

answered "present" 51, not voting 8, as follows:

[Roll No. 226]

YEAS—29

Barrett (WI)	Harman	Minge
Bereuter	Hinchev	Moran (VA)
DeFazio	Holden	Obey
Dingell	Kennedy (MA)	Porter
Doyle	Kennedy (RI)	Poshard
Duncan	LaFalce	Sandlin
Engel	Leach	Smith, Adam
Ford	Lipinski	Stupak
Gillmor	Luther	Vento
Green	McHugh	

NAYS—345

Ackerman	Dicks	Kilpatrick
Aderholt	Dixon	Kim
Allen	Doggett	Kind (WI)
Andrews	Dooley	King (NY)
Archer	Doolittle	Kingston
Armey	Dreier	Klecicka
Bachus	Dunn	Klink
Baesler	Edwards	Klug
Baker	Ehlers	Knollenberg
Baldacci	Ehrlich	Kolbe
Ballenger	Emerson	LaHood
Barcia	English	Lampson
Barr	Ensign	Lantos
Barrett (NE)	Evans	Largent
Bartlett	Everett	Latham
Barton	Ewing	LaTourette
Bass	Fawell	Lazio
Bateman	Fazio	Lee
Bentsen	Filner	Lewis (CA)
Berry	Foley	Lewis (KY)
Bilbray	Forbes	Linder
Billrakis	Fossella	Livingston
Bishop	Fowler	LoBiondo
Bliley	Fox	Loftgren
Blumenauer	Franks (NJ)	Lucas
Blunt	Frelinghuysen	Manton
Boehlert	Gallegly	Manzullo
Boehner	Ganske	Markey
Bonilla	Gejdenson	Martinez
Bono	Gekas	Mascara
Boswell	Gibbons	Matsui
Boucher	Gilchrest	McCarthy (NY)
Brady (TX)	Gilman	McCollum
Brown (CA)	Goode	McCreey
Brown (FL)	Goodlatte	McDade
Bryant	Goodling	McDermott
Bunning	Goss	McHale
Burr	Graham	McInnis
Burton	Granger	McIntosh
Buyer	Greenwood	McIntyre
Callahan	Gutknecht	McKeon
Calvert	Hall (OH)	McKinney
Camp	Hall (TX)	McNulty
Campbell	Hamilton	Meek (FL)
Canady	Hansen	Meeks (NY)
Cannon	Hastert	Metcalf
Capps	Hastings (FL)	Mica
Carson	Hastings (WA)	Millender-
Castle	Hayworth	McDonald
Chabot	Hefley	Miller (FL)
Chambliss	Hefner	Mink
Chenoweth	Hergert	Mollohan
Christensen	Hill	Moran (KS)
Clay	Hilleary	Morella
Clayton	Hilliard	Murtha
Clement	Hinojosa	Myrick
Clyburn	Hobson	Nethercutt
Coble	Hoekstra	Neumann
Coburn	Hookey	Ney
Collins	Horn	Northup
Combest	Hostettler	Norwood
Condit	Houghton	Nussle
Conyers	Hulshof	Oberstar
Cook	Hunter	Olver
Cooksey	Hutchinson	Ortiz
Costello	Hyde	Owens
Cox	Inglis	Oxley
Crane	Istook	Packard
Crapo	Jackson (IL)	Pappas
Cubin	Jefferson	Parker
Cummings	Jenkins	Pascrell
Cunningham	John	Pastor
Danner	Johnson (CT)	Paul
Davis (FL)	Johnson (WI)	Paxon
Davis (IL)	Johnson, E.B.	Payne
Davis (VA)	Johnson, Sam	Pease
Deal	Jones	Pelosi
DeGette	Kasich	Peterson (MN)
DeLay	Kelly	Peterson (PA)
Diaz-Balart	Kennelly	Petri
Dickey	Kildee	Pickering

