

INTRODUCTION OF THE SALES
INCENTIVE COMPENSATION ACT**HON. PATRICK J. TIBERI**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. TIBERI. Mr. Speaker, I am pleased today to join my colleague, Representative ROB ANDREWS from New Jersey, in the introduction of "The Sales Incentive Compensation Act." This is a very narrow, technical amendment to the Fair Labor Standards Act of 1938. The purpose of the legislation is to clarify the treatment of certain types of sales employees under the federal minimum wage and overtime requirements.

Technological advances have dramatically changed the way in which sales employees perform their jobs. Companies now compete in a global market where many business transactions occur through use of the Internet, faxes and the telephone.

This bill is specifically written for the so-called "inside sales" employee, who works primarily at the employer's facility, using the phone, fax and computer connections to communicate with non-retail customers. Many of these employees are professional sales people who deal with very sophisticated products or function as both a consultant and salesperson to customers, yet they are not covered by any of the current exemptions from minimum wage and overtime.

The treatment of inside sales employees under the law has only become an issue in recent years, as the courts have reached differing conclusions about whether inside sales employees qualify for any of the current exemptions. Since many of these employees are covered by a 40 hour workweek, current law has the unintended effect of placing a ceiling on their income because they do not have the flexibility or the choice to work additional hours in order to generate more sales and earn more commissions.

The Sales Incentive Compensation Act takes into account the changes that have occurred in the workplace since the law was enacted in 1938. The legislation would update the law to more accurately reflect the duties and functions of inside sales employees. By doing this, employees would have the opportunity to increase their wages.

In order to qualify for this exemption, an employee must meet the requirements in the bill that outline the specific functions and duties of the job. An employee would have to have a detailed understanding of the customer's needs and specialized or technical knowledge about the products or services being sold. The employee must sell predominately to repeat customers—in other words, the exemption would not apply to telemarketers or sales employees who primarily "cold call" customers. In addition, the employee must have a detailed understanding of the customer's needs.

The legislation ensures protections for the employee in that it requires the employer to pay a minimum amount of base compensation. The remainder of the employee's compensation would be derived from commissions on sales. So employees would be provided with a base salary, an additional amount of

EXTENSIONS OF REMARKS

guaranteed commissions, and continued incentives for increased earnings. Employees who choose to work longer hours in order to make more sales are therefore guaranteed to have financial reimbursement for the additional hours in the form of commissions.

The Sales Incentive Compensation Act is carefully crafted bipartisan legislation that many Members supported during the last Congress when it was considered and passed by the House. I urge my colleagues to support expanding worker opportunity and providing sensible reform to a 1938 law.

PRESIDENT BUSH'S MISGUIDED
ENERGY PLAN**HON. CIRO D. RODRIGUEZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. RODRIGUEZ. Mr. Speaker, President Bush has released his long-awaited energy plan and even with last minute changes it is as flawed and one-sided as anticipated.

President Bush has proposed nothing to deal with the immediate energy crisis facing California and the Pacific Northwest and the looming crisis for New England and other parts of the country.

The President has proposed nothing to deal with rising gasoline and energy prices. Instead, Bush has said that his tax cut proposal will help consumers with increased energy cost. However, his income tax reductions are not fully phased in until the year 2006.

How will lower and middle class families afford rising energy prices for the next five years under President Bush's solution?

In addition, 45% of his \$1.6 trillion tax plan would benefit the wealthiest 1% of Americans. Middle class families making less than \$44,000 would get only 13% of the benefits, about \$11 per week in the year 2006 under the plan.

We should not destroy our national parks, pristine federal lands, and the environment to provide a very limited amount of additional oil and gas. For example, opening the Arctic National Wildlife Refuge, "America's Serengeti" to oil and gas exploration is a mistake.

In addition, the President in proposing to rollback environmental and clean air regulations that could actually increase emissions of ozone causing pollutants.

Conservation must be an integral part of any national energy plan but the President's plan proposed very little for energy efficiency or renewable energy.

Democrats believe in a balanced energy policy that helps consumers by both increasing production and reducing energy demand.

The federal government must become more energy efficient, invest in energy research, and ensure that energy markets are fair and competitive.

