

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)
McCullum	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	McCullum	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
Boehert	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

Pastor	Sandlin	Tierney
Payne	Sawyer	Torres
Pelosi	Schumer	Towns
Pomeroy	Scott	Velazquez
Poshard	Serrano	Vento
Rahall	Skaggs	Visclosky
Rangel	Skelton	Waters
Reyes	Slaughter	Watt (NC)
Rodriguez	Smith, Adam	Waxman
Ros-Lehtinen	Snyder	Wexler
Rothman	Stark	Weygand
Roybal-Allard	Stokes	Wise
Rush	Strickland	Woolsey
Sabo	Stupak	Wynn
Sanchez	Taylor (MS)	Yates
Sanders	Thompson	

NOT VOTING—7

Berman	Farr	Lewis (GA)
Boyd	Gonzalez	
Etheridge	Lewis (CA)	

So the bill was passed. A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

56.14 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. FAWELL, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to make technical corrections and conforming and other changes as may be necessary to reflect the actions of the House in amending the bill.

56.15 CHILD PROTECTION AND SEXUAL PREDATOR PUNISHMENT

The SPEAKER pro tempore, Mr. EWING, pursuant to House Resolution 465 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3494) to amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes.

The SPEAKER pro tempore, Mr. EWING, by unanimous consent, designated Mr. MCHUGH as Chairman of the Committee of the Whole; and after some time spent therein,

56.16 RECORDED VOTE

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

At the end of the bill, add the following new title:

TITLE V—PUBLIC ACCESS TO FBI DATABASE ON SEXUAL OFFENDERS

SEC. 501. ESTABLISHMENT OF TELEPHONE ACCESS FOR THE PUBLIC TO FBI DATABASE ON SEXUAL OFFENDERS.

Subtitle A of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071 et seq.) is amended by adding at the end the following new section: "SEC. 170103. TELEPHONE ACCESS FOR THE PUBLIC TO FBI DATABASE.

"(a) ESTABLISHMENT.—(1) The Attorney General shall establish, publicize, and operate a national telephone service by which a person (as defined in subsection (f)(2)) may request the information described in paragraph (2).

"(2) The information described in this paragraph is whether an individual (as defined in subsection (f)(3)), other than a victim of an offense that requires registration under this subtitle, is listed in the database established under section 170102.

"(b) PREREQUISITE FOR ACCESS TO INFORMATION.—The Attorney General shall not disclose the information described in subsection (a)(2) unless the person seeking such information provides his or her full name, the full name of the individual, and one or more of the following:

"(1) The address of the individual's residence.

"(2) The individual's Social Security number.

"(3) The individual's driver's license number or the number the identification card issued by State or local authorities in lieu of a driver's license.

"(4) The individual's date of birth.

"(5) Such other information as the Attorney General determines to be appropriate for purposes of identification of the individual.

"(c) NOTICE TO CALLER.—Prior to disclosing information described in subsection (a)(2), and without charging a fee for the same, the Attorney General shall provide the following general information in the form of a recorded message:

"(1) The requirements described in subsection (b).

"(2) The fee for the use of the telephone service.

"(3) A warning that information received pursuant to such request may not be misused, as described in subsection (e), and notice of the penalties for such misuse of the information.

"(4) A warning that the service is not available to persons under 18 years of age.

"(5) Such other information as the Attorney General determines to be appropriate.

"(d) FEES FOR USE OF SERVICE.—

"(1) FEE FOR ACCESS TO INFORMATION IN DATABASE.—The Attorney General shall charge a fee for each use of the service for information described in subsection (a) from the service.

"(2) LIMITATION ON NUMBER OF REQUESTS.—A person may not make more than two requests for such information per use of the service.

"(3) USE OF FEES TO DEFRAY EXPENSES OF SERVICE.—To the extent provided in advance in appropriations Acts, moneys received under paragraph (1) shall be used to pay for the expenses of the operation of the service.

"(e) PENALTIES FOR MISUSE OF INFORMATION.—

"(1) PROHIBITIONS.—Whoever, having obtained information described in subsection (a)(2) from the service, knowingly uses such information—

"(A) for any purpose other than to protect a minor at risk; or

"(B) with respect to insurance, housing, or any other use that the Attorney General may determine—

"(i) is unnecessary for the protection of a minor at risk or;

"(ii) which creates a disproportionate prejudicial effect,

shall be punished as provided in paragraph (2).

