DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Everett
Ewing
Farr
Fawell
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Manton
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Metcalf
Meyers
Mica
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff

NOES—66

Abercrombie
Ackerman
Becerra
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Clay
Clyburn
Collins (IL)
Collins (MI)
Conyers
Costello
Crane
Durbin
Ensign
Evans
Fattah
Fazio
Filner
Funderburk
Furse
Gephardt
Gillmor
Gutierrez
Gutknecht
Hall (OH)
Hastings (FL)
Hefley
Hilliard
Hinchey
Johnson, E.B.
Kennedy (RI)
LaFalce
Levin
Lewis (GA)
Lipinski
Maloney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Ney
Pallone
Payne (NJ)
Pickett
Pombo
Pomeroy
Poshard
Rush
Sabo
Scarborough
Schroeder
Stark
Stockman
Taylor (MS)
Thompson
Velazquez
Vento
Visclosky
Woolsey
Yates
Zimmer

ANSWERED ''PRESENT''—1

Harman

NOT VOTING—23

Boehner
Bryant (TN)
Callahan
Fields (LA)
Gibbons
Hobson
Jacobs
Jefferson
Johnston
Kanjorski
Martinez
McDermott
Miller (FL)
Moakley
Owens
Reynolds
Souder
Tejeda
Towns
Tucker
Volkmer
Watts (OK)
Wilson

□ 1414

So the Journal was approved.

The result of the vote was announced as above recorded.

□ 1415

COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Chief Administrative Officer of the House of Representatives:

HOUSE OF REPRESENTATIVES,
CHIEF ADMINISTRATIVE OFFICER,
Washington, DC, September 22, 1995.

Re: Searcy et al. and U.S., ex rel. *Bortner* v. *Philips Electronics*, et al.

Hon. NEWT GINGRICH,
Speaker, House of Representatives
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that my Office has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

SCOT M. FAULKNER,
Chief Administrative Officer.

TEAMWORK FOR EMPLOYEES AND MANAGERS ACT OF 1995

The SPEAKER pro tempore (Mr. EVERETT). Pursuant to House Resolution 226 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. 743.

□ 1415

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. 743) to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes, with Mr. KOLBE 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 Pennsylvania [Mr. GOODLING] will be recognized for 30 minutes, and the gentleman from Missouri [Mr. CLAY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. GUNDERSON], the author of the legislation and a member of the committee.

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

Mr. GUNDERSON. Mr. Chairman, I thank the gentleman from Pennsylvania, Chairman GOODLING, for yielding me this time.

Mr. Chairman, last week we talked about improving the work force through the CAREERS Act. Today we have a chance of improving the workplace. Now, I know we are all busy, we are consumed with reconciliation and everything else, so let us not make this an intellectual debating society. Let us make this as simple as we can.

The facts are that today management in a nonunion setting can tell employees to do whatever they want and it is legal. Today, if management in a nonunion setting sits down and, voluntarily working with employees, reaches a mutual conclusion on how to make changes within the workplace, it is illegal. It is that simple.

Management can do it, but if they work with the employees it is a violation of the National Labor Relations Act. Why is that the case? Take a look at these two lines: The definition of a labor organization under existing law is any organization of any kind in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

Now, what is 8(a)(2), this whole issue we are talking about; when does an employer dominate a labor organization? It shall be an unfair labor practice for an employer to dominate or interfere with the formation or administration of any labor organization.

Well, if any group that meets to talk about any of these conditions is a labor organization, then you have got a problem if management is involved in any way, shape, or form.

Many people do not remember how labor law was developed in this country 60 years ago. It was actually in 1933 under the National Industrial Recovery Act, during the Great Depression, when Congress created the right for employees to organize and bargain collectively. But in the process of doing that, we found out over the next couple of years that management could create

that collective bargaining unit within the company, and it became what we call sham unions.

So in 1935, to prevent that, we defined what is domination of labor organization to prevent employers from using company unions to avoid recognizing and collectively bargaining with independently organized unions.

Let me read from that report, literally 60 years ago. The object of prohibiting employer dominated unions is to remove from the industrial scene unfair pressure, unfair discussion.

Why are we here this afternoon? Well, in December 1992, the National Labor Relations Board unanimously ruled that Electromation, Inc., from Indiana, had violated section 8(a)(2) of the act. Why? Because Electromation, Inc., had created five what are called action teams between management and employees to discuss, of all things, a nonsmoking policy, absenteeism, internal communications, and the like.

The National Labor Relations Board ruled that these committees were indeed by definition labor organizations under (2)(v), and get this, because the company dictated the size of the action teams, the responsibilities of the action teams, the goals and agendas of the action teams, it was somehow dominating the committees, and therefore it was an illegal company union.

I do not need to tell anyone in this place, and I hope no one in America, about the need for employee-employer joint management and cooperative teams in 1995. Members have all heard about total quality management, they have heard about quality circles, they have heard about quality of life, quality of work programs, self-directed work teams, productivity teams, and all the like. As we try to deal with these issues to be competitive in an international arena, it is essential that in nonunion settings they may occur without being a violation of law.

Every one of us in our district has some kind of company, as small as they are, that try to deal with this today, and they simply do not know they are illegal. So today we bring you H.R. 743. We eliminate no existing language in the National Labor Relations Act, we do not redefine labor organizations, we do not allow sham unions or nonunion collective bargaining and we do not allow employee involvement teams in organized labor workplaces. Rather, we simply say it is not a violation of the law for employees and employers in nonunion settings to work together. That is all this is. Mr. Chairman, I encourage Members' support.

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

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

Mr. CLAY. Mr. Chairman, I rise today to oppose H.R. 743. Not only is this so-called TEAM Act ill-conceived and unwarranted, those problems alone would be sufficient reasons for me to oppose the bill. My opposition goes far deeper. This bill undermines workplace democracy and threatens the very foundation of collective bargaining. I applaud President Clinton for promising to veto this misnamed bill.

H.R. 743 is the latest installment in the campaign by the new Republican majority to eradicate protections afforded our work force. At a time when millions of workers and their families see the real value of their wages declining; at a time when millions of workers and their families struggle to exist on minimum wage pay; at a time when the working poor desperately need help to boost their standard of living, the Republican majority puts forth legislation that is contrary to the needs and aspirations of working families. They promise a tax break for the most wealthy while wiping out the earned income tax credit for the most needy. Today, they call up a bill that will tip the scales of collective bargaining heavily in favor of employers.

Mr. Chairman, proponents of the so-called TEAM Act argue that the bill is needed to promote worker-management cooperation. Who could argue against the goals of greater employee participation and greater cooperation between employers and employees? But, the measure before us runs completely counter to those laudable goals. This so-called TEAM Act would hinder, not foster, development of genuine labor-management cooperation. It places in grave jeopardy the right of workers to organize independently and bargain collectively.

This bill would destroy one of the most essential protections provided under the National Labor Relations Act: the protection against company-dominated, sham unions. As noted labor historian Dr. David Brody has written: ''Abhorrence of company domination is a corollary to the principal of freedom of association central in our labor law.''

Mr. Chairman, no change in the law is needed to promote greater labor-management cooperation. Lawful employee involvement programs are flourishing in both union and nonunion settings. They will continue to flourish without this Congress sacrificing the right of workers to choose their own independent representatives.

My colleagues, you will hear proponents of this legislation complain about the so-called Electromation problem. Do not be confused by their strawman arguments. As Edward Miller, former Chairman of the National Labor Relations Board and a noted management attorney, testified recently before the Dunlop Commission:

> The so-called Electromation problem . . . is another myth . . . it is indeed possible to have effective (employee involvement) programs . . . in both union and nonunion companies without a change in the law. If 8(a)(2) were to be repealed I have no doubt that in not too many years, sham company unions would again recur.

Mr. Chairman, make no mistake about it; H.R. 743 would effectively repeal section 8(a)(2). It would permit management to negotiate with itself while claiming that it is carrying on discussions with representatives chosen not by those they purport to represent, but by management itself.

It is indeed ironic that many of those who today will call for passage of this so-called Team Act opposed the Workplace Fairness Act. They claimed then that it would have upset the delicate balance in our labor laws. How ironic that they would have us consider this bill that without question will upset that balance.

When this bill is open for amendment, I urge my colleagues to support the Sawyer substitute. His proposal truly and fairly responds to legitimate concerns about the legality of employee involvement programs by creating safe harbors for workplace productivity teams. If the Sawyer substitute fails, join me in opposing final passage of this misnamed and blatantly unfair proposal.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield 4½ minutes to the gentleman from Illinois [Mr. FAWELL], the subcommittee chairman who had the hearings on this legislation.

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

Mr. FAWELL. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, all this bill does is to simply allow teams of employees in a nonunion setting to freely interact with management regarding terms and conditions of their employment. It should be called a Freedom of Employees Act.

The debate today involves the interesting question of why employers are being charged with setting up sham or company unions simply because they are increasingly interacting with new and innovative employee involvement teams.

The basic reason is because of a broad and archaic definition of the words ''labor organization'' passed back in 1935, and the understandable intent of Congress back in 1935 to stop employers from organizing employer-sponsored unions, called sham or company unions, which were all too common before the passage of the NLRA. The story goes like this.

The NLRA was passed 60 years ago and section 8(a)(2) was drafted to make it clear that it is an unfair labor practice for an employer to form a sham union, that is, to dominate or interfere with the formation or the administration of any labor organization or to contribute financial or other support to the labor organization.

Well, so far, so good. However, the drafters of the NLRA also added section 2(5) to that act which defines labor organization so broadly that it includes any group of employees ''which exists for the purpose, in whole or in

part, of dealing with employers concerning,'' among other things, ''conditions of work.''

Since employee involvement teams usually, of course, deal at least partially with conditions of work, the National Labor Relations Board has ruled that such employee teams fit the 1935 definition of a labor organization, if the employer is involved to any significant degree.

Hence, an employer who supports employee involvement teams, in order to product greater workplace quality, healthy and safety or production quotas, for instance, is deemed guilty, ipso facto, of spawning a company union.

What we have here, of course, is a fossilized 60-year-old definition of labor organization colliding head-on with dynamic new concepts of doing business in today's fast evolving, information-centered economy and society.

H.R. 743 therefore says the obvious: that teams of employees which interact with their employer, with the goal of improving quality and conditions of work, are excepted from that 1935 definition of a labor organization. The bill thus allows employees and employers to participate in employer involvement groups in a nonunion setting without that employee team being called a sham union. On the other hand, the bill also makes it clear that no such employee team can claim to be a union or seek authority to be the exclusive bargaining representative of its employees.

H.R. 743 also protects the existing rights of employees to seek formal union organization whenever they may choose. The law also continues to proscribe an employer from creating a sham labor organization, as well as in any way interfering with the right of employees to freely choose union representation.

Mr. Chairman, in the final analysis, one must understand that the world has changed a lot since 1935. Employers no longer rely on top-down decision making. We live in a global economy. And employee involvement teams are obviously not sham unions. Nor should they be looked upon as such, or God help us, regulated and regimented as mini-unions within the nonunion setting, as some suggest. They are teams of employees who, under an infinite number of methods, are freely experimenting, usually quite informally and successfully, with new and exciting ways of pursuing quality, and greater productivity and satisfaction at the place of employment. They were unimagined in the thirties and are a win-win phenomenon in all segments of our industrial policy. This bill is 21st century stuff. It's employees and employers cooperating and doing their thing in the nonunion setting. It is a threat to no one except to those who fear happier and more productive employees.

□ 1430

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Chairman, let me see if I've got this straight. Over the past 9 months, the Gingrich Republicans have voted to make it easier for employers: to ignore the 40-hour work week; to get away with health and safety violations; to ignore environmental safeguards; to ignore the National Labor Relations Board; to raid pension funds; to permanently replace workers; and all in all, to give away the store to special interests and wealthy corporations.

At the same time, they've voted to: put employee pensions at risk; cut job training; slash school-to-work; raise taxes on low-income workers; cut student loans; cut Medicare; and all in all, do everything they could to tip the balance against working families.

And yet today they come to this floor and say they want to promote teamwork in the workplace?

Sure they do, as long as workers agree to play with both hands tied behind their backs.

I say to my friends on the other side of the aisle: Don't come to this floor today and talk about teamwork. Because we all know that under current law employers can already do exactly what you say you're trying to do here today.

They already can set up worker teams.

They already can promote cooperation.

And the vast majority of companies already do.

The only thing corporations can't do today is decide who is going to speak for employees. The only thing they can't do is hand-pick the people who represent employees at the bargaining table.

Because as a nation we have always believed that it was in the best traditions of freedom and democracy that people ought to have the right to elect the people who speak for them.

But under this bill, not only would employers have the right to hand-pick employee representatives, they would have the exclusive right to appoint team members, set their agenda, terminate people at will, bypass democratically elected representatives, and undermine agreements negotiated in good faith.

This bill is nothing but a back-door attempt to silence working people, crush unions, undermine collective bargaining, and give corporations free reign.

But after watching Speaker GINGRICH's top-down assault on working people the past 9 months, it really comes as no surprise that this is your idea of teamwork.

We should be promoting real cooperation in the workplace. This bill not only undermines the traditions that made this country great, it undermines the democratic principles that this Nation was founded upon.

I urge my colleagues to vote against this bill.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

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

Mr. STENHOLM. Mr. Chairman, as an original cosponsor of this bill, I am pleased to speak in support of H.R. 743 the Teamwork for Employees and Managers Act. When my colleague from across the aisle, the gentleman from Wisconsin [Mr. GUNDERSON], asked me to sign on this bill, I quickly agreed because I knew the gentleman was sincere in his desire to address this issue in a fair and constructive manner. The ability of our country's work force to successfully compete in the international arena is too important an issue to fall victim to the partisan politics of business as usual.

My own experience as the manager of a rural electrical cooperative in west Texas convinced me of the wisdom of this legislation. Nothing should restrict employers and employees from talking about their workplace and making plans to improve the product or services they offer. The cooperative I managed was far more effective because the employees and I enjoyed open dialog on all matters.

We can argue in this Chamber about the necessity of this measure, but we cannot argue with what we are hearing from the folks working in the factories, shops, and other small businesses back home. Mr. Chairman, employees from the 3M plant in Brownwood, TX, and the Goodyear Proving Grounds in San Angelo, TX, support this measure. It is with these workers in mind that I plan to cast my vote for the future of the American work force and vote for the TEAM Act. They want this legislation.

It all comes down to this: This is not a bill for employers. It is not a bill for employees. It is a bill for employees and employers. In the modern international marketplace, people all across the country are losing their jobs because their employers are trying to stay competitive. We read every week about another 2,000 or 4,000 or 8,500 who have been laid off.

Are employees interested in keeping their company's competitive? Absolutely they are. They have the mortgage and the car payments and the child care and the health care and the groceries to think of. Keeping their company strong means keeping food on their tables. Employees have a vested interest in the passage of this legislation. They want to be part of their future.

Mr. Chairman, confrontation is destroying jobs in America. I urge Members to support this legislation.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MILLER].

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Chairman, I rise in opposition to the TEAM Act because it would undermine the current successful balance between employers and employees. The National Labor Relations Act was designed to make companies more productive and efficient by ensuring employees independence and freedom, and the National Labor Relations Act is working.

Mr. Chairman, over the last decade American workers have become the most productive workers in the world. In every industry, large and small, American workers today are the most productive in the world. The increased productivity is partially the result of managers and employees working together in teams at companies like Nabisco, Saturn, Boeing, Chrysler, Xerox, Levi Strauss, and United States Steel. All of these companies, and many, many, many more small companies, have successful labor-management teams today under the current law.

The essential ingredient in their success, Mr. Chairman, is the ability of the employees to have an independent voice on issues that impact the conditions of their employment. Because conditions of employment, such as work time, wages, health, safety issues, dramatically impact the lives of the employees. These issues must continue to be left to independent employee organizations to deal with without employer control.

That is what this bill seeks to do, Mr. Chairman, to take away the independence of those employee organizations and insert employer dominance. Where the employer can set up an organization that is the fundamental equivalent of an independent organization, then employees lose that independent voice and, instead, we now have an adversarial system where once again we are dictating top-down from the employer to the lineworkers what is best for them.

Under the TEAM Act, the employers would be free to exclude from a labor-management team individuals who want to express an independent voice through a union. Employers would be able to start up a team whenever they want to stop a union drive. This is not employee empowerment. This is employer domination. Management can now set up worker organizations to deal with productivity and efficiency.

If that is all the Republicans care about, then the current law should not be changed. If they want more, if they want employer domination, then we must change the law. If there is a perception that the law is unclear whether labor-management teams can sometimes deal with the conditions of employment, then those can be dealt with under the Sawyer substitute. But the TEAM Act should be rejected because it ends the cooperative arrangement and it creates the adversarial arrangement.

Mr. Chairman, the fact is, if we look at the Dunlop Report, and we look at the others, the thousands and thousands of American corporations now deal, and workplaces deal, with team relationships with the workers, but they are working with independently chosen worker organizations as opposed to those dominated, and we ought to reject the TEAM Act and reject that kind of one-sided domination of the American workplace.

Mr. GOODLING. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. GOODLING], the distinguished chairman, for yielding me time.

Mr. Chairman, the TEAM Act is not about the return of company unions, as my colleagues on the other side would like you to think. It is about moving the National Labor Relations Act from the Depression-era 1930's to 1990's. It is about telling American workers they are a valuable resource, and their input is vital to the success of American business. Above all, it is about keeping American companies competitive in the global economy.

Without TEAM Act, we are in effect saying to the American worker, ''we don't believe you can make managerial decisions on how to make a product better.'' We are saying ''work, don't think.''

Mr. Chairman, it is 1995 not 1935. Adversarial labor-management relationships were unavoidable 60 years ago, but today, it is time to move employee relations into the 21st century. Vote for H.R. 743. It is a solid step in the right direction.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. OWENS].