Pickett	Schaffer, Bob	Tauzin
Pitts	Scott	Taylor (MS)
Pombo	Sensenbrenner	Taylor (NC)
Portman	Serrano	Thomas
Price (NC)	Sessions	Thompson
Pryce (OH)	Shadegg	Thornberry
Quinn	Shaw	Thune
Radanovich	Shays	Tiahrt
Rahall	Sherman	Torres
Ramstad	Shimkus	Towns
Rangel	Shuster	Trafficant
Redmond	Sisisky	Turner
Regula	Skaggs	Upton
Reyes	Skeen	Velazquez
Riggs	Skelton	Visclosky
Riley	Smith (MI)	Walsh
Rivers	Smith (NJ)	Wamp
Rodriguez	Smith (OR)	Waters
Roemer	Smith (TX)	Watkins
Rogan	Smith, Linda	Watt (NC)
Rogers	Snowbarger	Watts (OK)
Rohrabacher	Snyder	Weldon (FL)
Ros-Lehtinen	Solomon	Weldon (PA)
Roukema	Souder	Weller
Roybal-Allard	Spence	Weygand
Royce	Spratt	White
Rush	Stark	Whitfield
Ryun	Stearns	Wicker
Sabo	Stenholm	Wolf
Salmon	Stokes	Wynn
Sanders	Strickland	Yates
Sanford	Stump	Young (AK)
Saxton	Sununu	Young (FL)
Scarborough	Talent	
Schaefer, Dan	Tanner	

□ 1119

SALES INCENTIVE COMPENSATION ACT

The SPEAKER pro tempore (Mr. EWING). Pursuant to House Resolution 461 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for further consideration of the bill, H.R. 2888.

□ 1120

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself 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 requirement certain specialized employees, with Mr. WICKER, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on the legislative day of Wednesday, June 10, 1998, a request for a recorded vote on Amendment No. 2 by the gentleman from New York (Mr. OWENS) had been postponed.

Pursuant to the order of the House of that day, no further debate or amendments to the committee amendment in the nature of a substitute are in order.

AMENDMENT OFFERED BY MR. OWENS

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. OWENS), on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment Offered by Mr. OWENS:

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."

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 181, noes 246, not voting 6, as follows:

[Roll No. 227]

AYES—181

Abercrombie	Bentsen	Brady (PA)
Ackerman	Berry	Brown (CA)
Allen	Bishop	Brown (FL)
Baesler	Blagojevich	Brown (OH)
Baldacci	Blumenauer	Capps
Barcia	Bonior	Cardin
Barrett (WI)	Borski	Carson
Becerra	Boucher	Clay

ANSWERED "PRESENT"—51

Abercrombie	Gordon	Nadler
Becerra	Gutierrez	Neal
Blagojevich	Hoyer	Pallone
Bonior	Jackson-Lee	Pomeroy
Borski	(TX)	Rothman
Brady (PA)	Kanjorski	Sanchez
Brown (OH)	Kaptur	Sawyer
Cardin	Kucinich	Slaughter
Coyne	Levin	Stabenow
Delahunt	Lowe	Tauscher
DeLauro	Maloney (CT)	Thurman
Deutsch	Maloney (NY)	Tierney
Eshoo	McCarthy (MO)	Waxman
Fattah	McGovern	Wexler
Frank (MA)	Meehan	Wise
Frost	Menendez	Woolsey
Furse	Miller (CA)	
Gephardt	Moakley	

NOT VOTING—8

Berman	Etheridge	Lewis (GA)
Boyd	Farr	Schumer
Cramer	Gonzalez	

□ 1117

Messrs. MANZULLO, SKAGGS, BURTON of Indiana, STEARNS, RUSH, PAXON, and McCOLLUM changed their vote from "yea" to "nay."

Ms. HARMAN and Messrs. FORD, McCOLLUM, LIPINSKI, and POSHARD changed their vote from "nay" to "yea."

Ms. WOOLSEY, and Messrs. WISE, FATTAH, GUTIERREZ, WEXLER, BLAGOJEVICH, BRADY of Pennsylvania, DELAHUNT, LEVIN, WAXMAN, COYNE, Ms. KAPTUR, and Mr. GORDON changed their vote from "nay" to "present."