"(2) CIVIL PENALTY.—Each person who violates the provisions of paragraph (1) shall be subject to a civil penalty imposed by the Attorney General of not more than \$1,000 for each violation.

"(f) DEFINITIONS.—As used in this section:

"(1) MINOR AT RISK.—The term 'minor at risk' means a minor, as that term is defined in section 2256(1) of title 18, United States Code, who is or may be in danger of becoming a victim of an offense, for which registration is required under this subtitle, by an individual about whom the information described in subsection (a)(2) is sought.

"(2) PERSON.—The term 'person' means a person who requests the information described in subsection (a)(2).

It was decided in the affirmative { Yeas 247 Nays 175

56.17 [Roll No. 229] AYES—247

Abercrombie	Green	Pappas
Ackerman	Gutierrez	Pascrell
Aderholt	Hall (TX)	Pastor
Allen	Hansen	Payne
Andrews	Harman	Pease
Baesler	Hayworth	Peterson (MN)
Baldacci	Hefley	Peterson (PA)
Barcia	Herger	Petri
Barrett (NE)	Hill	Pickering
Bartlett	Hilleary	Pomeroy
Bentsen	Hinchee	Poshard
Bereuter	Hinojosa	Price (NC)
Berry	Hoekstra	Pryce (OH)
Billbray	Holden	Quinn
Bilirakis	Hooley	Radanovich
Bishop	Horn	Ramstad
Blagojevich	Hostettler	Redmond
Bono	Hoyer	Reyes
Borski	Hulshof	Riley
Boswell	Istook	Rivers
Brady (TX)	Jackson-Lee	Rodriguez
Brown (CA)	(TX)	Roemer
Brown (OH)	Jefferson	Rogan
Bryant	Jenkins	Ros-Lehtinen
Bunning	John	Rothman
Burton	Johnson (CT)	Roukema
Calvert	Johnson (WI)	Royce
Camp	Jones	Ryun
Campbell	Kaptur	Salmon
Cannon	Kelly	Sanchez
Capps	Kennedy (MA)	Sandlin
Carson	Kennedy (RI)	Sawyer
Chabot	Kennelly	Saxton
Chambliss	Kildee	Scarborough
Chenoweth	Kim	Schaefer, Dan
Christensen	Klecza	Schaffer, Bob
Clayton	Klink	Schumer
Clyburn	Kucinich	Serrano
Condit	LaFalce	Sherman
Cook	Largent	Shimkus
Costello	Latham	Skeen
Cox	LaTourette	Skelton
Crapo	Lazio	Slaughter
Cubin	Leach	Smith (MI)
Cummings	Levin	Smith (NJ)
Cunningham	Lewis (KY)	Smith, Adam
Danner	Lipinski	Snowbarger
Davis (FL)	LoBiondo	Solomon
DeFazio	Lowe	Souder
Diaz-Balart	Lucas	Spratt
Dickey	Luther	Stearns
Doggett	Maloney (CT)	Stenholm
Doolittle	Maloney (NY)	Strickland
Doyle	Manton	Sununu
Dreier	Manzullo	Talent
Emerson	Markey	Taylor (MS)
Engel	Martinez	Taylor (NC)
English	Mascara	Thune
Ensign	McCarthy (MO)	Tiahrt
Etheridge	McCarthy (NY)	Tierney
Evans	McGovern	Torres
Fawell	McHale	Towns
Fazio	McHugh	Trafficant
Filner	McInnis	Turner
Forbes	McIntyre	Upton
Ford	McKeon	Velazquez
Fossella	McNulty	Walsh
Fox	Meehan	Wamp
Franks (NJ)	Menendez	Watkins
Frelinghuysen	Metcalf	Watts (OK)
Frost	Minge	Waxman
Furse	Moran (KS)	Weldon (FL)
Galleghy	Morella	Weldon (PA)
Ganske	Nadler	Weller
Gejdenson	Neal	Weygand
Gephardt	Neumann	Whitfield
Gibbons	Ney	Wicker
Gilman	Nussle	Wise
Goode	Oberstar	Woolsey
Goodlatte	Olver	Wynn
Goodling	Ortiz	Yates
Gordon	Packard	Young (AK)
Graham	Pallone	

NOES—175

Archer	Bateman	Boyd
Armey	Bliley	Brady (PA)
Bachus	Blumenauer	Brown (FL)
Baker	Blunt	Burr
Ballenger	Boehert	Buyer
Barr	Boehner	Callahan
Barrett (WI)	Bonilla	Canady
Barton	Bonior	Cardin
Bass	Boucher	Castle