*June 6, 2001*COMMENDING CLEAR CHANNEL
COMMUNICATIONS AND AMERICAN
FOOTBALL COACHES ASSOCIATION
FOR THEIR DEDICATION
AND EFFORTS FOR PROTECTING
CHILDREN

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Mrs. JACKSON-LEE of Texas. Mr. Speaker, I rise to add my commendation of the American Football Coaches Association for its efforts in providing fingerprint kits to parents that would be used to help locate missing, kidnapped or runaway children.

As founder and co-chair of the Congressional Children's Caucus, I applaud this group's work to help children who are desperately in need. I also thank my colleague Representative DUNCAN for introducing this resolution.

It is particularly timely that we recognize this group, because we just observed National Missing Children's Day on May 25. Every day in this country, 2,100 children are reported missing to the FBI's National Crime Information Center. There are at least 5,000 children missing per year in Houston.

The National Child Identification Program was created in 1997 with the goal of fingerprinting 20 million children. This program provides a free fingerprint kit to parents, who then take and store their child's fingerprints in their own homes. If this information were ever needed, fingerprints would be given to the police to help them in locating a missing child. The American Football Coaches Association, in partnership with a large chain of radio stations, has agreed to raise funds to help provide such a fingerprint kit for every child in America.

It is crucial that, in each of our districts, we support this and all other efforts to protect our children and help those who are missing and exploited. In addition to this program, we must also support initiatives such as internet safety for children, law enforcement efforts, child safety programs in our schools and communities, the distribution of photos of missing children, and the efforts of organizations such as the National Center for Missing and Exploited Children.

I have taken initiative to protect the very youngest of such victims by introducing H.R. 72, the Infant Protection and Baby Switching Prevention Act. This legislation would require certain hospitals reimbursed under Medicare to have in effect security procedures to reduce the likelihood of infant patient abduction and baby switching, including procedures for identifying all infant patients in the hospital in a manner that ensures that it will be evident if infants are missing.

Another successful nationwide effort is the AMBER plan (America's Missing: Broadcast Emergency Response), which permits law enforcement agencies and broadcasters to rapidly exchange information in the most serious child abduction cases and quickly alert the public during the critical first few hours of a child abduction. This program is named after

Amber Hagerman, who was abducted and murdered in Arlington, Texas several years ago. This program has been responsible for the amazing recovery of at least ten children. One of these programs is based in my district of Houston, Texas. In response to the May 1 abduction of 11-year-old Leah Henry of Houston, the Amber plan has been made more flexible, permitting alerts to air more frequently and through radio and television stations, rather than resorting to the emergency broadcast system. It is my hope that cities around the nation will adopt this valuable program.

We must all take a stand against child abduction and victimization. I am grateful to the American Football Coaches Association and all other concerned organizations and citizens for doing so.

INTRODUCTION OF END RACIAL
PROFILING ACT OF 2001

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. CONYERS. Mr. Speaker, I am pleased to introduce the End Racial Profiling Act of 2001, along with additional bipartisan cosponsors. Both the President and the Attorney General have said that we need federal legislation and that the practice of racial profiling should be prohibited. This bill accomplishes both these goals and we're anxious to work with the administration to pass legislation during this Congress.

Racial profiling not only undermines constitutional rights, but also undermines the trust on which law enforcement depends. Since I first introduced racial profiling legislation in the 105th Congress, the pervasive nature of racial profiling has gone from anecdote and theory to well-documented fact. Data collected from New Jersey, Maryland, Texas, Pennsylvania, Florida, Illinois, Ohio, New York, and Massachusetts show beyond a shadow of a doubt that African-Americans and Latinos are being stopped for routine traffic violations far in excess of their share of the population or even the rate at which such populations are accused of criminal conduct. A recent Justice Department report found that although African-Americans and Hispanics are more likely to be stopped and searched by law enforcement, they are much less likely to be found in possession of contraband.

Racial profiling is a double-barreled assault on our social fabric. Nearly every young African-American male has been subjected to racial profiling or has a family member or close friend who has been a victim of this injustice. Racial profiling sends the message to young African-Americans and others that the criminal justice system, and therefore the system at large, belittles their worth, that message and its impact sticks. Second, and relatedly, it causes a breakdown of trust on which community policing depends. And unless that trust is built, deep seated, nurtured, then the police can't do the job of protecting our communities, a job we all want the police to do.