Mr. GREEN and Mr. SANDLIN changed their vote from "present" to "yea."

So (two-thirds not having voted in favor thereof) the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur

Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kleczka
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
Wynn
Yates

LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCarthy (NY)
McCollum
McCreery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)

Petri
Picking
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radianovich
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen

Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Berman
Boyd
Etheridge
Farr
Gonzalez
Lewis (GA)

□ 1138

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. WICKER). There will be no further amendments.

The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. BEREUTER. Mr. Chairman, this Member rises today, as a co-sponsor in support of H.R. 2888, "The Sales Incentive Compensation Act." This bill would amend the 1938 Fair Labor Standards Act by providing an exemption from overtime and minimum wage laws for certain types of employees. These employees are defined in this bill as those who work within or inside an employer's establishment and are engaged in selling to non-retail customers by using forms of electronic commerce such as the telephone, fax, and/or the computer.

Under the current Fair Labor and Standards Act, there is a provision which allows an exemption from the overtime and minimum wage requirements for certain retail sales' employees. This exemption does not currently apply to wholesale establishments.

The original intent behind this distinctive treatment between wholesalers and retailers was due to the nature of the retail field. In 1938, when the Fair Labor Standards Act was passed, retail business consisted of employees involved in sales outside the place of business. Employees involved in sales physically went to the consumer for a transaction.

Since 1938, American society and the world for that matter have undergone a technological transformation. Various forms of electronic communication have altered the manner in

which business is conducted. Whether it is faxes, telemarketing, E-mail or other types of electronic commerce, a bulk of sales transactions are now performed from the office. Electronic communication has reduced the distinction of duties between those involved in wholesale and retail sales transactions.

This Member supports H.R. 2888 because it provides consistency for small businesses.

It is a common principle of governing that people or businesses that are similarly situated should be treated in a similar manner. Due to the electronic transformation that has transpired over the last forty years, retailers and "inside sales" employee wholesalers are similarly situated and as a result should be treated consistently. H.R. 2888 would grant this consistent treatment by allowing for an overtime and minimum wage exemption for those "inside sales" employees whether they are involved in retail, service, or wholesale establishments.

This Member would ask his colleagues to support H.R. 2888.

Mr. VENTO. Mr. Chairman, I rise in opposition to this act which cuts the pay of sales jobs, H.R. 2888. This legislation is being promoted as a modernization, by sidestepping the Fair Labor Standards Act which requires overtime pay and establishes the 40 hour work week. The net effect of this legislation actually shifts business risk from employers to employees and results in decreased benefits for workers. When workers lose benefits, workers lose choice!

The Sales Incentive Compensation Act has been justified by its proponents on the basis that so-called outside sales persons are exempt from overtime. Therefore, inside sales persons should be exempt as well, in an effort to level the playing field. However, outside sales persons exemption is justified upon time spent traveling. Certainly, this isn't applicable to inside sales persons. Technology, some argue, means employers have relocated the outside sales force inside, where they are more efficient. However, workers should be able to benefit from this increased technology. The fact that more sales persons are able to work inside and fewer must work outside is simply not justification for eliminating overtime or paying them less in premium overtime compensation.

The Fair Labor Standards Act designed the 40 hour work week and the time-and-a-half requirement to protect workers from excessively long hours, to allow them greater freedom for personal endeavors, and to ensure that workers who are required to work extra hours are fairly compensated. Now, employers are fighting this federal, time-honored workplace requirement, as they have in the past, as if it's in the interest of employees. Let's allow workers speak for themselves; give them the pay and let them make the choices about time off. The flexibility that employers want already exists, they can give workers time off whenever it suits them.

