass	Christensen	Emerson
Bateman	Clement	Ensign
Bentsen	Coble	Everett
Bereuter	Coburn	Ewing
Bilbray	Collins	Fawell
Bilirakis	Combest	Foley
Bishop	Condit	Forbes
Biley	Cook	Fossella
Blunt	Cooksey	Fowler
Boehner	Cox	Fox
Bonilla	Cramer	Franks (NJ)
Boswell	Crane	Frelinghuysen
Brady (TX)	Crapo	Gallely
Bryant	Cubin	Ganske
Bunning	Cunningham	Gekas
Burr	Danner	Gibbons
Burton	Davis (FL)	Gilchrest
Buyer	Davis (VA)	Gillmor

Goode	Lucas	Ryun
Goodlatte	Luther	Salmon
Goodling	Manzullo	Sanford
Gordon	McCarthy (MO)	Saxton
Goss	McCarthy (NY)	Scarborough
Graham	McCollum	Schaefer, Dan
Granger	McCrery	Schaffer, Bob
Greenwood	McHugh	Sensenbrenner
Gutknecht	McInnis	Sessions
Hall (TX)	McIntosh	Shadegg
Hansen	McIntyre	Shaw
Harman	McKeon	Shays
Hastert	Metcalf	Sherman
Hastings (WA)	Mica	Shimkus
Hayworth	Miller (FL)	Shuster
Hefley	Nussle	Sisisky
Herger	Moran (KS)	Skeen
Hill	Moran (VA)	Smith (MI)
Hilleary	Morella	Smith (NJ)
Hinojosa	Myrick	Smith (OR)
Hobson	Nethercutt	Smith (TX)
Hoekstra	Neumann	Smith, Linda
Holden	Ney	Snowbarger
Horn	Northup	Solomon
Hostettler	Norwood	Souder
Houghton	Nussle	Spence
Hulshof	Oxley	Spratt
Hunter	Packard	Stabenow
Hutchinson	Pappas	Stearns
Hyde	Parker	Stenholm
Inglis	Paul	Stump
Istook	Paxon	Sununu
Jenkins	Pease	Talent
John	Peterson (MN)	Tanner
Johnson (CT)	Peterson (PA)	Tauscher
Johnson (WI)	Petri	Tauzin
Johnson, Sam	Pickering	Taylor (NC)
Jones	Pickett	Thomas
Kasich	Pitts	Thornberry
Kelly	Pombo	Thune
Kim	Porter	Thurman
Kind (WI)	Portman	Tiahrt
King (NY)	Price (NC)	Trafcant
Kingston	Pryce (OH)	Turner
Klug	Quinn	Upton
Knollenberg	Radanovich	Walsh
Kolbe	Ramstad	Wamp
LaHood	Redmond	Watkins
Largent	Regula	Watts (OK)
Latham	Riggs	Weldon (FL)
LaTourette	Riley	Weldon (PA)
Lazio	Rivers	Weller
Leach	Roemer	White
Lewis (KY)	Rogan	Whitfield
Linder	Rogers	Wicker
Lipinski	Rohrabacher	Wolf
Livingston	Roukema	Young (AK)
LoBiondo	Royce	Young (FL)

NOES—165

Abercrombie	Edwards	LaFalce
Ackerman	Engel	Lampson
Allen	English	Lantos
Baessler	Eshoo	Lee
Baldacci	Evans	Levin
Barcia	Fattah	Lofgren
Barrett (WI)	Fazio	Lowe
Becerra	Filner	Maloney (CT)
Berry	Ford	Maloney (NY)
Blagojevich	Frank (MA)	Manton
Blumenauer	Frost	Markey
Boehler	Furse	Martinez
Bonior	Gejdenson	Mascara
Bono	Gephardt	Matsui
Borski	Gilman	McDade
Boucher	Green	McDermott
Brady (PA)	Gutierrez	McGovern
Brown (CA)	Hall (OH)	McHale
Brown (FL)	Hamilton	McKinney
Brown (OH)	Hastings (FL)	McNulty
Cardin	Hefner	Meehan
Carson	Hilliard	Meek (FL)
Clay	Hinchee	Meeks (NY)
Clayton	Hooley	Menendez
Clyburn	Hoyer	Millender-
Conyers	Jackson (IL)	McDonald
Costello	Jackson-Lee	Miller (CA)
Coyne	(TX)	Mink
Cummings	Jefferson	Moakley
Davis (IL)	Johnson, E. B.	Mollohan
DeFazio	Kanjorski	Murtha
DeGette	Kaptur	Nadler
Delahunt	Kennedy (MA)	Neal
DeLauro	Kennedy (RI)	Oberstar
Deutsch	Kennelly	Obey
Diaz-Balart	Kildee	Olver
Dicks	Kilpatrick	Ortiz
Dingell	Kleczka	Owens
Dixon	Klink	Pallone
Doyle	Kucinich	Pascrell