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

Mr. OWENS. Mr. Chairman, this is not an exercise in conflict resolution for a Sunday school, this is the opening shot in a blitzkrieg against organized labor in America. The gentleman from Georgia, Speaker GINGRICH, has said that politics is a war without blood, and the war is on against labor. The campaign against labor begins here in the context of the move to destroy the National Labor Relations Board, the curtailment of the functions of OSHA and MSHA, the reduction in overtime, and the National Labor Relations Act. There is a whole battle plan where the panzers and the dive bombers and all of that will be released against organized labor.

Organized labor must be wiped out because in this politics war that the Speaker talks about, labor is a strong resisting force. There are not many forces out there that can resist the remaking of America the way Speaker GINGRICH and the Republican majority wants to remake it against organized labor.

The goal is Chinese capitalism. Chinese capitalism means that we have public policies, government policies which control the labor market. They control the workers so that the workers are manipulated for the benefit of the entrepreneurs and the management in order to produce a return suitable to the government and the entrepreneurs and the corporation. That is what we are talking about, a war against labor that begins today.

Mr. Chairman, we have had the guerilla warfare, we have had the sabotage, the black bag stuff in the appropriations bills and the budget bills, now it is open war. This legislation will undermine employee protections in two major ways: One, by allowing nonunion employees to establish sham unions; and, two, by allowing other employees to establish company-dominated alternative organizations while employees are in the process of democratically deciding whether to be represented by a labor organization.

□ 1445

Neither of these possibilities are permitted under current law. You get rid of current law, and the way is open. The points I have raised against the bill I assure you do not overstate the truth. Edward Miller, a former chairman of the National Labor Relations Board, said in testimony before the Dunlop Commission ''If 8(a)(2) were to be repealed, I have no doubt that in too not many years sham company unions would again recur.''

We cannot forget that the collective bargaining brought about by the National Labor Relations Act has helped bring prosperity to the Nation by increasing the wages of workers. Without equality of bargaining position, recurrent business recessions would be aggravated by the depression of wage rates and worker purchasing power.

Mr. Speaker, we cannot allow sham unions to carry the day once more and strip workers of the independence they earned through blood, sweat, and tears. I urge my colleagues to vote against this bill, which gives management an overwhelming advantage over American workers. We do not need Chinese capitalism in America.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Chairman, I wonder sometimes about the arguments in this House floor. We tend to put such a fine point on our issues. We tend to marshal our forces and it is team A against team B. I hope this is not going to be the case here.

Mr. Chairman, I will say in all candor, and I think I am right, I have probably, with the exception of one or two people, helped organize more unions and helped put more unions into plants than anybody in this House. I believe in unionism. I put them in all the plants that I have had anything to do with and have urged others to do this.

But I find now that all the sudden it is union versus nonunion. It is management versus people, and I think that is a shame.

The argument is that employers can do now what the bill already says. That is true, if it is interpreted properly. But it has not been interpreted properly.

Mr. Chairman, one of the reasons that I have felt that this is so important, because of the concept of working together, we have lost that in this country. I remember when I first started to work, somebody said, ''Do not you forget, just because you are out of management school, that you are going to make the big decisions. You are not. The people on the floor who make the product are going to make the big decisions.''

And so, therefore, I have always realized the potential of bringing people together and working in teams.

If my colleagues would take a look, and I am not going to wax eloquent about this country, but if the value of the currency, if the value of a piece of America is to be solidified and straightened out, it is going to be because of increased productivity and that is going to be because of what we are talking about here.

The role of management is to make decisions, but they cannot make decisions on their own. They must go to a variety of different people, the critical people they must go to. They must go to the people who do the work. That is the critical issue here.

In a union shop, the protection against abuse is the union. In a nonunion shop, the protection here is if a management abuses this privilege, it will become unionized. So, therefore, I think there is sort of a self-correcting process that goes on.

In a company there are stockholders, there is management, there are employees, and there are the unions. Frankly, this is not a stockholder, not a management, not a union. This is an employee's bill. I see it work. I think there is protection here, and I would hope that H.R. 743 would be approved.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. HOUGHTON. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, the gentleman from New York [Mr. HOUGHTON] talked about the benefits of people working together, and we are all in agreement on that. But the gentleman cannot deny that over the last 20 years, corporate America has been hitting the working people of this country over the head.

Mr. HOUGHTON. Mr. Chairman, reclaiming my time, I do not have any time to reply. Maybe I can do this individually afterward. I do not agree with that statement.

Mr. CLAY. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. SAWYER].

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

Mr. SAWYER. Mr. Chairman, I rise in measured opposition to H.R. 743.

Mr. Chairman, last year the Dunlop Commission, a bipartisan panel of labor law experts, cited the principal danger of altering section 8(a)(2) of the National Labor Relations Act—that such action might adversely affect employees' ability to select union representation, if they so desire.

This panel went on to reaffirm the basic principle that: employer-sponsored programs should not substitute for independent unions. Employee participation programs are a means for employees to be involved in some workplace issues. They are not a form of independent representation for employees, and thus should not be legally permitted to deal with the full scope of issues normally covered by collective bargaining.

At the appropriate time today, I will offer a substitute which embodies the principal recommendation of this Commission in the area of employee involvement. It is intended to promote workplace cooperation without either jeopardizing workers' rights or leaving open to question the legality of legitimate employee involvement programs under section 8(a)(2).

Mr. Chairman, we have heard a great deal in recent months about laws and programs which were enacted with the best of intentions, but which had—in the view of some—unintended—and serious—side effects. In crafting this law, we must consider not only what we have is the intended good that may come of it, but also what potential dangers it may cause. I urge my colleagues to support my substitute, and to oppose this well-intentioned, but dangerous, bill.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MARTINEZ].

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

Mr. MARTINEZ. Mr. Chairman, I was interested in what the gentleman from New York [Mr. HOUGHTON], my friend, had to say. And I understand the sincerity. But I say to the gentleman, listen very carefully.

Mr. Chairman, I rise in opposition to this bill.

Mr. Chairman, this bill was written to suppress the rights of workers. What is worse is that the one case that they cite as an example of the need for this legislation, electromation, was one of the most glaring abuses of workers' rights that has come before the NLRB in a long time—so glaring that all five of the Reagan-Bush appointed board members voted against the company, a decision confirmed by the Seventh Circuit Court of Appeals.

There is nothing in the law or the policy of the NLRB that threatens or discourages employers from forming work improvement teams. The law does allow, and there do exist, employee groups for those purposes in both unionized and nonunion workplaces.

This amendment to the National Labor Relations Act, however, would change that and would give employers greater capacity to discourage employees from organizing themselves.

That fits in with the notion that some employers and some Members of this Congress have that unions are inherently evil and must be destroyed.

Mr. Chairman, I was the owner of a small business before coming to Congress—one where I was quite successful, and where I had assembled a cadre of employees with whom I worked closely to ensure that they were successful as well. Before I created that business, I was an ordinary worker—both in union and nonunion settings. As a business owner and as a worker, I recognized the benefits of cooperation in the factory.

Cooperative approaches to day to day work leads to more acceptance of the rules and less contention in the shop.

If workers are offered the opportunity to make suggestions, communicate their concerns, and explore their ideas, both workers and management will benefit.

And, we are told, since the 1970's, the number of cooperative working arrangements that exist in America's workplaces has exploded—over 30,000 employers, 96 percent of the country's largest companies, use some form of teamwork in their operations.

To say that there is a chilling effect on the formation and continued operation of these cooperative working groups because of the very few cases that have arisen in the past 20 years is simply not supported by the facts.

Remember the avowed purposes for this act? Quote ''To protect legitimate employee involvement programs, from governmental interference,'' unquote.

Well, I submit that the bill goes well beyond those purposes.

Legitimate employer involvement programs—those that do not abridge the rights of employees under collective bargaining agreements, are already legal under the National Labor Relations Act.

There is no need for this bill to protect legitimate programs.

Mr. GOODLING. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. HALL].

(Mr. HALL of Texas asked and was given permission to revise and extend his remarks.)

Mr. HALL of Texas. Mr. Chairman, I am pleased to rise today in support of H.R. 743, Teamwork for Employees and Managers Act of 1995.

Mr. Chairman, I am pleased to rise today in support of H.R. 743, the Teamwork for Employees and Managers Act of 1995. The TEAM Act will clarify the legal ambiguity surrounding the use of worker-management teams in nonunion companies like many in my district. These teams provide the opportunity for development and improvement through an employee/manager relationship.

Several of my constituents from the Texas Instruments Sherman plant testified in support of this legislation before the Economic and Educational Opportunities Committee. One of those testifying was Mike Mitchell, who stated that ''teaming efforts within our company are merited with improvement strategies and actions resulting in cost savings of literally millions of dollars annually.'' Shane Jackson, another constituent, said, ''Without being able to have our teams, I feel we will cease to be competitive and fade away.''

I personally believe that the teaming concept will result in successful advances and will

enable a company to remain competitive. Teaming does make a difference. Mr. Chairman, I support H.R. 743 and urge my colleagues to approve this legislation.

Mr. GOODLING. Mr. Chairman, I yield 1½ minutes to the gentleman from Nevada [Mr. ENSIGN].

Mr. ENSIGN. Mr. Chairman, I rise to tell a story and to address the last gentleman's comments that in forming these teams, that management would only choose the people that were in support of that management.

Mr. Chairman, when I was in the private sector, the National Labor Relations Board had not interpreted these activities to be violating the National Labor Relations Act. But under current conditions and under the current board, they would interpret this as a violation of the law.

Mr. Chairman, we formed several teams in the company that I was working in. The way that we formed those teams is that management would submit some names to the team and the workers would submit some members to the team. We would vote on those from labor side. We would vote on it from management side, and we got together and we formed some of the most productive teams that helped efficiency, that helped scheduling, that helped all kinds of ways to improve the worker's lives.

Mr. Chairman, I think the bottom line that we have to look at here is who is looking out for the worker? That is the question that we have to ask. Who is looking out for the worker? This bill will help the worker. Period.

That is what we are trying to do here. If I thought that this bill would be against the worker, I would not do it. I would not vote for it. That is why, when I formed the teams in the company that I was working in, I was looking out for what was best for the worker, what was better for the employee, better for the management, and ultimately better for the customer.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas, Mr. GENE GREEN.

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Chairman, I rise today in opposition to the so-called TEAM Act, H.R. 743. This bill amends section 8(a)(2) of the National Labor Relations Act, the portion which prohibits the establishment of company unions, and it eliminates employee protections.

Mr. Chairman, in an earlier life, before I was elected to Congress, I actually helped manage a business. But I was also a union member at the same time. In small businesses, we have been using the team idea for many years. We did not know that is what it was called. But we also recognize that there were protections that were provided by Federal law.

Mr. Chairman, the intent of this legislation may be good, but its impact is to dismantle employee organizations and possibly set up sham unions or sham employee groups. I strongly favor a comprehensive labor reform bill, but not at the expense of the protections of the American workers. We should be fair not only to employers, but also to employees.

My colleague, the gentleman from Wisconsin [Mr. GUNDERSON], wants to resolve the question of whether workplace teams are legal under 8(a)(2). However, there is nothing under the NLRA, or any decision by the National Labor Relations Board or the courts, which prohibits teams or workplace cooperation.

The entire point of the National Labor Relations Act is to encourage employee empowerment. Employee empowerment is a creative and successful way to manage a business and increase productivity, as the gentleman from New York said, if it is done right. But there are no protections in this bill to keep someone from coming in and saying, ''We are going to empower our employees, but we are going to select them. We are going to let them decide, but we are going to select who is going to make the decision on your pay.'' That is not what labor law is about.

Under current law and NLRB decisions, employers are free to use methods of production which rely on work teams. In 1977, the NLRB held that an employer has the right to set up a method of production which delegated significant managerial responsibilities to employee work teams.

This bill is a bill whose time has not come. Under current law and NLRB decisions, employers are free to use employee committees to consider issues. And, again, I support the idea of the team effort, but this bill actually takes away protections that we have enjoyed for 50 years.

Mr. GOODLING. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Kansas [Mrs. MEYERS], a member of the committee.

Mrs. MEYERS. Mr. Chairman, last week I sent around a ''Dear Colleague'' which described a situation which could occur in any small business—an employee made a suggestion about summer hours to her supervisor, and the supervisor though it was a good idea. The supervisor liked the idea, and asked the employee to get a group together to discuss the matter, and found a room for the group to meet.

Unfortunately, under current law, this kind of situation could lead to problems for the employer. We aren't living in a vacuum anymore—globalization has taken over, and we need a team approach in the workplace to meet the challenges of the next century. We can't continue to isolate management and labor, as we have in the past.

This legislation simply allows team participation, on a voluntary basis, in the workplace. It would address the above situation by allowing employees to meet to discuss whether or not changes in the hours of work during the summer months would help them care for their family. It does not allow sham unions to be set up by an employer, and it is not an attempt to undermine legitimate union organization.

Let's give our workers the tools they need to compete and to determine their future. Support this bill.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. ROSE].

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

Mr. ROSE. Mr. Chairman, I thank the ranking member for yielding time to me.

I come to the floor today to speak in opposition to H.R. 743, the Teamwork for Employees and Managers Act of 1995. Let me begin by saying that I support employee teams. This issue hits close to home for me. I represent a congressional district in a right-to-work State where many companies are on the leading edge of employee-manager teams. I have seen first hand that in the globally competitive economy of the 1990's, employee participation and cooperation in running a business is absolutely essential.

This is true throughout the economy. Statistics show that employees and employers are taking advantage of labor-management cooperative strategies. It is estimated that as many as 30,000 employers have some form of employee team or committee. In fact, 96 percent of large companies have them. Just today I heard from more than three of the major employers in my district who told me that they have long utilized employee teams with great success. After hearing how well these employee teams are working, I was left with a fundamental question: Why do we need to change the law that has allowed employee teams to proliferate so widely throughout the economy? The fact is we don't.

Whether or not this legislation passes, companies will still have the legal right to have a legitimate employee participation organization that deals with issues of productivity and quality. The question we're confronted with today is whether or not we want to expand this capability to allow company dominated committees that could discuss issues involving terms and conditions of employment? In my opinion this would be a mistake. Doing so would allow unscrupulous companies to allow these committees, hand picked by company management, to act as a bargaining agent with their employees. This would be a slap in the face to the working men and women who have already seen their wages and benefits stagnate over the past decade.

During the 104th Congress, I have cooperated with my Republican colleagues on many pro-business initiatives. I have done so because I believe that Congress has too long shackled American businesses with unnecessary and burdensome regulations. However, I

cannot support this attempt to repeal a principle tenet of our Federal labor laws that has served both employees and management well for the last 60 years.

Let's not turn back the clock on 60 years of labor-management relations. Let's not change a law that has allowed employee-management teams to spring up in almost every major company in the country. Let's reject H.R. 743 when it comes before us later today.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Delaware [Mr. CASTLE], a member of the committee.

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the TEAM Act, and want to thank Representative GUNDERSON for all his good work on this important legislation.

My colleagues, if we are truly concerned about our ability to successfully compete globally in the 21st century, the TEAM Act should pass. The House passed the CAREERS Act last week which assisted in preparing our national workforce; today, we will pass the TEAM Act which will help modernize the workplace.

Global competition has caused many American companies—including those in the State of Delaware—to abandon top-down decisionmaking in favor of giving employees a greater voice in the company's operations. Unfortunately, employee-employer cooperation is illegal under current law—section 8(a)(2) of the National Labor Relations AcT. The TEAM Act enables our companies to compete in the world marketplace that demands and requires the intellectual engagement of everyone involved—especially the employees. Employee empowerment in the workplace is not just a luxury, but a necessity.

To be sure, America's businesses will face great challenges from our global competitors as we move into the integrated marketplace of the 21st century. We will face these tests head-on. But, we cannot afford to remain encumbered by perhaps the biggest rival of all, Depression-era labor laws that inhibit productivity, cooperation, and the ability to promote employee job security.

Let's pass a commonsense act which will make today's often practiced employee-employer cooperation legal.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, a few moments ago my friend, the gentleman from New York [Mr. HOUGHTON], talked about the need of people to work together, and he is right. If this country is going to succeed, we all need to work together. But that is not what is happening in America today. The fault for that is not the working people, it is not the unions, but it is to a very large degree corporate America. It is not working together when companies replace striking workers with permanent replacement workers. And that is happening. That is not working together.

It is not working together when CEO's of large corporations pay themselves now 15 times more than what the workers are earning and give themselves huge bonuses at the same time as they cut back on wages and health benefits for their workers. Corporate profits are soaring. Wages, incomes are in decline. That is not working together.

It is not working together when corporate America says to its workers: Thank you for 30 years of your effort but we are taking the company to Mexico or China because we can get workers there for 20 cents an hour or 50 cents an hour. That is not working together. That is greed.

It is not working together when companies get in new automation and then throw their workers out on the street, as large corporations are doing by the millions all over America, rather than developing a plan to rehire and retrain their workers. It is not working together when corporate America fights those of us who are trying to raise the minimum wage from the starvation level of $4.25 an hour. The only effective way that workers have to protect their interests is to join a union. This law would help weaken unions. It is bad. Let us defeat it.

Mr. GOODLING. Mr. Chairman, I yield 4 minutes to the gentleman from Missouri [Mr. TALENT], a member of the committee.

Mr. TALENT. Mr. Chairman, I thank the gentleman for yielding time to me.

I too want to congratulate the gentleman from Wisconsin [Mr. GUNDERSON] on his fine work on this bill, which is a bill that frankly should be passing more easily than it is evidently going to pass. Let me give a concrete example of why we need this bill. Maybe we need to bring it down to concrete examples.

Suppose there is a workshop today, fairly small size, does not matter, 30 or 40 people. They have been doing a lot of overtime work. They have been busy, which is a good thing. The supervisor goes to the plant manager and says, some of the people are complaining about the scheduling. We are doing all this overtime. It is interfering with people's ability to pick up their kids. Maybe when the day care at the end of the day care day or some people want to go on a couple day hunting trips they have been planning because deer season is starting and some of the people want to get together and talk about it. What are their options under current law? One of them the employers could form a union. They had that option under current law. They would have that option untouched, unchanged under this legislation.