Our legislation is designed to eliminate racial profiling by addressing the policies and

procedures underlying the practice. First the bill provides a prohibition on racial profiling, enforceable by injunctive relief. Second, we condition federal law enforcement and other monies that go to state and local governments on their adoption of policies that prohibit racial profiling and which are enforceable. Third, we provide the state and local police with the grant money they have told us that they need to train and modernize the police. Finally, we provide for periodic reports by the Attorney General to assess the nature of any ongoing racial profiling.

Both the President and Attorney General have called for a ban on the practice of racial profiling. There is near unanimous agreement on all sides of the political spectrum that it should be ended. The time has come to pass this legislation.

TRIBUTE TO AUDREY RUST

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to a distinguished Californian, Audrey Rust, who is being honored by the California League of Conservation Voters.

Audrey Rust has led the Peninsula Open Space Trust (P.O.S.T.) since 1987, first as Executive Director and now as President. Over the past 24 years, P.O.S.T. has led the way to protecting over 40,000 acres of land on the San Francisco Peninsula. Prior to coming to P.O.S.T., Audrey worked with the Sierra Club, Yale University and Stanford University. She has served as a member of the Board of Directors of the Land Trust Alliance and the League of Conservation Voters in Washington, DC, and currently advises many community groups and national conservation and civic organizations.

Under Audrey Rust's leadership, P.O.S.T. has become the most respected and effective organization responsible for the permanent protection of lands . . . amongst them the Cloverdale Coastal Ranch and the Cowell Ranch and Beach. They have raised \$33.5 million in private gifts for the permanent protection of 12,500 acres in San Mateo and Santa Clara Counties.

Audrey Rust oversees P.O.S.T.'s unique land acquisition strategy, which uses a combination of public and private funds. P.O.S.T. regularly purchases threatened land with privately-raised funds, then sells this land to public agencies in order to preserve them from commercial development.

I'm exceedingly proud to have worked with Audrey Rust to protect the 1,250-acre Phleger Estate and Bair Island. The Phleger Estate lands are now part of the Golden Gate National Recreational Area, and Bair Island provides refuge to many endangered species, including the California clapper rail and the salt marsh harvest mouse. These lands are part of the unique character and heritage of the 14th Congressional District of California, which I am proud to represent and they now belong to future generations of Americans.

Mr. Speaker, on behalf of the millions of Californians and Americans who have bene-

fited from Audrey Rust's extraordinary leadership and the work of P.O.S.T., I ask my colleagues to join me in paying tribute to her. She is a great woman, a gifted leader, a sound thinker, a trusted friend and a national treasure.

TRIBUTE TO MARTIN LITTON

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to a distinguished Californian, Martin Litton, who is being honored by the California League of Conservation Voters.

Martin Litton has spent the last fifty years of his life saving the great forests and rivers of California and the West. In his roles as a freelance writer for the Los Angeles Times, a notable leader of the Sierra Club, an editor at Sunset Magazine, a pilot, a photographer, and a crusader, Mr. Litton has made his mark in the great conservation efforts of our time.

Martin Litton's news articles on the destructiveness of the development that threatened the giant redwoods of Northern California helped pave the way for the creation of Redwood National Park in 1968. This jewel in our National Park System would not exist today were it not for him and his tireless efforts.

Martin Litton later partnered with Sierra Club leader David Brower to save Dinosaur National Monument from proposed dams that would have covered the area under millions of gallons of water. Martin Litton's photos and articles in the Los Angeles Times made the public aware of the dangers that their protected lands faced. He later served on the Board of Directors of the Sierra Club from 1964 to 1973.

For the last thirteen years, Martin Litton has worked to save the giant Sequoias in Sequoia National Forest from the threat of renewed logging and deforestation. His eloquent voice once again is being raised to ensure that these lands are protected for generations to come.

The late David Brower called Martin Litton our "conservation conscience."

Mr. Speaker, we are a better nation and a better people because of Martin Litton. It is a privilege to honor him for his extraordinary leadership and I ask my colleagues to join me in paying grateful tribute to him.

CELEBRATING THE BIRTH OF
SHAUNA LIAN KAPLAN AND SIERRA
NAOMI KAPLAN

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. OSE. Mr. Speaker, as the father of two daughters myself, it is indeed my pleasure to welcome Shauna Lian Kaplan and Sierra Naomi Kaplan to the world.

These two, beautiful little girls were born within seconds of each other on Friday, May