Proponents of this bill argue that salespersons should be allowed to work longer hours to perform their jobs more efficiently, in order to make more money. However, the time-and-a-half requirement of the Fair Labor Standards Act was not intended as a means to reward or enrich workers; rather it was regarded as a penalty of required premium payment by imposed upon employers who insisted on subjecting their employees to work

NOES—246

Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Billray
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
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
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling

Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hergert
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kind (WI)
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham

weeks in excess of the 40 hour standard. H.R. 2888 exempts employees from overtime pay protection if they earn \$16,078 a year in either hourly wages or as a salary, and an additional \$6,431 annually in commissions.

Under this legislation, an employee who earns these threshold amounts would not be entitled to overtime pay, or even additional wages for hours worked. This bill provides Congressional endorsement of employers action which would demand more hours from employees by taking away the benefit of premium overtime pay currently required by law. In what way is this benefitting workers? The simple answer is, it does not.

The Sales Incentive Compensation Act is simply a thinly veiled scheme for employers to boost their profits by increasing sales while simultaneously decreasing benefits to their employees, who are actually working to generate profits. The overall effect of this legislation would be to shift business risk from employers to employees. Employees who work long hours but are unable to make significant sales to boost their own commissions will receive little or no additional pay for the extra hours they work.

H.R. 2888 just doesn't make good sense, because it upsets the balance and worker benefits which have been in place for more than sixty years. At a time in our economic history when managers are receiving exorbitant compensation and the wage earner is receiving a reduction in power and reward, this legislation is a step backwards. The disparity in wages and compensation is growing. H.R. 2888 increases the wage gap, with wage workers as the losers. I strongly urge my colleagues to join me in opposing the Sales Incentive Compensation Act.

Mr. ROEMER. Mr. Chairman, I would like to voice my support for H.R. 2888, The Sales Incentive Compensation Act. This bill is a bipartisan, narrowly targeted approach to helping people in a career that makes up less than one percent of the total workforce. It provides relief for inside sales employees who currently are restricted from reaching their full earning potential by a forty year old provision of the Fair Labor Standards Act.

The benefits proposed in this bill are already afforded to traditional outside sales employees. In the past, you had to drive around your sales territory to personally check on your customers, see if they needed additional product, and offer technical assistance. Today, thanks to advancements in communications technology, a sales employee can remain in the office and be in continual contact with all of his or her customers. This is particularly evident in the burgeoning computer and technology sectors, where sales and technical support are frequently combined into one customer service position. These highly trained people have a group of regular clients to whom they both sell product, and provide technical support and assistance.

This bill would allow them to put in the extra time to earn additional commissions that traditional sales employees are already allowed to do. It explicitly details their need to have a regular clientele, not initiate sales contacts, and have extensive knowledge of the products they sell. Fees that this legislation could effect telemarketers or route sales drivers have already been addressed in Committee, and provisions are in place that categorically exempt these jobs from the provisions of the bill.

Mr. Chairman, I urge my colleagues to give their full support to this intelligent, bipartisan bill that has all the necessary protections, and allows a small group of professionals to make more money than the law currently allows. Thank you for your support for the Sales Incentive Compensation Act.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BE-REUTER) having assumed the chair, Mr. WICKER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2888) to amend the Fair Labor Standards Act of 1938 to exempt from the minimum wage record-keeping and overtime compensation requirements certain specialized employees, pursuant to House Resolution 461, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. OWENS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 261, noes 165, not voting 7, as follows:

[Roll No. 228]

AYES—261

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

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

NOES—165

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

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

NOT VOTING—7

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

□ 1202

Mr. HINOJOSA and Mr. SPRATT changed their vote from "no" to "aye." So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN EN-GROSSMENT OF H.R. 2888, SALES INCENTIVE COMPENSATION ACT

Mr. FAWELL. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2888, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from Illinois?

There was no objection.

GENERAL LEAVE

Mr. FAWELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 2888.

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

There was no objection.

CHILD PROTECTION AND SEXUAL PREDATOR PUNISHMENT ACT OF 1998

The SPEAKER pro tempore. Pursuant to House Resolution 465 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3494.

□ 1205

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself 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, with Mr. McHugh in the chair.