The other is for the manager to decide what he is going to do and just do it. And if he did that, by the way, there is no problem with the National Labor Relations Act. He can be as dictatorial as he wants. There is no problem.

But if the manager says what we hope people would want to say in those circumstances, which is, sit down with a couple of your line supervisors, sit down with these folks and talk it over, come up with a couple of proposals, then come to see me about it and let us see what we can do, he is quite probably violating the National Labor Relations Act and we ought to change that. That is going on in tens of thousands of work places around the country and is quite probably illegal by virtue of several decisions, recent decisions of the National Labor Relations Board. That is why we need this bill.

The argument on the other side seems to be several-fold. I talked about a few of them earlier. One of them is, there is really no problem, we do not need to do anything.

Here is what Chairman Gould, the Chairman of the National Labor Relations Board, appointed by President Clinton 2 years ago said. Let me read this real slowly, specifically addressing this issue. He says: ''The difficulty here is that Federal labor law because, it is still rooted in the Great Depression reaction to company unions through which employers controlled labor organizations, prohibits financial assistance by employers to any labor organization that might affect employment conditions and additionally''—here is what he said the additional problem was—''the term 'labor organization' has been provided with a definition so broad as to include, potentially, employee quality work circles, other employee groups, 'teams,' and the like. Amendments to the NLRA that allow for cooperative relationships between employees and the employer are desirable.''

That is what we are trying to do with this legislation.

People say there is not any problem, take it up with the Chairman of National Labor Relations Board. He says there is a problem and so do the employees and the employers and the consultants who came and testified at these hearings.

The other objection to this was pretty well highlighted by my friend, the gentleman from Vermont [Mr. SANDERS]. He said basically: Look, the employers of this country are big corporations, and they are going after the people, and we cannot trust them. I think there is a mind-set on the part of some of my distinguished colleagues in this body that really we cannot ever have cooperation, that it is a sham, that employees cannot protect their own interests, that the alternative of a union is not good enough for them and that we have to keep people from cooperating like this because really it is not a good thing and it will only result in bad things.

I understand that mind-set and the sincerity of it. It does not reflect modern America. It does not reflect what people want to do. Let us let people do something that has increased employee satisfaction, that has made our economy more competitive with economies abroad and competitors abroad. Let us just allow people to do this without a fear that a 60-year-old statute may come in and stop them from doing

something that they like and that is good for America.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BECERRA].

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

Mr. BECERRA. Mr. Chairman, let us try to make sure one thing is clear in this debate, both those who support and oppose the bill. No one objects to employee involvement committees. In fact, I think everyone would agree that, if we are going to remain the supreme economic force in this world, we must promote harmony between employees and employers. That is not the issue here.

The issue is how you look at section 8(a)(2) of the National Labor Relations Act. Most folks do not take the time to read it, but if we take a close look, what we will realize is that section 8(a)(2) has been the pillar protecting American workers against sham union companies created by employers. Maybe that is not a problem now, but 60 years ago that was.

Now to eliminate that protection under 8(a)(2) concerns a great number of people, not because we have companies that are doing this the right way with their employees, it is because we still have companies that are not doing it the right way.

Do we need H.R. 743? No, we do not. We do not need H.R. 743 because, as the majority, the sponsors of this bill admit in their own legislation, 80 percent of all large employers are already using employee involvement committees and over 30,000 workplaces already use them.

We have them. They have been growing even after the case that has been cited so often, Electromation, as the cause of H.R. 743. What we do find, however, is that, if we provide an allowance to an employer, he or she may begin to deal with employees on issues of wages, of working conditions, of benefits, health care, for example, that why should the employer go to a union or to employees that want to be unionized when in fact they can create its own committee and claim that it is now dealing with an employee organization. Then we get into the situation of a sham union. That is what concerns so many of us.

We do not need to change section 8(a)(2) to allow for employee involvement committees. We have them. And we have them flourishing even after the Electromation case that is the supposed reason for this legislation. But what we do find is that there is an undercurrent to try to undo the protection for workers.

If a worker knows that there is an employee committee out there, the worker probably wants to participate. But if the worker cannot decide who will serve on that employee committee, cannot decide what the basis of consideration will be for that committee's work and cannot decide when and if someone can be removed because that committee is no longer representing employees, we find ourselves working with not an employee committee but an employer-created employee committee. That is what we want to avoid.

Working men and women have never said: Let us make the decisions for this company. We are the workers. But let us be productive and let us to the degree we can work together in making this company productive.

Do not let section 8(a) go. It has been the pillar of protection for workers against sham unions.

Mr. GOODLING. Mr. Chairman, I yield 1 minute and 30 seconds to the gentleman from Michigan [Mr. HOEKSTRA], a member of the committee.

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman for yielding time to me.

As chairman of the Subcommittee on Oversight and Investigations of the Committee on Economic and Educational Opportunities, this is one of the many areas that we have taken a look at. It is absolutely true that perhaps this was a problem 60 years ago. But today it is not a problem.

Today what we actually need to be doing is updating American labor law to not only enable American corporations and American employees to be competing in 1995, but we need to be laying out and creating the framework that these individuals and these corporations are going to be successful and are going to be creating world class jobs in America in the year 2000 and the year 2010.

Corporations and companies are participating in participative management. They are now doing it at their peril. Corporations in my district have been recognized consistently as being some of the best managed and the most innovative corporations in America. They have been recognized as some of the most innovative and some of the best world class corporations in the world because of this partnership that they have developed between employees and management.

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Mr. Chairman, when we go into these corporations, and we talk to management, they would like to do much more, their employees would like to do much more, but they are being constrained by the National Labor Relations Act. We need to make changes. This is a step forward, this is progress, this is going to help corporations and employees around the country.

Mr. CLAY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, much has been made today about a statement made that was uttered by the Democratic Chairman of the National Labor Relations Board. I would like to read into the RECORD what a former Chairman, Republican Chairman, of the National Labor Relations Board has said, and I quote. He says, and this is Mr. Edward Miller:

> If section 8(a)(2) were to be repealed—

And that is what this legislation would do—

> I have no doubt that in not too many months or years sham company unions would recur again.

He also said, Mr. Chairman, and I quote:

> . . . the so-called Electromation problem . . . is another myth. It is indeed possible to have effective [employee-involvment] programs . . . in both union and nonunion companies without the necessity of any changes in current law.

Mr. Chairman, I think that speaks accurately to this bill today. It tells us why it is not necessary, because it will permit those sham company unions.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, first of all I would like to indicate that what the whip said and what my good friend from North Carolina said is positively incorrect. There cannot be a cooperative committee at the present time, not particularly because of the law, but because of the interpretation of that law, and we believe that 85 percent of the employees who are nonunion should have the same opportunity to develop a cooperative workplace agenda with management as the other 15 percent do under organized labor.

Now it is very clear at the present time the interpretation is it is legal if employer management calls all the shots in the workplace. That is legal. It is legal if management wants to abdicate their decisionmaking responsibility and have employees call all the shots. That is legal. The interpretation, however, of the board at the present time is it is illegal if management and labor want to cooperate through a committee process to improve the quality, the safety, and the productivity of the workplace.

As it was mentioned before, and I quote Chairman Gould:

> But, whether it be financial or otherwise, assistance to any groups that are involved in employment conditions ought not to trigger an unfair labor practice proceeding under the National Labor Relations Act. Amendments to the act that allow for cooperative relationships between employees and the employer are desirable.

Mr. Chairman, let me emphasize just as much as I possible can that we do not, I repeat we do not, eliminate section 8(a)(2). Section 8(a)(2) is still there to stop sham unions. My colleagues have heard that mentioned over and over again.

Opponents of H.R. 743 argue that the bill would undermine unions or impede the ability of workers to organize. Mr. Chairman, the legislation we are considering today does neither of these things. H.R. 743 is very narrowly crafted to eliminate any threat to the well-protected right of employees to select

representatives of their own choosing to act as their exclusive bargaining agent. As reported by the committee, the bill specifically provides that it does not, I repeat ''not,'' apply in unionized workplaces thus ensuring that unions, and only unions, will speak for employees in those workplaces that are organized. This bill does not create any opportunity whatsoever for employers to avoid their obligation to bargain with unions.

Even in nonunion workplaces, the reported bill contains many provisions designed to protect the right of employees to elect union representation should that be desired. The bill provides that work teams or committees may not negotiate collective bargaining agreements, nor may they act as exclusive representatives of employees. Thus, employees who want independent representation through a union always retain that right no matter how many committees or teams exist in the workplace. No employee is denied the right to democratic representation, as many critics charge, under this bill. Beyond the provisions dealing with the role of employers in workplace organizations, the bill retains every protection in current law designed to safeguard the access of employees to independent representation.

Again, Mr. Chairman, when we look at what is happening with the 15 percent, and I can think of a company in my district where these committees work beautifully, management and labor together, as was mentioned over and other again, and of course they mention many of the big corporations which, in many instances, are unionized; the beauty of that operation is that in the one workplace they even determine, the employee, whether the bike goes out to be sold or not, but for the 85 percent in my area who are not union, they do not have that opportunity. They either have to hope that management gives them total control, or they are stuck with the fact that management legally can have total control.

So I would hope that we would put some of this nonsense to rest and give all 100 percent of our employees an equal opportunity to determine how things will be in their workplace.

Mr. CLAY. Mr. Chairman, I yield 3½ minutes to the distinguished gentleman from Missouri [Mr. GEPHARDT], the minority leader.

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

Mr. GEPHARDT. Mr. Chairman, I rise today to urge my colleagues to strike down the so-called Teamwork Act which in my view would deal a devastating blow to the working people of this country, and bring us back to a time when workers could be legally and openly exploited for the sake of a few corporate dimes,

My colleagues, even if the 104th Congress were to adjourn on this very day, without another vote, I believe this Congress would be remembered as the most antiworker Congress in the history of this country.

The fact is, at a time of declining wages and eroding job security, not only are the Republicans of this Congress failing to address the problem—they are actually making it worse.

They want to shred every last worker and workplace protection and on the alter of trickle-down tax cuts—lavishing more on those who already have the most, and taking it out of the hides of working families.

Why else would they oppose even a small increase in the minimum wage that is designed to make work pay more than welfare?

Why would we gut basic workplace safety laws that have protected tens of millions of workers from dangerous and even life-threatening abuse?

Why else would they cut back on enforcement of crucial wage and hour laws, which prevent hard-working people from being exploited on the job?

It does not take an economist to know that these cuts are regressive and wrong. Just consider this fact:

Corporate profits in the last 3 years have grown faster and larger than probably at any time in our history, and at the very same time wages have been falling by a greater rate than at any time in the last century. But this Republican Congress is not satisfied. They want to pass this so-called Teamwork Act which allows the kind of employer-dominated company unions that deny workers the freedom to represent their own interest fairly and independently.

Mr. Chairman, this bill would let employers and managers at nonunionized companies dictate the terms of all labor-management discussion and negotiations, even though we outlawed that kind of dictatorship 60 years ago because it led to rampant employee abuse and exploitation.

If this bill passes, tens of millions of Americans will be forced to abandon the basic rights and protection of real collective bargaining, and herded into these sham unions. In effect, they will surrender all power and independence to their employers, whether they want to do it or not.

The result would be a damaging downward spiral, and the kind of America we read about earlier in the century in Upton Sinclair's ''The Jungle'': even more of the kinds of workplace atrocities and sweatshop standards that we have strived to eliminate for nearly a century.

The Republicans will tell us that we need this legislation to get workers and managers to cooperate. But the fact is, hundreds of leading corporations, unionized or not, are models of cooperation already. We do not need this to get cooperation, and how can there be cooperation if one side has all the power, all the prerogatives, and all the authority?

Does anyone really believe that multinational corporations do not have enough power now? Or that workers' interests do not need to be defended or protected?

This bill should not be called the Teamwork Act, it should be called the Unfair Play Act.

If it was not clear already, it should be painfully clear today: the Republican agenda is an extreme agenda—a partisan package of perks for the few and punishment for the many. I say to my colleagues, if you're a corporate giant or a millionaire stock speculator, then you're in luck. But if you're a hard-working American family who's struggling to survive, then these kinds of actions are an absolute nightmare.

Let us stop this wrong-headed bill, and let us get back to preserving our basic commitment to the hard-working families of this country. They are the backbone of this country, they made this country great, and it is time to stand with them and fight for them rather than trying to erode the hard-earned rights that they have worked for all these years.

I urge my colleagues to defeat this bill.

Mr. CLAY. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Missouri is recognized for 30 seconds.

Mr. CLAY. Mr. Chairman, today we have heard that section 8(a)(2) is a product of the 1930's that needs to be updated. In fact, section 8(a)(2) dates from the 1770's, not the 1930's. It stands for the basic democratic principle that representatives should be responsible solely to those they represent. That principle is as valid today as it was in 1776 or in 1935, and I urge defeat of this bill.

Mr. POMEROY. Mr. Chairman, I rise today in strong opposition to the so-called TEAM Act.

Proponents of the TEAM Act claim that employer-employee cooperation is the objective of their legislation. But as even the supporters of the bill state, 80 percent of America's largest corporations already utilize employer-employee teams to improve workplace productivity. That fact is, current law allows the creation of employee involvement programs to explore issues of quality, productivity, and efficiency.

So if teamwork is the goal, then this legislation is simply redundant. Unfortunately, the details of this legislation reveal that its effects are much more serious.

The TEAM Act would fundamentally undermine the rights of workers by allowing companies to hand-pick employee representatives of their workers. The problem with such a situation is obvious to anyone who has ever held a job. All of us have known coworkers whose sole mission in life is to ingratiate themselves with the boss. In North Dakota, we call them brown-nosers.

Whatever you call them, these people are the obvious choice of employers to represent the workers. Why? Because they are beholden to and serve the interests of the boss. I do not know of a workplace in America that would freely elect a patsy of the employer to represent their economic interests.

So I urge my colleagues to vote for the Sawyer amendment, which clarifies the legitimate function of employee involvement programs to improve quality, productivity, and efficiency. But vote against this bill and preserve the right of workers to freely assemble, elect their own leaders, and promote their own economic interests.

Mr. SKAGGS. Mr. Chairman, I urge my colleagues to defeat this bill and protect the right of working Americans to elect their own representatives to provide fair and independent representation at the bargaining table.

Working people have not always enjoyed an independent voice on the job in this country. Until the passage of the National Labor Relations Act [NLRA] in 1935, workers were not guaranteed the right to organize, the right to bargain collectively, or the right to engage in peaceful strikes and picketing.

Employers effectively fought off the attempts of their employees to form independent unions by setting up sham unions. Sham unions were employee groups set up and controlled by management. The purpose of the sham unions was too give employees the false impression that management was bargaining in good faith with its employees.

Under these conditions, true arms-length bargaining between workers and management was not possible. The result was chaos in employee-employer relations. The economy and the social fabric of the country was torn apart by strikes and violent clashes between workers and management.

Senator Wagner of New York, who sponsored the NLRA, understood this. He believed that both the American economy and American society would improve if industrial relations were based on the same values as our democratic system of government. His vision was a system of collective bargaining in which workers and management would sit down as equal parties, each capable of protecting themselves from intimidation.

Wagner believed that ''the greatest obstacle to collective bargaining was employer dominated unions.'' To remove that obstacle, section 8(a)(2) of the NLRA makes it illegal for employers to ''dominate or interfere with information or administration of any labor organization or contribute to financial or other support to it.''

This protection has ensured that working people can elect their own representatives and organize without worrying about employer infiltration or meddling. It has given employees confidence that their interests are truly being represented in negotiations with management. The resulting peace between workers and management has contributed to the stability of the Amercan economy and to the prosperity that we have enjoyed since the Great Depression.

This measure risks undermining these fundamental protections in the NLRA by removing legal barriers which prevent companies from forming their own unions. it would amend section 8(a)(2) to allow employers to establish or participate in any organization or entity of any kind, in which employees participate, to address a range of issues including workplace conditions. The employee participation committees set up by employers could then be used by unscrupulous managers to bypass legitimate worker representative organizations.

There is nothing now in the NLRA that prevents employers and employees from working together in teams or legitimate cooperative arrangements as long as these arrangements do not act as a bargaining agent for workers. In other words—contrary to the claims of the supporters of this bill—there is nothing in the NLRA preventing management from setting up partnerships with labor to develop innovative and effective ways to improve workplace conditions and increase productivity. In fact, The National Labor Relations Board [NLRB], ruled in 1977 that employers have the right to set up work teams as administrative subdivisions if management decides that these units are ''the best way to organize the work force to get work done.''

The supporters of this legislation say that we need these reforms in labor law to deal effectively with the global economy of the 21st century. They say that we need to reform labor law to make it possible to have effective programs to involve employees in workplace initiatives. But in fact nothing in the current labor law invalidates employee participation in worker-management teams. The best proof of this is the number of employee involvement programs flourishing today. In fact, employee involvement is practiced in 96 percent of large firms today.

Just to make sure there was no question about this, the gentleman from Ohio, [Mr. SAWYER] offered his proposal to make more explicit that it is lawful to organize employee groups to address competitiveness issues. Unfortunately, the Sawyer amendment was defeated.

If the TEAM Act really is not about teamwork, why is it being pushed by the Republican leadership? The truth is that the Republicans do not really want to take us forward, they want to take us back in time. They want to give employers much of the power they had 60 years ago to enable them to break the efforts of workers to organize and have a voice to negotiate fair wages and decent working conditions.

If this measure ever became law, it would threaten to overturn the system of workplace democracy that has promoted industrial peace and economic prosperity for three generations in America. Senator Wagner said it best, ''The right to bargain collectively is at the bottom of social justice for the worker * * * The denial or observance of this right means the difference between despotism and democracy.''

The Republican leadership has initiated an all out assault on working American families. They have pushed legislation through this Congress to undercut health and safety regulations in the workplace. They have cut pension protection activities and wage and hour enforcement operations. Now they want to bring back company unions. Enough is enough. I urge my colleagues to vote against this authorization measure.

Mr. HOYER. Mr. Chairman, I rise in support of the Sawyer substitute to the TEAM Act which is before us today.

Over the past two decades, the American workplace has undergone significant changes. One of the most important of these is the recognition that often, company employees are the best experts on increasing efficiency, improving product quality, and implementing new, innovative ideas. If America is to compete in the global marketplace, management and labor must work together to tap this built-in reservoir of knowledge, using it to strengthen our Nation's economy, generate fair profit, and create jobs.

And across this country, companies are doing just that. More than 30,000 employers have instituted employee involvement plans, including more than 96 percent of large firms. Employee recommendations on a wide range of issues, both large and small, are contributing to company productivity, workplace safety, employee satisfaction, and the bottom line.

The authors of the TEAM Act state that companies are confused about what sort of employee involvement is permitted under the law. The TEAM Act authors ask Congress to legalize employee involvement. Clearly, employee involvement is currently legal. In fact, employee involvement is breaking out all over.

The TEAM Act would undermine, not improve, employee involvement in company decisions. Under the TEAM Act, employers would be permitted to establish company-controlled employee organizations. Not only does this fly in the face of 60 years of labor law, company control of these organizations contradicts the very premise of employee involvement: That the employees, who know the workings of the company as well as management, ought to be respected as full partners in efforts to improve them.

The TEAM Act is unnecessary and unwise. In attempting to address confusion in the area of what employee involvement teams are acceptable, it undermines the right of employees to select their own representatives in employer-employee bargaining situations. The Sawyer substitute, which I support, would clarify the range of acceptable employee involvement practices while preserving the spirit and the letter of employee self-representation. I urge my colleagues to vote yes on the Sawyer substitute.

Mr. CONYERS. Mr. Chairman, I grew up in a family that strongly supported the notion that working people ought to be able to join a union and have collective bargaining to determine their wages, benefits, and working conditions.

My father rose through the ranks of the United Automobile Workers, and when he retired, he was an international representative for the Chrysler Department at Solidarity House in Detroit, MI. So for me, nothing could be clearer, than the myriad problems that are presented with this legislation we are debating today. I have little inclination to further weaken the rights of America's working men and women, in terms with their relationship with their employer.

Proponents of this measure claim that the bill will promote a team-like relationship between management and labor. This legislation will not promote cooperation between management and labor, but rather undermine independent representation in the workplace.

This bill will create an unfair balance of labor relations in favor of management. Management will be able to determine the employees representative, write organization bylaws, and establish the organization's mission, jurisdiction, and function. This will take working Americans back 60 years, to the days when company unions were legal. In 1935, Congress enacted the provision of the National Labor Relations Act which specifically prohibited against employer-dominated worker organizations. We saw firsthand the dangers of company unions—we cannot afford to see them again.

The enaction of this bill would be devastating to the state of the American work force. While productivity and corporate profits are up, wages for the majority of American workers continue to decline. Workers must take on second and third jobs just to provide for their family the same as they did 20 years ago. The Team Act would further limit the workers' voice during bargaining, leaving union and nonunion workers in worse shape. It is no wonder that this bill has virtually no support from workers—it is unfair and undemocratic.

I ask that two letters be included with my comments. These letters are from people who certainly understand the potential dangers of this legislation. One is from Joseph Lyscas, from Shopmen's Local Union No. 508, of the International Association of Bridge, Structural and Ornamental Iron Workers Union, in Dearborn Heights, MI. The other letter is a gentle reminder of the president of local 26, of the United Food and Commercial Workers, Mr. James Franze.

I urge my colleagues to reject this unfair legislation.

SHOPMEN'S LOCAL UNION NO. 508,
INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCTURAL AND ORNAMENTAL IRON WORKERS, AFL–CIO,
Dearborn Heights, MI, September 26, 1995.

Representative JOHN CONYERS, Jr.,
House of Representatives, Washington, DC.

HONORABLE JOHN CONYERS, JR.: As a strong supporter of yours for years, we are requesting that you vote no on H.R. 743. Teamwork For Employees and Managers Act of 1995 (''Team-Act'') on Wednesday, September 27, 1995.

H.R. 743 is another union busting scheme designed by the Republican House Leadership. Section 8(A)2 of the National Labor Relations Act prohibits employer-dominated worker organizations. The Team-Act would change Section 8(A)2 by allowing management to create the types of employer-dominated entities. The original law was designed to prohibit, specifically ''Company Unions''. It would not foster cooperation, but would perpetuate dysfunctional work relationships, and would threaten basic collective bargaining rights. In short, the legislation would limit the basic worker rights of independent employee representation.

The Team-Act promotes a brand of ''Company Unionism'' that was outlawed over sixty (60) years ago. This legislation will not promote cooperation between management and labor, but rather undermine independent representation in the workplace.

We have every confidence you will vote no on H.R. 743 and do what is right for Michigan's working families.

Sincerely yours,

JOSEPH F. LYSCAS,
Business Agent,
Shopmen's Local Union No. 408.

LOCAL 26, UNITED FOOD & COMMERCIAL WORKERS, AFL–CIO,
Detroit, MI, September 22, 1995.

Congressman JOHN CONYERS,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN CONYERS: The 2500 members and registered voters of UFCW Local 26 strongly urge that you and your colleagues protect independent representation in the workplace and vote against H.R. 743, the TEAM Act, when it comes to the House floor Wednesday, September 27. UFCW Local 26 and the UFCW International, which represents 1.4 million members, will be watching to see how you vote on this crucial legislation.

Sincerely,

JAMES V. FRANZE,
President.

Mrs. SMITH of Washington. Mr. Chairman, I am glad that the Congress is taking up the issue of high performance teams in the workplace. I have had an opportunity to work with some of the most knowledgeable people on this subject, the hardworking members of the AWPPW. These hardworking men and women have forged good teamwork relations at the James River's Camas mill to boost production, cut costs, improve working conditions and move their company into a better competitive position. Because they are unionized, the National Labor Relations Act allows them to form teams to improve their working conditions and improve their company's competitive standing.

Hundreds of thousands of American workers are denied the benefit of becoming involved in the decisionmaking process in the workplace because the National Labor Relations Act does not recognize their right to take part in the team process because they are not a part of a union. Every American, union member or not, should have a fundamental right to be more than a worker for their company. They deserve the right to be part of the success of that company. The Team Act will allow them to do so by giving employers and employees the right to address critical issues in the workplace and an ad hoc or more formal basis. We cannot miss this opportunity to empower employees by giving them a voice in the workplace through employee involvement in high performance teams.

The Team Act is not a tool to be used to deprive workers of their fundamental right to be represented by a union and people of their choice. The Petri amendment assures us that teams cannot be formed in union shops without the consent of the union. Many workers I know have welcomed the formation of teams. No longer must they wait the next collective bargaining round to recommend better safety measures or work processes. No longer must they struggle through the bureaucracy of their union or the bureaucracy of their company to better their lives and the productivity of their workplace. Now, because of labor's involvement, the Petri amendment guarantees organized labor's rights will not be diminished in union shops. I believe that it is the intent of the Team Act to promote better efficiency and cooperation in the workplace. We can do this with labor and management working together.

Mr. MARTINEZ. Mr. Chairman, I rise in opposition to this bill.

Mr. Chairman, this bill was written to suppress the rights of workers. What is worse is that the one case that they cite as an example of the need for this legislation, electromation, was one of the most glaring abuses of workers' rights that has come before the NLRB in a long time—so glaring that all five of the Reagan-Bush appointed board members voted against the company, a decision confirmed by the Seventh Circuit Court of Appeals.

There is nothing in the law or the policy of the NLRB that threatens or discourages employers from forming work improvement teams. The law does allow, and there do exist, employee groups for those purposes in both unionized and nonunion workplaces.

This amendment to the National Labor Relations Act, however, would change that and would give employers greater capacity to discourage employees from organizing themselves.

That fits in with the notion that some employers and some Members of this Congress have that unions are inherently evil and must be destroyed.

Mr. Chairman, I was the owner of a small business before coming to Congress, one where I was quite successful, and where I had assembled a cadre of employees with whom I worked closely to ensure that they were successful as well. Before I created that business, I was an ordinary worker, both in union and nonunion settings. As a business owner and as a worker, I recognized the benefits of cooperation in the factory.

Cooperative approaches to day-to-day work leads to more acceptance of the rules and less contention in the shop.

If workers are offered the opportunity to make suggestions, communicate their concerns, and explore their ideas, both workers and management will benefit.

And, we are told, since the 1970's the number of cooperative working arrangements that exist in America's workplaces has exploded, over 30,000 employers, 96 percent of the country's largest companies, use some form of teamwork in their operations.

To say that there is a chilling effect on the formation and continued operation of these cooperative working groups because of the very few cases that have arisen in the past 20 years is simply not supported by the facts.

Remember the avowed purposes for this act? ''To protect legitimate employee involvement programs, from governmental interference.''

Well, I submit that the bill goes well beyond those purposes.

Legitimate employer involvement programs, those that do not abridge the rights of employees under collective bargaining agreements, are already legal under the National Labor Relations Act.

There is no need for this bill to protect legitimate programs.

This bill, I submit, protects illegitimate programs, those that are the equivalent of company unions about which my father and many other fathers warned us.

Company unions formed and nurtured by employers who would emasculate their workers and keep them in substandard workplaces, with no benefits.

Another avowed purpose is to preserve existing protections against deceptive and coercive employer practices but there is nothing in the bill that protects employees at all.

The third purpose says it all: ''To allow legitimate employee involvement programs, in which workers may discuss issues involving terms and conditions of employment, to continue to evolve and proliferate.''

Whenever employees meet with employers to discuss terms and conditions of employment, there is the potential for conflict.

As a worker, the employee wants more pay or more benefits as a condition of continued employment.

Management, on the other hand, wants to keep its labor costs low.

That is the nature of the workplace.

To say that management should be able to form teams, select the members of those teams, both management and worker members, and set the agenda for the team, this is

clearly a company union that Senator Wagner argued so forcefully against at about the time I was born.

The conditions have not changed in my lifetime.

The Wagner Act has stood the test of time, it has enabled both management and labor to meet and negotiate on a level playing field.

Rather than empowering employees to cooperate with management, this TEAM Act will drive a wedge between management and labor and will, I predict, lead to the greatest labor strife we have had since the Second World War.

This is a bad bill, vote against it.

Mr. VENTO. Mr. Chairman, I rise in strong opposition to the pending legislation. H.R. 743 is an unneeded intrusion into worker-management relations that so corrupts the negotiation process to make it virtually meaningless.

Once again, the Republican majority party in this House seeks to roll back the rights of working men and women and once again they claim that that is not the case.

The proponents of H.R. 743 claim that this legislation is needed to overturn a National Labor Relations Board decision. However, the facts indicate that this legislation is not needed. Such organizations continue and the number of businesses utilizing them is growing. As the statement of findings in this very legislation points out, employee involvement programs have been established by over 80 percent of the largest employers in the United States. In addition, such activities are ongoing today and the Court of Appeals decision, which upheld the NLRB, specifically stated that its ruling ''does not foreclose the lawful use of legitimate employee participation organization.'' However, these communication activities must not and should not interfere with the National Labor Relations Act.

Unfortunately, the real effect of this legislation is to permit employers to impose on their employees worker representation organizations under the employers' control. This bill harkens back to the earlier history of company-controlled unions. These organizations can then be used to impede employee efforts to organize or undermine the authority of an existing union. In essence, this proposal will destroy the fragile balance between employee rights to organize and bargain collectively and employer-employee communications.

American businesses and workers face many challenges in the international marketplace. In order to remain competitive, a spirit of cooperation between employers and employees must be the hallmark of operations. However, the reestablishment of these corporate unions will not accomplish that goal. Instead these employer dominated unions would drive a wedge into employer-employee relations, co-opting the formal tenants of the National Labor Relations Act in the name of harmony. In the end hurting working families and creating mistrust.

Mr. Speaker, in a 1989 joint session of the House and Senate, the American people heard Lech Walesa, then chairman of Solidarity, speak about the long and successful struggle of the Polish workers against the totalitarian, communist regime in Poland and the victory of democracy in all of Central Europe. In that moving address, Chairman Walesa thanked the American people and Congress for our support and assistance. He spoke of the United States as a beacon of freedom for working men and women worldwide. He spoke of the moral support that Americans provided. He spoke of President Bush, speaking in Gdansk in front of the Fallen Shipyard Workers Monument, and sending a message to Polish workers that the American people strongly supported their right to organize and to oppose company and party controlled unions.

Today, the Republican majority, with this legislation, is dimming the American beacon of freedom and the rights of American working men and women, setting back what has offered hope around the world to working families. By enshrining business controlled unions with a congressional seal of approval, the Republicans are seeking to stifle American working men and women and to deny them the right to legitimate union representation. I urge my colleagues to reject this bad retrenchment in workers rights and to respect the rights of the millions of working families we in Congress represent. I urge the defeat of H.R. 743.

Mr. STOKER. Mr. Chairman, I rise today in strong opposition to H.R. 743, the Teamwork for Employees and Managers (TEAM) Act. Under the current Republican leadership in the Congress we have been faced with an unprecedented amount of legislation that negatively affects the rights of working Americans.

Unfortunately, in the rush to pass legislation implementing the Republican ''Contract With America,'' there has been little time to analyze and consider the implications of these bills. From challenges to collective bargaining rights in the repeal of section 13(c) of the Federal Transit Act to efforts to weaken workplace safety requirements in H.R. 5, the Unfunded Mandates Reform Act, a clear pattern has emerged that is clearly hostile to the American worker.

Today, the House is considering H.R. 743, the ''Teamwork for Employees and Managers Act.'' This measure is designed to amend section 8(a)(2) of the National Labor Relations Act (NLRA) to greatly expand employers' abilities to establish employee involvement programs. Section 8(a)(2) of the NLRA states that it is an unfair labor practice for an employer to dominate or interfere with the formation or administration of any labor organization. This provision protects employees from the practice of an unscrupulous employer attempting to create company, or sham, unions, although H.R. 743 does not state an intent to repeal the protection provided by section 8(a)(2), H.R. 743 would undermine employees protections in at least two key ways. First, the bill would permit non-union employers to establish company unions. Second, it would allow employers to establish company-dominated alternative organizations designed to undermine employee self determination. Unfortunately, the amendment of section 8(a)(2) represents a clear and unrestrained attack on the working men and women of this country.

Mr. Speaker, the scope of this legislation is tremendous, H.R. 743 would be applicable to approximately 90 percent of all American workers. The large reach of this bill will ensure that two sets of workplace rules are established, one for unionized firms and another for non-unionized firms. Under current law, this two-tier set of rules is not permissible or desirable. We should maintain our current commitment to employee independence and democracy protected by section 8(a)(2). We should not enact laws that experience has demonstrated would simply be disadvantageous to the Nations working people and workplace democracy.

Contrary to the claims of the new Republican majority that the amendment of section 8(a)(2) will result in cost savings and increased efficiency, the majority's real objective is to take away from the American worker the rights and privileges they have worked so hard and so long to achieve. I have been a consistent and steadfast supporter of greater flexibility and improved management techniques in the workplace. To be more competitive and effective in domestic and international markets industry should strive to incorporate innovative thinking. But the price for this innovation should not be the basic rights of American workers. Under current law, the creation of employee involvement programs that explore issues of quality, productivity, and efficiency, with the appropriate precautions is not only permissible but is strongly encouraged.

Section 8(a)(2) in no way prohibits employee involvement; the law merely establishes a single ground rule by making it unlawful for an employer to involve employees in dealing with wages or other terms of employment through an employer-dominated employee organization or employee representation plan. Employer-dominated representation in dealing with employment conditions is thus the only form of employee involvement prohibited by section 8(a)(2). All other types of employee involvement programs, including for example work teams, quality circles, suggestion boxes, or other communication devices are entirely lawful under current law. The fact is that H.R. 743 goes well beyond its legitimate objectives, and ignores the fact that a less intrusive means to achieve the same goal exists now.

Mr. Speaker, there is no doubt that section 8(a)(2) now under attack has helped maintain a workplace environment conductive to progress in the areas of job security, fair wages, and working conditions for thousands of America's union and non-union workers alike. H.R. 743 is a one-sided bill which, if amended as proposed, would tilt the scales in the favor of any anti-union employer that wants to exploit this proposed legislation. This legislation overturns well settled labor law. The delicate balance between labor and management that has been fashioned over the years will be upset by this legislation, because it gives employers the ability to control all aspects of workplace decisionmaking.

Beyond the fact that the section 8(a)(2) has been good for America, it has also proven to be the right thing to do. The rights of workers to choose whether or not to—and how to—organize themselves is essential to the American labor force. The rights of union and non-union workers to choose their representatives is fundamental. With limited opportunity for debate and hearings this amendment of the section 8(a)(2) is clearly an unjustifiable circumvention of the procedures of the U.S. House of Representatives. This attempt to short circuit the process can only have one result, the compromise of not only the rights of American workers but also the rights of the entire American public.

Mr. Speaker, in closing, H.R. 743 reflects my colleagues' desire to sacrifice the interests and obligations of this country to the working men and women of America in exchange for

short-term gain and inequality. I urge my colleagues to vote against this bill.

Ms. PELOSI. Mr. Chairman, I rise today to oppose this legislation. This legislation will actually legalize employer domination of worker organizations and represents a return to the bad old days of company unions.

Under this bill, corporate chieftains would be entirely free to create, mold, and terminate employee organizations dealing with wages, benefits, and working conditions. This bill allows management to select employee representatives, determine the employee organization's governing structure, and establish the employee organization's mission. Where is the worker's voice?

Furthermore, the bill gives employers the unfettered right to fashion employee organizations to the employer's own liking, and to disband them if and when the employer chooses.