The Clerk read the title of the bill. The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 3494, the Child Protection and Sexual Predator Punishment Act of 1998, is a very important piece of legislation that responds to the horrifying threat of sex crimes against children, particularly crimes against children facilitated by the Internet.

Industry experts estimate that more than 10 million children currently spend time on the Information Superhighway, and by the year 2002, 45 million children will use the Internet to talk with friends, do homework assignments, and explore the vast world around them.

Computer technologies and Internet innovations have unveiled a world of information that is literally just a mouse click away. Unfortunately, individuals who seek children to sexually exploit and victimize them also use the mouse click.

"Cyber-predators" often "cruise" the Internet in search of lonely, curious, or trusting young people. Sex offenders who prey on children no longer need to hang in the parks or malls or school yards. Instead, they can roam from Web site to chat room seeking victims with no risk of detection.

The anonymous nature of the on-line relationship allows users to misrepresent their age, gender, or interests. Perfect strangers can reach into the home and befriend a child.

Parents are confronted with new challenges regarding the World Wide Web. While they may warn their children about the dangers outside the home, they may not be aware of the dangers posed to a child on the Information Superhighway. Children are rarely supervised while they are on the Internet. Unfortunately, this is exactly what cyber-predators look for. We are seeing numerous accounts in which pedophiles have used the Internet to seduce or persuade children to meet them to engage in sexual activities. Children who have been persuaded to meet their new on-line friend face to face have been kidnapped, raped, photographed for child pornography, and worse. Some children have never been heard from again.

Law enforcement have also found a close relationship between child pornography and victimization by pedophiles. Even more than a snapshot of one child's horrible victimization, child pornography is a horrible tool for child molesters to recruit new victims. Often used to break down inhibitions and introduce and validate specific sex

acts as normal to a child, pedophiles frequently send pictures to young people to gauge a child's interest in a relationship. Child pornography is often used to blackmail a child into silence, once molestation ends.

Three factors, the skyrocketing on-line presence of children, the proliferation of child pornography on the Internet, and the presence of sexual predators trolling for unsupervised contact with children, has resulted in a chilling mix which has resulted in far too many terrible tragedies that steal the innocence from our children and create scars for life.

H.R. 3494, the Child Protection and Sexual Predator Punishment Act, provides law enforcement with the tools it needs to investigate and bring to justice those individuals who prey on our Nation's children, and sends a message to those individuals who commit these heinous crimes that they will be punished swiftly and severely.

H.R. 3494 targets pedophiles who stalk children on the Internet. It prohibits contacting a minor over the Internet for the purposes of engaging in illegal sexual activity and prohibits knowingly transferring obscene materials to a minor, or an assumed minor, over the Internet.

H.R. 3494 also prohibits transmitting or advertising identifying information about a child to encourage or facilitate criminal sexual activity. This bill doubles the maximum prison sentence from 5 to 10 years for enticing a minor to travel across State lines to engage in illegal sexual activity, and increases the maximum prison sentence from 10 to 15 years for persuading a minor to engage in prostitution or a sexual act. Moreover, the bill establishes a minimum sentence of 3 years for using a computer to coerce or entice a minor to engage in illegal sexual activity.

In addition to Internet-related crimes, the bill also includes other very important provisions such as cracking down on serial rapists (those who commit Federal sexual assaults and have been convicted twice previously of serious State or Federal sex crimes), and authorizing pretrial detention for Federal sex offenders.

Mr. Chairman, nearly two-thirds of prisoners serving time for rape and sexual assault victimize children. Almost one-third of these victims were less than 11 years old.

The bill also increases the maximum prison sentence from 10 to 15 years for transporting a minor in interstate commerce for prostitution or sexual activity and requires the U.S. Sentencing Commission to review and amend the Federal sex offenses against children.

H.R. 3494 also doubles prison sentences for abusive sexual contact if the victim is under the age of 12, and doubles the maximum prison sentence available for second-time sex offenders.

H.R. 3494 also gives law enforcement the tools it needs to track down pedophiles, kidnappers, and serial killers. The bill allows for administrative