Mr. Speaker, when the National Labor Relations Act became law, it stood for the fundamental proposition that representatives of working men and women should be exclusively responsible to those they represent. If they are responsible to management, they cannot be an independent voice for workers.

In a Congress where the majority party has attempted to eliminate OSHA and defund the NLRB, H.R. 743 represents yet another attack on our Nation's working people.

I urge my colleagues to honor their working constituents and vote ''no'' on H.R. 743.

Mr. BROWN of California. Mr. Chairman, I rise today in strong opposition to H.R. 743, the so-called TEAM Act.

Although the bill's name appears to promote collaboration between labor and management, in reality I believe that it would undermine the right of workers to form their own independent organizations.

I support the idea of creating workplace productivity teams. It's clear that such labor-management cooperation is necessary so that American workplaces continuously improve and increase productivity and worker satisfaction. However, I strongly believe that such teams should be convened through the chosen organizations of workers.

As the TEAM Act stands, I am afraid that it would cause unnecessary friction in labor-management relations in our Nation. Employers would be given carte blanche to pick and choose which employees will serve on employer created committees, control the agenda, and basically gag employee rights to represent themselves freely and independently. In effect, this bill would return the American worker to an era governed by employer dominated ''company'' unions.

The guaranteed protection of workers' rights to form independent labor organizations is essential both to guarantee that employees enjoy the democratic right to choose their own representatives, and to assure that a chosen employee representative is accountable only to the union he/she represents.

When it originally enacted the National Labor Relations Act [NLRA] in 1935, Congress made a pact with American workers. In this pact Congress declared, in no uncertain terms, that when it came to balancing the interests of employers and workers it should not be one sided. A specific prohibition against employer dominated worker organizations was thus included as a cornerstone of the NLRA.

The fact is that real labor-management cooperation is designed to promote quality and productivity, and Congress has long recognized that to allow employers to completely dominate workers is fundamentally antidemocratic and contrary to basic American values and beliefs.

Mr. MORAN. Mr. Chairman, I agree that we need to give businesses the flexibility to creatively address the problems that occur in today's workplace. Unfortunately, this legislation's bottom line is that management will have carte blanche authority to create, mold, and terminate employee organizations dealing with issues such as wages and benefits.

The amendment that I offer does not affect the tens of thousands of currently existing employee involvement groups. It does require that groups formed to discuss terms and conditions of employment be democratically elected.

Employee involvement groups have been successful at developing creative solutions in a flexible environment. Such issues as wages and benefits, however, deserve a higher level of scrutiny. My amendment provides that higher level of scrutiny. If management wants to create a group to discuss such issues, it can not pick the employees' representatives.

The National Labor Relations Act does not allow these groups to discuss terms and conditions of employment. The TEAM Act would abolish this restriction and allow employee involvement groups to address any topic. The Sponsors of this bill will tell you that this change is necessary to remove an obstruction to greater productivity, and that without it's removal American businesses will fall far behind their foreign competitors.

This portion of the National Labor Relations Act was enacted in 1935 to abolish sham unions. Sham unions flourished in the 1920's and 1930's, but they are not a thing of the past. The courts in this country see dozens of sham union cases each year. The statute we are replacing today is the only mechanism preventing the formation of sham unions.

Former NLRB Chairman Miller, now an attorney representing management interests, recognized this. He said ''If [this section] were repealed I have no doubt that in not too many months or years sham company unions would again recur.''

As the Congress proceeds to change labor law, we must not deprive workers of the basic right of choosing their own representatives. My amendment allows employee involvement groups to discuss these issues, and it guarantees fairness by requiring elections.

Ms. BROWN of Florida. I rise in opposition to the Teamwork for Employers and Managers [TEAM] Act. The so-called TEAM Act is anything but a team act.

This one-sided bill would dramatically tip the scales in management's favor by allowing them to create, mold and terminate employee organizations at will. The result would be devastating for workers in existing unions.

The TEAM Act would, by allowing company unions, deny fundamental democratic rights that employees currently enjoy, both union and nonunion workers.

The employee organizations created by management under TEAM Act would be under the total control of management, allowing them complete control over the workers in the employee organization.

Under TEAM Act, any understanding between employers and employees would not be legally binding, so the employer could rescind any agreement at their discretion.

Mr. Chairman, this is a bad bill. I urge my colleagues to vote against the TEAM Act.

Mr. TORRES. Mr. Chairman, the so-called TEAM Act would deny employees one of their fundamental rights under the National Labor Relations Act, which is the right to be represented by their own, independent representatives, who are accountable only to the employees, in their dealings with management regarding the terms and conditions of their employment.

This right has been established through a historic process of workers struggles. This right, which would now be abrogated by the TEAM Act has been a cornerstone in the legislation which as provided industrial democracy and true teamwork since its enactment.

This legislation, if enacted, would return this country to the laizze-faire, industrial practices of the 1920's and 1930's, in that it would open the doors for companies to form ''company'' associations whenever they felt the need to do so.

Feeling confident of their vote majority in the House of Representatives, the Republican leadership, with this legislation, is continuing its assault upon the institutions and protections of working Americans.

Current efforts to correct deficiencies in H.R. 743, specifically the Petri amendment perpetuate the antiworker democracy provisions of the TEAM Act, and leaves in place the anticollective bargaining implications of H.R. 743.

This legislation will provide valuable assets to those who seek to teardown the legal protections which have provided a level playing field in the area of worker and management relations.

This legislation is one more effort by the new Republican majority to dismantle protections which have been established over the past sixty years for working Americans. This legislation is a key plank in the Republicans radical and revolutionary efforts to bring down working American's wages and benefits, to compete with Third World economies.

The Team Act is bad legislation, will be used against the legitimate democratic rights of American workers, will further the polarization of employees against employers. It is written in words which appear to represent the needs of workers, but in fact is a trojan horse which will further dismantle working American's protections and rights.

For the sake of balance and fairness in the American workplace, I urge you to defeat this bad bill.

Mr. LIPINSKI. Mr. Chairman, I rise today in opposition to H.R. 743, the so-called TEAM Act. This bill would fundamentally change the National Labor Relations Act by amending section 8(A)(2), which makes employer-dominated workplace committees illegal.

Supporters of the TEAM Act claim that this bill is necessary for businesses to encourage employee involvement in labor-management work teams. There is no doubt that teamwork is key to successful efforts to design, manufacture, and deliver new and improved products and services. However, close to 30,000 employee involvement programs already exist in businesses throughout the Nation. There is nothing in the law that prevents employers from forming cooperative labor-management committees.

What section 8(A)(2) does prohibit is an employer organization that dominates or interferes with an employee organization that deals

with the employer on terms and conditions of employment. This restriction is a fundamental feature of American labor law, established to ensure employee independence and freedom. By removing the protection of section 8(A)(2), employers would be able to form employee organizations that would address terms and conditions of employment, such as wages, hours, and work conditions. Employers would also be able to select its leaders and dictate exactly which issues would be discussed.

In effect, employees would lose their democratic rights in the workplace. Their right to organize would seriously be impeded. Under employer-dominated organizations, they would no longer be able to chose their own representatives. They would not even be able to decide which issues of concern would be discussed. This is not employee involvement—it is employer control.

By allowing employer dominated employee organizations, the TEAM Act will simply place yet another barrier between employers and workers who want to have a true voice on the job. Only when employee representatives are free from employer manipulation are the interests and concerns of the represented thorougly and adequately voiced.

The TEAM Act is an unwarranted piece of legislation that will once again silence workers, bringing back sham company unions to the American workplace. We cannot afford to regress back to the days when workers had no rights. Please join me in opposition to H.R. 743, the TEAM Act. Thank you.

Mr. ROEMER. Mr. Chairman, I rise in opposition to H.R. 743, the Teamwork for Employers and Managers Act. This legislation grew out of a 1992 National Labor Relations Board decision involving the Electromation case in Elkhart, Indiana, which is located in my District. It was this case that refocused attention on the National Labor Relations Act and employee involvement programs. Sponsors of legislation argue that it is this case that clearly points out the need for change in the current law.

The Electromation case arose when new management of the company decided to alter wage increases for employees. Within 2 weeks of the changes, a group of employees submitted a petition to management protesting the loss of benefits while at the same time, employees sought to form a union to represent their interests. In response to the employees' action, the company formed five Action Committees and selected the employees who were to serve on the committees and decided the areas of each committee's jurisdiction. The company established the size, responsibilities and goals of each committee and decided when the committees would meet. The committees had no authority to implement decisions, rather, they could only draft proposals for management's acceptance or rejection.

The case went before the National Labor Relations Board, which was composed of 5 members appointed by President Reagan and Bush. The board unanimously decided that the company had violated Section 8(a)(2) of the National Labor Relations Act which prohibits an employer from dominating or controlling the employee representatives who deal with management on employee wages or other terms of employment. In 1994, the U.S. Court of Appeals for the Seventh Circuit unanimously affirmed the NLRB's decision.

Mr. Chairman, the proponents of H.R. 743 maintain that Section 8(a)(2) prevents or inhibits cooperative labor-management efforts to make the workplace more productive. There is nothing in the current law that prohibits legitimate labor management cooperation. In fact, there are tens of thousands of these labor-management cooperation programs in existence today. The proponents argue that a change in the law is necessary to enable employers to establish work terms or legitimate labor management cooperation programs.

As the minority views in the Committee's report on H.R. 743 so clearly point out, "we believe that this Nation must prosper in an increasingly competitive and information driven economy where, at every level of a company, employees must have an understanding of, and a role in the entire business operation. Moreover, in order to deal with the globally competitive economy of the 21st Century, it is important that U.S. workplace policies reflect a new era of labor-management relations—one that fosters cooperation, not confrontation".

H.R. 743 does not promote an atmosphere of cooperation in the workplace. Rather, it would undermine the rights of workers and the efforts to achieve real "teamwork" in the workplace. I urge my colleagues to vote against this legislation.

The CHAIRMAN. All time for general debate has expired.

The Committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule each section is considered read.

During consideration of the bill for amendment the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD.

Those amendments will be considered read.

Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Teamwork for Employees and Managers Act of 1995".

The CHAIRMAN. Are there any amendments to section 1?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. SAWYER: Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Teamwork for Employees and Managers Act of 1995".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the escalating demands of global competition have compelled an increasing number of employers in the United States to make dramatic changes in workplace and employer-employee relationships;

(2) such changes involve an enhanced role for the employee in workplace decisionmaking, often referred to as "Employee Involvement", which has taken many forms, including self-managed work teams, quality-of-worklife, quality circles, and joint labor-management committees;

(3) Employee Involvement programs, which operate successfully in both unionized settings, have been established by over 80 percent of the largest employers in the United States and exist in an estimated 30,000 workplaces;

(4) in addition to enhancing the productivity and competitiveness of businesses in the United States, Employee Involvement programs have had a positive impact on the lives of such employees, better enabling them to each their potential in the workforce;

(5) recognizing that foreign competitors have successfully utilized Employee Involvement techniques, the Congress has consistently joined business, labor and academic leaders in encouraging and recognizing successful Employee Involvement programs in the workplace through such incentives as the Malcolm Baldrige National Quality Award;

(6) most employers who have instituted legitimate Employee Involvement programs have done so in order to enhance efficiency and quality rather than to interfere with the rights guaranteed to employees by the National Labor Relations Act; and

(7) the prohibition of the National Labor Relations Act against employer domination or interference with the formation or administration of a labor organization has produced some uncertainty and apprehension among employers regarding the continued development of Employee Involvement programs.

(b) PURPOSES.—The purpose of this Act is—

(1) to protect legitimate Employee Involvement programs against governmental interference;

(2) to preserve existing protections against deceptive, coercive employer practices; and

(3) to promote the enhanced competitiveness of American business by providing for the continued development of legitimate Employee Involvement programs.

SEC. 3. EMPLOYER EXCEPTION.

Section 8(a)(2) of the National Labor Relations Act is amended by striking the semicolon and inserting the following:

": *Provided further,* That it shall not constitute or be evidence of an unfair labor practice under this paragraph for an employer to establish, assist, maintain, or participate in—

"(i) a method of work organization based upon employee-managed work units, notwithstanding the fact that such work units may hold periodic meetings in which all employees assigned to the unit discuss and, subject to agreement with the exclusive bargaining representative, if any, decide upon conditions of work within the work unit;

"(ii) a method of work organization based upon supervisor-managed work units, notwithstanding the fact that such work units may hold periodic meetings of all employees and supervisors assigned to the unit to discuss the unit's work responsibilities and in the course of such meetings on occasion discuss conditions of work within the work unit; or

"(iii) committees created to recommend or to decide upon means of improving the design, quality, or method of producing, distributing, or selling the employer's product of service, notwithstanding the fact that such committees on isolated occasions, in considering design quality, or production issues, may discuss directly related issues concerning conditions of work: *Provided further,* That the preceding proviso shall not apply if—

''(A) a labor organization is the representative of such employees as provided in section 9(a);

''(B) the employer creates or alters the work unit or committee during organizational activity among the employer's employees or discourages employees from exercising their rights under section 7 of the Act;

''(C) the employer interferes with, restrains, or coerces any employee because of the employee's participation in or refusal to participate in discussions of conditions of work which otherwise would be permitted by subparagraph (i), (ii), or (iii); or

''(D) an employer establishes or maintains an entity authorized by subparagraph (i), (ii), or (iii) which discusses conditions of work of employees who are represented under section 9 of the Act without first engaging in the collective bargaining required by the Act: *Provided further,* That individuals who participate in an entity established pursuant to subparagraph (i), (ii), or (iii) shall not be deemed to be supervisors or managers by virtue of such participation.''.

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Mr. SAWYER. Mr. Chairman, the proponent of the Teamwork Act has stressed today how important it can be to long-term competitiveness. I completely agree. It is important to repeat again, though, that managers and employees can presently exchange ideas on efficiency, productivity, or other competitiveness issues.

However, I understand the argument that discussions of improving workplace output may be tied to those subjects which employers and employees cannot currently talk about outside of the collective-bargaining process, subjects like wages and hours and other terms and conditions of work.

For that reason, Mr. Chairman, I rise today to offer a substitute to H.R. 743 which would clarify that a team's discussions of competitiveness issues are absolutely legal, even if its members from time to time talked about conditions of work that were directly related to the team's primary task of improving competitiveness. Sometimes, Mr. Chairman, they are simply inextricable in the modern workplace.

I believe it provides employers with areas of far greater legal certainty and would protect both workers' rights and the vast majority of more than 30,000 employee involvement structures in America today. My substitute bill would not apply to unionized workplace, but the purpose of 882 is really to protect workers who do not have that kind of representation. It is nonunion members who lack that strength who are the workers most threatened by the prospect of company unions.

My substitute embodies the principal recommendation on the issue of workplace cooperation of a bipartisan panel of labor law experts headed by President Ford's Labor Secretary, John Dunlop. In its final report, the Dunlop Commission recommended that nonunion employee participation programs should not be unlawful simply because they involve discussions of terms and conditions of work or compensation, where such discussion is incidental to the broad purposes of those programs.

H.R. 743 would undoubtedly allow these discussions as well. I take no issue with that. Unfortunately, it would also allow conditions of work to be the sole focus of workplace teams, and this simply goes too far. It would give a few perhaps unscrupulous employers a powerful tool to undermine employee efforts to obtain independent representation. This is not just my view. The Dunlop Commission also concluded that employee participation programs, and I quote, ''are not a forum of independent representation for employees and thus should not be legally permitted to deal with the full scope of issues normally covered by collective bargaining.'' I recognize that the legality of some teams under current law is not entirely clear.

I also understand the desire of employees to have greater certainty about the legality of their terms, so I offer this substitute in an attempt to provide statutory guidance to the NLRB, which defines areas in which workplace discussions of conditions of work should be legal and appropriate, and can be.

Mr. Chairman, some of the members of the team coalition are, of course, interested in how their particular member companies would benefit if the TEAM Act passed. They have no particular reason to be concerned with potential abuse by less principled employees. I am first to concede that those who are the strongest advocates for this measure are well intentioned. They have no reason to be concerned with those abused by less principled employees, but we must be. That is why this debate cannot be about individual cases or individual companies.

The central question is not whether some good things might happen if the TEAM Act is passed. Good things would happen. That is very clear. Good things are happening now under current law in over 30,000 workplaces across the Nation. The central question which my substitute seeks to address is whether we can promote workplace cooperation in a way that will not invite the kind of abuse that gave rise to this law 60 years ago.

This measure ought to be looking toward the future, and not simply back 60 years. I believe that we can, so I offer this substitute as an attempt. I urge my colleagues to support it.

Mr. FAWELL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment has a surface appeal until one just centers upon what this issue is all about. One has to begin with the assumption that there is no reason at all why, in the nonunion setting, employee teams cannot talk to their employers on any subject. On any subject. That also includes terms and conditions of employment. We cannot define terms and conditions of employment when we come right down to it.

The National Labor Relations Act has, from time to time, in construing conduct under union law, pretended to unions that workplace health and safety, rewards for efficiency and productivity, work assignments, compensation, work rules, job descriptions and classifications, production quotas, use of bulletin boards, workloads, scheduling, changes in machinery, discipline, hiring and firing, promotions and demotions, these are all conditions, terms and conditions of work. There are many, many more.

What the amendment is now basically trying to do is to come in and, from my viewpoint, produce many union restrictions and constrictions upon the exercise of the rights of free people as employees to simply negotiate and interact with their employer. They can do that now. As has been said, it is flourishing rather well. The problem is there are corporations like Polaroid, Donnelly, others that have been named, the best employers in America, who are being dragged before the NLRB, and because, unfortunately, there is an interpretation that there were terms and conditions of employment, when some team of employees was interacting with the employer, bango, that is an unfair labor practice: ''You cannot do that, only unions can do that.''

But look, these employees obviously can opt to join a union, to petition for a union in the workplace. If those employee groups are not working, if they are not going well, if the employer is being a dictator, if he is taking advantage of the people, we have not gotten rid of the sham corporation law. We have not repealed 882. We have only tried to carve out an exception, which is common sense, to say that when employers and employees, and it is really a bill of rights for employees, that when they get together and say, ''Yes, why don't we sit down with the head of the department and try to work something out,'' that they can do it.

My good friend, the gentleman from Ohio [Mr. SAWYER] who has an all-American name and is an all-American person, and a fine person, what he is doing here, he is going to start saying, ''There are going to be certain types of these groups. If it is entirely employee-controlled, OK, you can do anything you want, but if it is a supervisory-managed work unit, watch out, watch out. But what we are going to do, we are going to let you occasionally discuss conditions of work when it might be relevant to the subject matter,'' you see.

Here we go. Who is going to supervise this? I suppose the National Labor Relations Board now? Are we going to get all kinds of new rules and regulations? What are we doing? Stop and think of what we are doing. We are now saying, let us say a group of women who get together and they want to call upon a department head and sit down and work with them, they would say no. Now see what we are doing? We are beginning to restrict, constrict, dictate. We are going to have amendments that say ''There have to be elections, too.''

What, NLRB elections to determine whether an ad hoc business employee group can get together? These groups' common goal, they are up one month, they are gone the next month. You have changing membership, you have changing chairmen or chairwomen. This is completely impractical. It guts the bill, because nobody in business would want to have this legislation. They are better off now, at least as long as they do not get caught, and so far the NLRB has zeroed in on major targets. But as has been said, it is otherwise flourishing. It is flourishing because it is cooperation.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FAWELL] has expired.

(By unanimous consent, Mr. FAWELL was allowed to proceed for 2 additional minutes.)

Mr. FAWELL. Mr. Chairman, what we have right now is cooperation. It is there. It is working. Congress should not get in the way and screw things up and start micromanaging. It is employees and employers working together. It can happen. If it does not work out, they can go and a union will be organized, as has been said. If they bungle the job, then we will find employees that are dissatisfied. However, we ought not to go down the slippery slope of trying to now move into the nonunion setting and start micromanaging with all kinds of laws. We will equal the volumes, and the volumes by the thousands, that are already there in the National Labor Relations Act in regard, correctly, in regard to your basic formal unions.

That is why, I would say to the gentleman from Ohio, I cannot accept the amendment. I know it is offered with the very best of intentions, but it would destroy the genius of what is happening right now of this cooperation, this working togetherness, no bounds, anything they want to talk about; it is there, and the last thing we should do is to regulate it.

Mr. SAWYER. Mr. Chairman, will gentleman yield?

Mr. FAWELL. I yield to the gentleman from Ohio.

Mr. SAWYER. Mr. Chairman, I thank the gentleman from Illinois, the chairman of the subcommittee, for yielding to me.

Mr. Chairman, the gentleman has said repeatedly that employees cannot, under current law, discuss any of these topics with their employers. The truth of the matter is that any employee can come together in groups or individually and discuss these matters with their employers. What is prohibited is for the employer to dominate the employee organization in lieu of a labor organization. That is the difficulty.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FAWELL] has expired.

(By unanimous consent, Mr. FAWELL was allowed to proceed for 1 additional minute.)

Mr. FAWELL. Mr. Chairman, I would tell the gentleman, as soon as the employee group begins to interact with the employer, the law also states ''* * * if the employer supports, financially or otherwise, as well as dominates.'' All the employer has to come into the picture and that employee team becomes a sham union, unless the employee just sits there and does nothing. But if he supports, financially or otherwise, or if he dominates, and ''dominates'' has been construed to mean if the employer has, basically, the right to tell these employees what to do; of course, the employer is still the employer.

I simply want to stress that the last thing in the world we should begin to do is to try to create little miniunions within the nonunion setup, and destroy what is a valuable revolution and dynamic change taking place in America.

Mr. SANDERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my friend, the gentleman from Illinois, just used the expression, he said ''the genius of what is happening.'' I think that is what he said. I am a little confused.

My understanding is that what is happening in the economy today is that the real wages of American workers are plummeting. Real wages have gone down by 16 percent since 1973. My understanding of what is going on in the economy today is that the new jobs that are being created are low-wage jobs, part-time jobs, temporary jobs, often without benefits. My understanding of what is going on in the economy today is that while corporate profits are soaring, and the incomes of the chief executive officers are now 150 times what the workers are making, more and more companies are taking our jobs to Mexico and to China.

I would like to ask my friend, the gentleman from Illinois, tell me, what is the genius of all of that?

Mr. FAWELL. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Chairman, I would tell the gentleman, I was referring to the employee teams and their ability to cooperate with the employers and to be able to take over many of the operations which, normally speaking, in a top-down old-fashioned concept of employment, are vanishing.

If we want an opportunity to have a turnaround, I do not agree with all the gentleman's conclusions, by any means, but the genius of what is occurring is employer-employee cooperation, where employees are increasingly taking over responsibilities in terms of efficiency, in terms or productivity, that they have never had before. That is the genius.

Mr. SANDERS. Reclaiming my time, Mr. Chairman, obviously, all of that is not working. Twenty years ago, as the gentleman knows, this country led the world in terms of the wages and benefits our workers received. With all of that genius, with all of that so-called worker-management cooperation, does the gentleman know what place our workers are now in the industrialized world? We are in 13th place. We are falling behind much of Europe and Scandinavia.

I would argue that if there is any reason that workers have enjoyed decent benefits, decent working conditions, and decent workers in this country, it is because they have had unions. The evidence is pretty clear that this team effort will make it harder for workers to join unions.

Mr. FAWELL. If the gentleman will yield further, there is nothing in this legislation that would proscribe in any way the right of these employees, if they are not in accord with the policies of the employer, to go ahead and petition for the formation of a union.

We do nothing whatsoever to proscribe that. All that we try to do is to say that all that is occurring out here right now is lawful, because there is this ancient definition of a labor organization that was created back in 1935, when women were not even a part of the work force. They are a vital part of employee teams today that are doing things that in the 1930's were not even contemplated.

Mr. SANDERS. Mr. Chairman, reclaiming my time, the gentleman is aware that this TEAM Act takes place within the context of a savage assault on labor unions throughout this country.

Mr. FAWELL. I certainly would not agree with that conclusion.

Mr. SANDERS. The gentleman is aware that time after time when workers form unions, companies refuse to negotiate a first contract. The gentleman should be aware that workers all over this country are being fired as they try to organize unions. The gentleman should be aware in an unprecedented way, when workers now go out on strike, they are being replaced by permanent replacement workers. The gentleman knows all of that. And the gentleman knows right now that workers in unions are under assault, that companies are hiring consultants to break unions, to decertify unions, and this TEAM Act takes place within that context.

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Chairman, I appreciate the gentleman yielding, because I think everybody ought to understand that if there is any attempt by any management of any company anywhere in America at any time to in any way to interfere with an attempt to collectively bargain and organize that work force, it is a violation of section 8(a)(1) of the law today, and this bill does not touch that in any way, shape, or form. That is law at 3:45 in the afternoon, and it is going to be law when this bill passes.

The CHAIRMAN. The time of the gentleman from Vermont [Mr. SANDERS] has expired.

(By unanimous consent, Mr. SANDERS was allowed to proceed for 2 additional minutes.)

Mr. SANDERS. Mr. Chairman, my friend from Wisconsin makes the point about it being illegal to try to impede the creation of a union. But that gentleman's party has supported, as I understand it, a 30-percent cut in the funding of the National Labor Relations Board, the one Board in this country that exists to try to protect workers. So it is very clear where our friends on the other side are coming from.

Mr. GUNDERSON. If the gentleman will yield further, first of all, me, I voted no on the appropriation bill.

Mr. SANDERS. Mr. Chairman, reclaiming my time, the problem is, this stuff does not come out of the blue. The gentleman's party has supported a 30-percent cut in the funding of the NLRB, which would make that organization overwhelmed, without staff, and powerless to protect workers. Now the gentleman walks in and says ''oh, this TEAM Act is innocuous.''.

Mr. GUNDERSON. If the gentleman will yield further, the gentleman is not a Democrat. He happens to be, I think, a socialist, right?

Mr. SANDERS. I am an independent.

Mr. GUNDERSON. Then the gentleman does not have a party.

Mr. SANDERS. I am with the majority of Americans.

Mr. GUNDERSON. That is true at the moment, and I appreciate that. But would the gentleman suggest that because the Democrats have supported tax increases in the past, that we can never talk about the Democrats without calling them big spenders and tax increasers?

Mr. SANDERS. I missed the point my friend is making.

Mr. GUNDERSON. The point is because somebody decided that they were going to make some tough calls to try to balance the budget, the gentleman is saying we have no credibility on labor law.

Mr. SANDERS. Mr. Chairman, reclaiming my time, what I am saying is we have to look at this legislation within the context of everything else that is happening in this session. The gentleman, I hope, who is an honorable man, would recognize that probably never before in the modern history of this country has there been such an assault on the rights of working people and the needs of working people as is taking place in this Congress.

Mr. LEVIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been listening to this discussion, and I just want to comment about the reality on the ground. Labor management relations are changing in this country. If you go to virtually any plant in the district I represent, you see that.

I think there are more auto-related plants in my district than perhaps any other in the country. When you go into these plants, you see a partnership. You see management and labor which has moved away from an adversarial relationship into teamwork. You do not need to change the present law for management and labor to act differently than was generally true 40 or 50 years ago, even 30 years ago, when there was a much more adversarial relationship. The word team means that in reality on the shop floor.

Mr. GUNDERSON. Mr. Gunderson, will the gentleman yield?

Mr. LEVIN. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Chairman, so would the gentleman say then that there was no basis for the Electromation case?

Mr. LEVIN. Mr. Chairman, reclaiming my time, the basis for it there was there was an intervention by management far more into the workplace than simply being a partner.

Mr. GUNDERSON. But does the gentleman understand what the National Labor Relations Board ruled was the domination of Electromation in that case? The fact is they said the action committees agendas only were such things such as nonsmoking and interoffice communications; that that was, according to the national labor relations board, quote-unquote, dominating, and therefore that was a violation of 8(a)(2). Is the gentleman saying that is not a problem?

Mr. LEVIN. Mr. Chairman, reclaiming my time, I will say, because when you look at the environment, the entire context of that case and what was involved there, it was far more than a discussion of smoking. That is what that case is about. That was not the role of the employer in that case. That case was decided under conservative administrations. What they said was they wanted to make sure that the thrust of 8(a)(2) remained, and that was that employers did not set up nor actively participate in the creation of employee organizations. Now, that is what the essence of that case was about. You are taking that case and trying to exaggerate it and twist it out of shape. That is what you are doing. You are using it as a smoke screen in order to make much more basic changes.

Now, what disturbs me is, look, the Dunlop Commission worked on this for months and months and months. They had representatives of management and labor on it. They are unanimously opposed to what you are doing, as I understand it.

Mr. GUNDERSON. If the gentleman would yield on that, if you read the Dunlop Commission, you will find out they clearly support changes in 8(a)(2). What they would like is also in addition to that some amendments only making union organization easier at the same time. I would urge the gentleman, if he wants to be credible, to offer an amendment on the other half of the Dunlop Commission.

Mr. LEVIN. Reclaiming my time, I fully understand that was a discussion. They thought that you should take the developing reality within the workplace and have the law encompass that. What the gentleman is doing is taking one piece of it, and you are excluding the rest of it. I just wanted to tell you, as I understand it, and the gentleman has to face this, that the commission unanimously opposes what the gentleman is doing.

Mr. GUNDERSON. I do not agree with that at all.

Mr. LEVIN. I tried to reach Dr. Dunlop this morning and he was not there. That is my understanding. I will get a statement from them as to what they think about what the gentleman is doing.

What disturbs me is I think what the gentleman is doing in the name of teamwork, the gentleman is polarizing. That is exactly what the gentleman is doing. He is taking a burgeoning and I think a constructive development in our society, and that is a less adversarial relationship on the workshop, and is bringing up this idea in the most adversarial way, the most polarizing way. It is absolutely contrary to the spirit of the Dunlop Commission.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. LEVIN] has expired.

(By unanimous consent, Mr. LEVIN was allowed to proceed for 2 additional minutes.)

Mr. LEVIN. Mr. Chairman, the minority report says that the members of the commission, including three former Secretaries of Labor, several scholars, the chief officer of Xerox, and a representative of the small business community, unanimously oppose enactment of this bill.

I would like to see any different statement from Dr. Dunlop. My guess is you cannot get that.

Mr. GUNDERSON. If the gentleman will yield further, I think if you would ask the gentleman from Ohio [Mr. SAWYER], he would be the first to tell you, because when we were talking about this, he was trying to confirm what I said, and that is that the Dunlop Commission is very specific in their recommendations. They wanted modifications in 8(a)(2). They also wanted changes in labor law.

Mr. LEVIN. Mr. Chairman, reclaiming my time the gentleman made my point. What they did was to come up with what they thought was a balanced comprehensive approach. The gentleman is picking one piece of this. They have stated, as I understand it, they are opposed to this bill. They are. It is contrary to what they were striving to do. Instead of the gentleman trying to promote more of this teamwork, what the gentleman is going to do is to promote more conflict. What the gentleman is trying to do is to allow employers essentially to move in more easily to make it more difficult for labor organizations to essentially organize workers. I think that is a sad mistake.

Mr. CLAY. Mr. Chairman, will the gentleman yield?.

Mr. LEVIN. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Chairman, I thank the gentleman for yielding. Let me say, to come to this floor and suggest that all this decision was about at the NLRB was about nonsmoking is ridiculous and it is trite. Let me tell you that the circuit court upheld the NLRB decision, and this is why. They said that the company posted a memorandum to all employees.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. LEVIN] has again expired.

(By unanimous consent, Mr. LEVIN was allowed to proceed for 2 additional minutes.)

Mr. LEVIN. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Chairman, the circuit court said that the employees announced the formation of the following five action committees: One, absenteeism infractions; two, no smoking policy; three, communication network; four, pay progression for premium positions; and attendance bonus programs.

That my friend, is setting conditions, work conditions, terms of conditions and pay. So it was more than a team.

Mr. LEVIN. Mr. Chairman, reclaiming my time, I think the gentleman is using the nonsmoking as a smoke screen. The gentleman really is. It is too bad that the gentleman's side is taking one piece of Dunlop and leaving the rest of it. It is a disservice. It is another example, I think, of your extremism. There is no need to do this. We ought to try to work within the spirit of the Dunlop Commission.

The gentleman is polarizing, and I do not know why he is doing it. I do not think you are going to get this through the Senate, and if it were to happen, it would not be signed. Why is the gentleman bringing it up?

I am not on the committee that has jurisdiction, but I urge that the gentleman from Wisconsin [Mr. GUNDERSON] go back to the drawing board, and that you sit down, instead of in a polarized way, Republican against Democrat, you try to sit down and talk about what is good for amicable relations between management and labor, what is good on the work floor of Ford and Chrysler and GM. You go there and ask them. And there is not a single person, I think, of the plant managers who would say what you are doing is a good idea. They say work together, instead of adversarially. You are trying to tilt this balance. You are using the 21st century as an excuse to undo the work that happened in and the progress that was made in the 20th century.

Mr. Chairman, I urge that we reject the gentleman's proposal.

Mr. TALENT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my friend from Michigan, Mr. LEVIN, accused us of polarizing this debate, just after our friend from Vermont spent 4 or 5 minutes talking about sustained assaults on the rights of the working men and corporations busting unions, and yet we are polarizing the debate. Let me in the interests of trying to maybe nonpolarize this debate ask my friend, the sponsor of the amendment, to enter into a colloquy with me. I have a couple questions about the amendment.

Mr. SAWYER. Mr. Chairman, I am happy to respond to questions.

□ 1600

Mr . TALENT. I know the gentleman has worked hard on this and he has a substitute which does change the existing law, so I assume he agrees that something does need to be done to existing law; is that right?

Mr. SAWYER. Mr. Chairman, if the gentleman will yield, indeed.

Mr. TALENT. So those and other colleagues on the other side of the aisle who spend a lot of time in general debate saying we do not need to do anything, the gentleman would disagree with that?

Mr. SAWYER. Mr. Chairman, if the gentleman will continue to yield, my view is if there are areas of uncertainty within the interpretation of 8(a)(2) as it currently exists, that recognizing the changes that have taken place in recent years in the American workplace and the kind of cooperation we are all trying to nurture, that the law ought to recognize those changes and encourage them.

Mr. TALENT. So the gentleman agrees with Chairman Gould who says amendments to the NLRA that allow for cooperative relationships between employees and the employers are desirable. There is a need to do something. I hope in the interest of not polarizing this we can establish a consensus that there is a need to do something.

Mr. SAWYER. Mr. Chairman, indeed, and I agree with the Dunlop Commission that we ought to facilitate that growth of employee involvement. But I also agree with Chairman Gould when he argues that he does not support the TEAM Act because it does not contain the basic safeguards against company unions that he feels are absolutely necessary.

Mr. TALENT. Mr. Chairman, I appreciate the fact that the gentleman and I disagree on what ought to be done, and he thinks the bill does some things it should not do. I want to get into that and ask him a question.

I have read the gentleman's substitute. I gave an example before of what is really going on out there in the workplace. So let us suppose, and I will give the gentleman a hypothetical just to explore the differences between the gentleman's substitute and the bill we are working on.

A supervisor goes to the plant manager and says people are upset because they are working a lot of overtime. The schedules, they say, are not right. They want some changes so they can get to the day care centers, a couple of guys have hunting vacations planned. What shall we do? The manager says, well, I would like you to sit down and work with them and then come to me with a proposal. Why do we not want them to be able to do that?

Mr. SAWYER. Mr. Chairman, if the gentleman will continue to yield, I do want them to do that. In fact, my substitute permits that.

Mr. TALENT. Mr. Chairman, the gentleman will agree that scheduling is a term and condition of employment; is it not?

Mr. SAWYER. Indeed, Mr. Chairman.

Mr. TALENT. The gentleman's substitute prohibits those kinds of discussions about terms and conditions of employment.

Mr. SAWYER. Mr. Chairman, only when it is exclusively the subject of those terms and conditions of employment and the organization is dominated by the employer instead of representative of employees.

Mr. TALENT. And under the current law there is no question if that supervisor goes out there and says, OK, Bill and Bob, let us talk about it and sit down and Jane. And, by the way, we better get Mel and Fred, because I know they are upset about this too. That is dominating because the supervisor is involved in choosing which employees are involved in the discussion; is that not right.

Mr. SAWYER. Indeed.

Mr. TALENT. So under my hypothetical the gentleman's substitute would make that situation illegal.

Mr. SAWYER. Mr. Chairman, the employer cannot go out and name the members of the employee participation team because that includes domination in matters of terms and conditions of employment.

The fact of the matter is, that is precisely the kind of condition that the Dunlop Commission urged be exempted from the changes that they recommended in 8(a)(2).

Mr. TALENT. Mr. Chairman, reclaiming my time, I thank the gentleman for his candor and his attempt to work this out. He has been nonpolarizing from the beginning. He is offering, I think, a realistic substitute. I think the problem with it, he is trying to confine the literally hundreds of thousands of workplace situations into a code of federally prescribed mandate that simply does not comport with the reality in the workplace today.

There are a whole lot of situations where people want to talk about terms and conditions that have impact upon them. Maybe safety. Scheduling is a classic thing. Vacations. The gentleman has just said his substitute would make that illegal.

Why should we say to those people the only way they can talk this over with management and have them respond and try to work this out is if they decide they want to go out and form a union?

Mr. Chairman, I think the problem here, and we have heard it in a couple of the speeches before this interchange that the gentleman and I have had is,

there is a mindset on the part of some on the other side of the aisle.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. TALENT] has expired.

(By unanimous consent, Mr. TALENT was allowed to proceed for 2 additional minutes.)

Mr. TALENT. Mr. Chairman, there is a mindset on the part of some on the other side of the aisle that in the first place all the employers out there are trying to bust all the unions. There are bad employers and there are also bad unions. That is why we have this law. There are some employers, some unions that would try to act in an unfair manner. that is why we have the National Labor Relations Act. I do not think most employers or most unions are out to do anything except to conduct their business or the unions to try to represent people.

There is also a mindset, frankly, that people cannot protect themselves; that employees cannot make choices on their own; that even though the law gives them the right to pick a union if they want to, gives them the right to organize and have formal collective bargaining, and nothing in this act changes that, that that is not adequate enough safeguard; that they are going to be so influenced by an employer and an employee sitting down and talking over these kinds of things, that they cannot freely exercise their right to have a union, if they feel that that is necessary in order to protect their rights in the workplace.

Mr. Chairman, it is a kind of patronizing attitude. It was the attitude that dominated in the 1930's. It simply does not describe reality today, and now I would be happy to yield to the gentleman now.

Mr. SAWYER. Mr. Chairman, if the gentleman will continue to yield, I thank the gentleman and appreciate his kind words and would reciprocate them.

I want to emphasize that as long as employees voluntarily interact with employers, there is no difficulty today and it is not my intent to provide any difficulty into the future. It is only when employers dominate the employee participation in employee involvement teams that we run into difficulty under the broadest interpretation of current law for the last 60 years, and really flies in the face of the recommendations of the Dunlop Commission.

Mr. TALENT. Mr. Chairman, reclaiming my time, and in closing, I want to say the gentleman has with great candor admitted, first, we have to do something or these teams around the country are in danger under current law. So all the argument we heard before that we do not have to do anything, we have now established a kind of consensus on both sides of the aisle that, yes, indeed, we do need to do something. And, also, the hypothetical I gave before, where people want to talk about scheduling would be illegal under the gentleman's substitute.

Mr. GENE GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank my colleague from Ohio for his amendment and his hard work and dedication, not just today but through the committee process. My colleague from Missouri, who his point was that we need to change, well, granted, there are wrinkles in the problem, but this bill is like using a canon to deal with something that a BB gun could address.

The Sawyer amendment clarifies that a workplace team creates an improved competitiveness is not prohibited under the National Labor Relations Act even if its members occasionally discuss conditions of employment, such as wages and hours and working conditions. The amendment is a good faith effort to meet the concern of the majority, no matter how unfounded those concerns may be.

The Sawyer substitute specifically protects three types of teams: Self-directed teams of employees, supervisor-managed work teams focused on improving specific production processes, and broad or ad hoc teams of employees and managers. The gentleman from Iowa's amendment is designed to create a safe harbor for employers genuinely concerned about their ability to create team systems for work organizations.

Mr. Chairman, this amendment is a good compromise, and it should have been adopted in committee, but, a I recall, it was defeated on a party line vote. The Sawyer substitute would protect those employers truly concerned with teamwork and employee involvement and will assure American workers' rights and retain their right of legitimate employee representation. That is why I urge an aye vote.

Mr. Chairman, like I said, I like the idea, as a manager of a business, of the team aspect, but, again, we need to look at it in comprehensive form. This needs to be addressed, but I would hope that somewhere in the next year we would look at comprehensive labor law reform. This is one part of it, but there needs to be more to it than just this one issue. I would hope we might be able to address it later on or maybe even just put this bill off until we can address it comprehensively, and I would hope that would happen.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to this amendment.

First, I have to take a minute, I suppose one might say it is not relevant to this legislation, but then, I think, in my estimation, 50 percent of what the minority leader said was really not relevant to this legislation. I do want to take him to task on one area. He was talking about trickle down tax cuts. Had nothing to do with this legislation.

I simply want to say, as I have said over and over again, usually it is taking from the poor giving to the rich, is the way it is analyzed, but I want to again say, is a $500 credit toward long-term care insurance trickle down tax cut? Is it taking from the poor and giving to the rich? It is the No. 1 issue on the minds of all senior citizens, including those who are soon to be senior citizens. Is a $500 credit toward home care? Where do they want to be? Where do your loved ones want to be? They want to be at home. That is not trickle down tax cut.

Is a $5,000, up to $5,000 credit available for adoption trickle down? I would say it is not trickle down at all. We get into this pro-life, pro-choice debate all the time. Here we are giving people who could adopt children an opportunity to do that and provide excellent homes.

Is a $145 credit toward eliminating the marriage tax penalty trickle down? I would hardly think so. Is an IRA for the spouse that stays at home with the family trickle down? I would hardly think so.

Mr. Chairman, I moved to strike the last word primarily because I wanted to applaud the gentleman for recognizing there is a problem with current law, notwithstanding what some on the other side of the aisle have argued. However, the substitute attempts to micromanage employee involvement when the goal of the TEAM Act is the exact opposite. It is both overly prescriptive and too narrow to give comfort to employers and employees who want the flexibility to develop innovative solutions to workplace decision-making.

For example, in supervisor managed work units, the substitute allows managers and employees to participate in meetings with employees but only if all employees in the unit participate. Is that overly prescriptive? I would certainly think so. What if someone is out sick? And only if conditions of work are discussed on occasion.

Similarly, the substitute seems to allow committees established to address issues related to productivity or quality, but these committees may only address directly related conditions of work and only isolated occasions. I hate to think of the rules and regulations that will be promulgated if something of this nature gets downtown.

The substitute seems to give with one end and take away with the other. For example, one provision of the substitute seems to address self-directed work teams, which are already legal under current law. However, a second provision provides that even self-directed work teams are illegal if the employer creates or alters the work unit or committee during organizational activity among the employer's employees.

What constitutes altering a work unit or organizational activity? What ensures the employers are on notice that such activity is occurring? It is certainly not very well explained, in my estimation, by the substitute.

Mr. Chairman, the major problem with the substitute is that many of the

strategies used by companies to involve employees in workplace decision-making would remain illegal. For example, a committee set up to address how the use of flexible scheduling could meet the needs of working parents or one established to discuss how to better match productivity increases with employee bonuses would fail to pass muster.

Far from clarifying the legality of employee involvement, Mr. Chairman, the substitute draws an artificial line restricting what teams can and cannot talk about and how they can and cannot be structured. It also raises a host of new legal terms which each will be subject to years of litigation in the courts. This substitute does not address the problem and, in fact, I believe, will further complicate the legal questions.

Mr. Chairman, I would like to read a letter I received from IBM, Texas Instruments, and Motorola.

We write to you as former winners of the Malcolm Baldrige National Quality Award to express our unequivocal support of H.R. 743, the Teamwork for Employees and Managers Act of 1995.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. GOODLING] has expired.

(By unanimous consent, Mr. GOODLING was allowed to proceed for 1 additional minute.)

Mr. GOODLING. Mr. Chairman, continuing to quote:

This important legislation, which will be considered by the House of Representatives would eliminate legal barriers that currently restrict employees and employers from working together as partners to meet the challenges of today's competitive global markets.

As you may be aware, the Malcolm Baldrige National Quality Award was created by Congress to recognize U.S. companies dedicated to the principle of quality in manufacturing, service, and small business. The Baldrige Award recognizes, among other criteria, excellence in human resources, development and management. Key aspects include work and jobs that allow: First, employee opportunities for initiative and self-directed responsibility; second, flexibility and rapid response to changing requirements; third, effective communications across functions and units.

□ 1615

You can see that the Baldrige criteria strongly promotes teamwork and employee involvement. The continuing success of companies like ours, and other Baldrige Award winners, is dependent on the development of these innovative and team environments.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, some years ago a book was written by Thomas Kuhn, and it was entitled, ''The Structure of Scientific Revolutions.'' Now, you might say, what does science have to do with the discussion of the TEAM Act and labor and management and business and government and employees and CEO's?

In this book, Kuhn writes very forcefully about how paradigm shifts take place in science from Einstein to new scientists, though people talk about issues in brandnew ways and develop new models to move the Nation forward in science.

Mr. Chairman, I think that is what the American people voted for in elections, to move toward new ideas and not always use the same terminology, resort to the same fights in Congress that we have over the past decades. Let us move toward new ideas.

I think that some people in this Chamber are trying to work in that direction. Now, I disagree with the TEAM Act here today, because it uses the same ideology, the old words, the old fights, that we have used over the last 25 years. It does not encourage this teamwork and cooperation and innovation and creativity that we are seeing in the workplace today.

Mr. Chairman, I may be naive, but in Indiana, in my district, when I go and visit my businesses, almost any time I can when I am back home, I see these businesses, already developing these employee teams. They are working on productivity. They are working on morale. They are working on cutting down the number of defects on the assembly line. They are working on computer teams. They are teaching courses in the classroom in the businesses on blueprint plans, on algebra, on a host of things to make the worker a better worker and work with the management to do that.

Now, I think this act takes us back 20 years. It says: Let us continue to have a fight, management versus labor, worker versus CEO.

Another book written just recently by Hedrick Smith, called ''Rethinking America'', says very forcefully we are doing these things. We are spending 8 hours now in the U.S. Congress talking about old ideas, rather than moving forward on new ideas that Smith talks about in his book, whether it was Peterson at Ford company, he started these employee circles, working in innovative ways on the assembly line to cut down on defects, to cut down on inefficiencies, to stop the assembly line if it needed to be stopped in midday.

But here in Congress, we resort to fights. We resort to partisanship. We resort to old terminology, rather than the new paradigms and models that people like Kuhn and Hedrick Smith are pushing us toward in the new century.

A lot has been said about the Electromation case. That took place in my district. That took place right in the heart of my district. That case is not based upon a nonsmoking committee. That case is not based upon worker wages, per se. That case is not based upon absenteeism committees. It is based upon the circuit court's decision that said, ''Companies organizing committees and creating them through nature and structure and determining their functions, that is the problem. It cannot be created and dominated by one side or the other.''

That is not teamwork. That is not cooperation. If an employer comes to the workplace and to the floor of the workplace and says, ''Harry, Betty, Joe, Tom, Sally, you are on the committee. We are going to schedule this. We are going to determine what is best for the workplace.'' That is not teamwork. That is the old idea of teamwork, not the new century and the 21st century idea of teamwork.

If we are going to beat the Japanese and the Germans in the workplace, if we are going to be in the international competitive forefront, if we are going to have the best jobs and we do create the best product in America and we are going to win this race, we have to not talk about the ideas in this old, old-modeled way, but push this country forward in new ideas and cooperation.

Now, the Electromation case did not address what is going on in America today, and that is so much innovation. That is so much creativity. That is these new teams in union shops and in nonunion shops working together.

Mr. Chairman, I would encourage us in Congress to encourage this kind of cooperation in the workplace and to see that America, not a Democratic proposal or a Republican proposal, but American workers and CEO's move forward in this environment.

Mr. GUNDERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we all have a problem. That we are convinced we are bipartisan and the other guys are not. My suggestion to my friends on the other side of the aisle is that I think we are all nonproductive. We are operating a 1935 labor law. We are trying to take the most noncontroversial aspect of 1935 labor law and bring it at least into the 1990's, if not the 21st century. And you would swear we are trying to eliminate the act.

So if we cannot do this, we can quickly understand why it is going to be another 60 years before we get any modernization of American labor law here.

Mr. Chairman, there is a problem with that. There is a problem with that because, frankly, in the last session of Congress it was my friends on the Democratic side who said we had to have these very kind of joint labor-management teams to deal with OSHA, to deal with safety committees that, frankly, under the language of the substitute that is in front of us would be illegal.

So what has changed between last session and this session, except that the Republicans are in control now and we brought the bill up?

The problem with this amendment, and the gentleman from Ohio deserves a lot of credit, because to be honest, he is one of the few Members in the Congress who has sincerely and legitimately tried to find a middle ground on this issue. I think he is as disturbed as

I am by the fact that we are making no progress in modernizing our labor law and that the labor management relations in this country are growing more confrontational, not more cooperative. I think the amendment is a sincere attempt by the gentleman to try to find that middle ground.

Mr. Chairman, the reason that I have to oppose the amendment is because the amendment creates the same ambiguity that we are trying to solve with the major bill.

The reason we are here is because of the definition of the National Labor Relations Board of what ''dominating'' means. The problem with the amendment is that it uses such words as it is OK if it is only done on occasion, and that it is only if periodic meetings of all employees, or he goes on and says that it can be done company wide, but only if it is on isolated occasions.

Now, all that does is guarantee full employment for labor lawyers. Mr. Chairman, if we do nothing today, if my colleagues decide to kill the bill because they want to get a nice star on their labor voting record, go ahead and vote against the bill. But for gosh sakes, do not, when we leave here today, say that the one thing we did on Wednesday afternoon was guarantee full employment for labor lawyers. None of us wants that, and unfortunately, that is what the substitute does.

Mr. Chairman, I encourage my colleagues on both sides of the aisle to vote as they must for political reasons on final passage, but we all ought to agree that in the process we are not going to give full employment to labor lawyers.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I would say to the gentleman from Wisconsin [Mr. GUNDERSON], the gentleman started his discussion on this matter by saying that we needed to update a 1935 law. Certainly, because a law is old does not mean that it is bad. But certainly we should look at how many times this law has been abused or how many cases are filed per year or how it is being interpreted throughout the years.

Mr. Chairman, the gentleman from Wisconsin would probably agree that there are, what, about 12 violations brought before the National Labor Relations Board each year?

Mr. GUNDERSON. Mr. Chairman, reclaiming my time, I do not know the number. I am not going to try. I do not agree or disagree. I yield to the gentleman from Indiana on that.

Mr. ROEMER. Mr. Chairman, if the gentleman would continue to yield, the number is 12 per year. We have hundreds of thousands of businesses in the United States of America. Twelve violations. Twelve cases are brought before the board each year. Three were then determined that the companies need to be disbanded. Now, is that a reason, whether a law is from 1935 or 1965 or 1985?

Mr. GUNDERSON. Mr. Chairman, reclaiming my time before I run out, because I know both sides are trying to expedite the debate, the only people that are going to contest a case up to the NLRB are going to be large enough companies with in-house corporate counsel that they can do it.

Frankly, I do not care about them. That is not why I am here today. I am here today because every one of those small businesses that everyone talks about, when we go in and tell them that they are violating the National Labor Relations Act by having that voluntary team that is in existence today, they say, ''Fine, we will eliminate it,'' because they are not going to hire the lawyers to contest the case.

Mr. ROEMER. Mr. Chairman, if the gentleman would yield further, but it is the small businesses that are already doing this.

Mr. KILDEE. Mr. Chairman, I move to strike the requisite words.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I wanted to say a brief word to set the record straight. The gentleman from Pennsylvania [Mr. GOODLING] a few moments ago was critical of the statement of the gentleman from Missouri [Mr. GEPHARDT] talking about trickle-down tax breaks. I think we should set the record straight, not to deter from the debate.

Mr. Chairman, half of the tax breaks in the Republican proposal will go to people earning $100,000 a year or more. A quarter of the tax breaks go to people making $200,000 a year or more. The upper income 1 percent get more tax breaks than do the bottom 60 percent.

Recently, the Republicans have proposed a $23 billion cutback on the earned income tax credit, which hits the working poor and at the same time, several months ago, proposed to eliminate the corporate minimum tax, so that the largest corporations in America will pay nothing in taxes.

Mr. Chairman, it sounds to me like the gentleman from Missouri [Mr. GEPHARDT] was right and this is a trickle-down tax break.

Mr. KILDEE. Mr. Chairman, reclaiming my time, I believe that the bill introduced by the gentleman from Wisconsin [Mr. GUNDERSON] will really make it more difficult to form real labor unions.

Mr. Chairman, my dad belonged to a company union back in the 1930's, and all we got out of that, I got one tube of Ipana toothpaste and a couple of free movies and my dad got low wages and speedups in the GM factories.

My dad was one of the mildest men I ever met. I never heard my dad swear once in his life; a kindly gentleman. But during one of those speedups when we had company unions, my dad had his work sped up several times. Finally, he came home and told my mother, ''I cannot keep it up.'' My dad was older. ''I cannot keep that work up.''

The next day he went to work under that company union arrangement and he got his production out. The boss came over and counted the number of pieces he had put out. He took out the famous pink slip to write it out under that company union. My dad, that mild-mannered person, removed has glasses and laid them on the machine. He said to the boss, ''Bob,'' the boss's name was Bob Schoars, ''Bob, if you sign that pink slip, they are going to carry one of us out of here, because I have 5 children at home to feed and I am going to fight for my job.''

That was a mild-mannered person who went to mass every Sunday, and when he retired, every day. A mild-mannered person driven to that. When the UAW came in, things changed. My dad got justice on the job.

Mr. Chairman, that is the difference. I think this bill will lead to really, in effect, company unions rather than real unions that brought justice to the Kildee family. My mother died last year at age 94, and from 1937 on, my mother prayed for Walter Reuther and the UAW every day of her life.

□ 1630

As a matter of fact, Friday—and I invite some of my colleagues over there—Friday, President Clinton is honoring Walter Reuther for what he did.

We need real labor unions in this country. We do not need something that can lead again to that type of situation, company unions, that my dad had to work under and gave me one tube of Ipana toothpaste.

Mr. WHITE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, was it politically stupid to say $200,000? Of course, it was politically stupid to say that. That has nothing to do with where the money went. The first 30 percent goes to $30,000 and below, much of which goes to $18,000 and below. The next 30 percent goes to $50,000 and below, and the next 30 percent goes to $75,000 and below. So debunk that nonsense.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Sawyer substitute amendment, and in strenuous opposition to the so-called TEAM Act.

This bill is a power grab. It is an attempt by the Republican majority—on behalf of their company benefactors—to further tilt the power balance in favor of employers over employees.

Labor relations in this country are predicted on a balance of power between workers and owners. That balance has been severely undercut in recent years. The legislation before us would exacerbate that situation.

This bill is designed to solve a problem that doesn't exist. The bill's sponsors say employer-employee teams are threatened under current law. However, the law clearly permits suggestion box procedures, staff meetings about issues of quality or customer care, the delegation of managerial responsibilities to employee work teams, and direct contact concerning all terms and conditions of employment.

The National Labor Relations Act does prohibit employer-controlled units from representing workers in discussions of the terms and conditions of their employment. This is a fundamental right of all American workers.

This bill would take that away. Despite the success thousands of U.S. employers have had destroying unions, intimidating workers, and exporting U.S. jobs to Third World countries for cheap labor—they want more. This bill will take away one more basic worker right.

The Sawyer substitute would clarify some of the law in this area. It would allow companies to engage in certain types, with their workers, of activities that can improve productivity.

This amendment is necessary to address erroneous claims of the bill's supporters that legitimate activities are currently threatened. Of course workers should help management improve production techniques. Of course workers have a lot to offer their companies to make the workplace more efficient.

However, what must not happen, is to allow companies to undermine fundamental labor law to make it easier to establish company unions. Collective bargaining, the right for workers to freely elect their representatives is a basic American right.

Just because one political party—one which represents the most conservative, antiunion businesses—comes to power in one election, is no reason to throw out 60 years of labor law. If anything, this Congress should be considering legislation to enhance workers' ability to represent themselves. Workers rights have deteriorated badly. This bill would only make matters worse.

Let's not turn our back on America's workers. Let's defeat this mean-spirited power grab by corporate special interests. Support the Sawyer substitute.

And while I am standing here, Mr. Chairman, let me just say that I do not know if those on the other side of the aisle have any real credibility in talking about the rights of workers. I am sick and tired of workers right here in this Congress of the United States coming to Members to try and get someone to act on their behalf because they are being treated badly.

We have wiped out the lowest paid workers down in the folding room. Now I am told that, and I am absolutely disturbed by it, our own clerks and people who work here for us hours into the night, for long hours, are being told they cannot use their compensatory time. Too bad if they have to work overtime until the end of the year, they cannot use it. That is wrong.

Our employees right here need protection. And let me tell Members, this gentlewoman will continue to force the other side of the aisle to deal with what they are doing to their own employees. We know that we are not covered by the labor laws until January. So they can wipe people out now before January comes. They can take away their compensatory time. They can treat them badly. They can fire them. They will not be able to bargain or negotiate.

But let me say, if they want credibility in talking about worker rights and what should happen, treat their own employees right first, and then perhaps someone will believe them.

Mr. GOODLING. Mr. Chairman, I ask unanimous consent that all debate on this amendment and any amendments thereto end in 10 minutes, 5 minutes on either side.

The CHAIRMAN. Is there objection to the request to the gentleman from Pennsylvania?

Mr. TRAFICANT. Reserving the right to object, I would like my opportunity to speak, Mr. Chairman. I have been here for about an hour. There are only two other Members here.

The CHAIRMAN. Is there objection to the request to the gentleman from Pennsylvania?

Mr. TRAFICANT. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not believe that the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Wisconsin [Mr. GUNDERSON] are trying to screw anybody.

I did vote for the tax cuts. I am a Democrat that supports tax cuts. I do not want to see those tax cuts be directed, though, in a mean-spirited way. I am going to support the substitute. But I would just like to say this. Most of the jobs we are talking about seem to be going to Mexico anyway. Most workers have a Gatling gun pointed to their head anymore with these trade agreements.

The reason for the law that exists now is to protect workers from company unions. That is one fact. I know the big heavy hitters here are off in their own world. From 1983 to 1993, there were only 17 cases where employer-created organizations were ordered to disband; 10 years, only 17. That would seem to some on this side of the aisle as the good news. The bad news is that nearly all of them were ordered to disband because their purpose was to thwart the creation of a union.

With that in mind, I do not know how this substitute is going to fare, but I have an amendment. I am getting calls from Democrats saying that they wish I would not offer my amendment because it improves the bill. The Democrats do not trust the legislation, and the Republicans do not want it to be micromanaged.

Now somewhere this bill is going to go to the White House, and everybody keeps telling me what the White House is going to do. The White House is making more deals than Monte Hall, and I do not know what the White House is going to do. After NAFTA and GATT, I do not know if I would trust them to do something on this.

The Traficant amendment says that whoever these representatives are from the employees, they would be elected in a secret ballot and, second of all, they would be of fair and equal representation on that team.

Clear and existing labor law covers that provision. Section 302 of the 1947 Taft-Hartley Act allows multiemployer pension funds to be administered by a joint labor-management board of trustees so long as both sides are equally represented; both sides equally represented is what we should be talking about here.

I know the nature of the gentleman from Ohio. He is not trying to hurt anybody. I am going to support his substitute. I do not know if that substitute is going to pass. I doubt it from the position taken by the majority party here.

But let me say this: All the Democrats think the White House is just going to carry the banner of all these labor practices. We still do not have a striker-replacement law, and we had a Democrat House, a Democrat Senate, and Democrat in the White House. Now we are doing it through Executive order. Come on now, this is JIMMY from Ohio. After NAFTA and GATT, this is going to be put on the table in the negotiation process. If not this, support my amendment. We should be considering improving this bill in the event that all of these well-wishing, big Democrats over at the White House just decide to make another damn deal with the American workers.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Sawyer substitute and in strong opposition to the TEAM Act, H.R. 743.

The Sawyer substitute specifically clarifies that the National Labor Relations Act allows the creation of workplace teams to improve competitiveness. The substitute ensures that employers will be able to get full, cooperative benefit from the ingenuity and skill of employees so that—together—both will prosper.

The fundamental difference between the Sawyer substitute and the TEAM Act has nothing to do with the legality of employee involvement programs and labor-management cooperative efforts affecting company performance and

productivity. Under the Sawyer substitute, employee representatives must be independent of the employer and cannot be dominated by the employer during discussions on terms and conditions of employment. This is an important difference and my colleague from Ohio, Mr. SAWYER should be commended for his excellent amendment.

Predictably, the TEAM Act is just the latest assault on the rights of men and women across the Nation, who work hard and play by the rules. It would allow employers to handpick and control employees to represent other employees in discussions over terms and conditions of employment. This legislation flies directly in the face of the problems middle-class Americans face every day to make ends meet, educate their children, afford health care, and pay the mortgage.

The American people are angry because in spite of being proud citizens of the world's only superpower, they are working harder, longer, and better for less money while the national economy continues to grow all around them. For people in the northwest Indiana district I represent, this means a 20-percent decrease in wages. It just doesn't make any sense that people are getting paid less to produce more. Instead of addressing this very real problem, the TEAM Act takes another swipe at the American worker.

Robert Kuttner lists the essential facts that every Member of this body should pay close attention to.

Productivity is rising, but the median wage is declining. Between 1989 and 1993, productivity per hour rose about 1.2 percent a year, while the median wage declined about 1 percent a year. In 1995, productivity has been increasing at about twice the rate of pay and benefits to workers.

In 1979, median household income was $38,250. In 1993, adjusted for inflation, it was $36,250. During the same period, the economy grew by 35 percent.

It's clear that the typical American family—the backbone of our Nation—has been passed over by the wave of economic growth and wealth they worked so hard to create. This is a crisis that threatens the American way of life.

The falling living standards of the typical American family is mirrored by a decline in union membership. Since 1978, the absolute number of union members has been falling. Today, union members represent only 15.5 percent of the work force.

I know there are people in this Chamber who see organized labor as an inconvenient hurdle to the creation of wealth. You're wrong. Unions want wealth created and have fought to ensure that workers share in the prosperity they create. Unions have boosted wages, improved working conditions, and improved the quality of life for every American—whether they belong to a union or not. Without unions the American middle class we all talk so much about would be smaller and poorer.

The TEAM Act is a direct assault on unions and organized labor's ability to bargain collectively. Workers and unions want their companies to profit and grow so that they can continue to share in the wealth. It is preposterous to claim otherwise.

If you think the American workers are overpaid, defeat Sawyer, vote for TEAM, and deal another ace to the employer's stacked hand.

I urge my colleagues to pass Sawyer and support America's working families.

Mr. CLAY. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. CLAY. Mr. Chairman, I rise to support the substitute offered by my colleague, Mr. SAWYER. While I question the need for this legislation, the Sawyer substitute is a sensible alternative that respects workplace democracy and genuine collective bargaining. It helps to clarify the legitimacy of employee involvement programs.

Supporters of this TEAM Act claim that existing law restricts the ability of employers to delegate decisions affecting matters such as productivity and quality to their employees. And yet, they cannot cite a single ruling that section 8(a)(2) imposes such limitations. That's because no such administrative or judicial interpretation exists. Nevertheless, to remove even the slightest doubt as to what is permissible under section 8(a)(2), the Sawyer substitute expressly provides that employers may delegate such decisions to their employees.

This bill's supporters claim that section 8(a)(2) discourages employers from forming new employee involvement programs. But the they contradict themselves by admitting that more than 80 percent of large employers and tens of thousands of small employers develop new employee involvement programs every day. Obviously, those conflicting propositions cannot both be true.

Mr. Chairman, H.R. 743 is not some benign proposal designed simply to encourage methods of work organization in which teams of employees develop new methods and ideas for improving the workplace. This misnamed bill has nothing to do with teamwork or genuine employee involvement in decisions affecting productivity and quality. This bill stands for employer domination and dominion over the workplace.

Finally, Mr. Chairman, this bill's supporters claim that the Sawyer substitute is fundamentally flawed because it does not allow employers to create, mold, and terminate employee organizations to deal with wages, benefits, and working conditions. Do they mean to suggest that the interests of employers and the interests of workers, as they relate to wages, benefits, and working conditions, are identical? Our labor laws have long recognized that those interests conflict. The fundamental purpose of section 8(a)(2) is to allow all employees—union and nonunion—to speak for themselves, free from employer domination. The Sawyer substitute acknowledges that purpose.

Mr. Chairman, in closing, I commend my colleague, Mr. SAWYER for crafting this sensible alternative to what is otherwise a bad bill. This substitute encourages employee involvement programs without trampling on the fundamental rights of workers. I urge my colleagues to support this substitute.

Mr. Chairman, I yield to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman, I thank the gentleman from Missouri for yielding to me.

I just want to take these few brief moments in closing to thank the chairman of the committee, the gentleman from Pennsylvania [Mr. GOODLING], to thank both the gentleman from Missouri and the gentleman from Illinois and particularly to thank the gentleman from Wisconsin for his work on this measure.

There are some on this side who disagree with what the gentleman has done in his proposal. But I think few disagree with what we are confident are the sound intentions of broadening employee involvement in the American workplace.

□ 1445

I thank him for his kind words to essentially the same effect on my behalf.

In the end let me just mention three basic ideas. Some think that the law needs to be changed, and some have suggested that it does not. But I would suggest that, if it does need to be changed, it is because employers, not employees, employers, have sensed an uncertainty in the interpretation of a 60-year-old law in a new setting and a new environment. Any need to change arises from that uncertainty, and so it is the goal of the Sawyer amendment to end any conceivable uncertainty by creating safe havens that make it absolutely sure that employers can establish, assist, maintain, and participate in any employee-involvement program for the purpose of improving design, quality, or methods of producing, distributing, or selling a product or service, and additional discussion of related terms and conditions of employment are not in evidence of a violation of 8(a)(2), and it does so by creating broad descriptions of the full range of circumstances in which that kind of employee-employer discussion can take place and not limit them in arbitrary ways.

While there may be disagreement about that, I can express that as the clear goal, and to move beyond some of the hidebound language of the last 60 years, and to use terminology describing those that are quite straightforward, are grounded in common sense in straightforward dictionary meanings, not arcane or esoteric terms. Many of the terms are easily understood. Employee-managed work units, discussed, work responsibilities, design quality production issues are clearly understood. I would admit that some of these words might require interpretation and over time acquire interpretation, and I suspect that those are terms like isolated occasions indirectly related, but that is important in evolving new law and not simply returning to the old.

In the end, Mr. Chairman, let me just suggest that the fundamental difference between Sawyer and the TEAM Act, as it was originally introduced, is that under TEAM employers control who speaks for workers; under Sawyer, nonunion employer representatives are responsible for those whom they represent. Under TEAM employees have a protected right to speak for themselves only if they form a union, and Sawyer protects the basic democratic right of nonunion workers to represent themselves.

In the end, Mr. Chairman, just let me simply add we probably crossed the Udall threshold. Everything that has been said, that needs to be said, has been said, and finally, perhaps, everyone has said it.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the original TEAM Act language and in opposition to the proposal of the substitute offered by the gentleman from Ohio [Mr. SAWYER].

One of the things that has really hit home to me over recent years is things change. Things are always changing, and all aspects of our society are in a constant state of dynamic flux, and growth, and development, and one of those areas is in the area of employer-employee relations.

The model of employer-employee relations that existed, that grew out of labor disputes that occurred in the 1930's in this country, is no longer applicable. We have competitors on the international scene today who do not have unions in their country, but have very, very robust work forces, and we have to, as a nation, evolve and develop methods of competing on that international landscape within the constraints of what our system is like here in the United States, and I think the original language of H.R. 743 meets that requirement in that it allows these teams to develop in the workplace that allow employees to get together, and set some standards and enable the operation that they are working in to be as efficient as possible, and I spoke on this floor this morning about a particular instance which I think is really a hallmark of how successful this can be, and I talked about a company, a major corporation in the United States, that had an employee that was accounting for 73 percent of the defects within their organization, and he was clearly the most affected one, and in the old model he probably would have been fired. But this company set up a team, and they developed ways to help him to be more efficient and to deal with the problem of the large number of defective products that he was producing in their operation, and the amazing end of the story is this guy ended up working with his employees and adjusting the work environment to ending up being their most successful employee in the organization, and it clearly shows that this act is worker-friendly, it helps our businesses to be as competitive and effective as they possibly can be, and it also, when we look at the case of Joe, how he was able to be the best that he could be.

I think this is an act for the 1990's. It is the kind of legislation that we need to help us move into the next century and continue to be the world's most productive nation in the world, and with that I again reiterate my support for the original language.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Ohio [Mr. SAWYER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SAWYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 204, noes 221, not voting 9, as follows:

[Roll No. 688]

AYES—204

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chabot
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Duncan
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Frisa
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoke
Holden
Houghton
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Metcalf
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Regula
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Spratt
Stark
Stockman
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Walsh
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOES—221

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brownback
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
Longley
Lucas
Manzullo
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Menendez
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Bilbray
Bryant (TN)
Jefferson
Moakley
Reynolds
Schumer
Solomon
Tucker
Volkmer

□ 1710

Mr. BARTLETT of Maryland and Mr. LEWIS of California changed their vote from ''aye'' to ''no.''

Mrs. CLAYTON and Messrs. GEJDENSON, HOKE, GIBBONS, FORBES, and ENGEL changed their vote and ''no'' to ''aye.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 1?

Mrs. ROUKEMA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the TEAM Act, and would like to commend Congressman GUNDERSON, Chairman GOODLING, and Subcommittee Chairman FAWELL for their continued efforts in bringing this bill to the floor. As a member of both the subcommittee and full committee, I can tell you that legislation aimed at increasing employer-employee cooperation has been in the works for years, and I am happy to say that today we finally have the opportunity to make this small but significant change in workplace policy.

Mr. Chairman, as I just alluded to, the TEAM Act is long overdue legislation. For 60 years, the National Labor Relations Act has played a critical and necessary role in protecting the rights of employees from being exploited by their employers. And, in 1995, it plays just as important of a role in ensuring that these rights continue to be protected, which is why employees have the ability to collectively bargain. But, times have changed, Mr. Chairman.

In this global economy, it is imperative for there to be greater dialog and interaction between employer and employee. Considering that a company's employees are closest to production, it is essential that employers have the opportunity to discuss with them circumstances which impact efficiency and productivity and that make a company better-equipped to compete in today's international market.

It is time that we recognize this, and the TEAM Act is an important step in this direction.

What the TEAM Act does is amend section 8(a)(2) of the National labor Relations Act to make employee-involvement committees legal in nonunion settings. These committees would be able to discuss issues of mutual interest such as quality and health and safety, but they could not ''have, claim, or seek authority to be the exclusive bargaining representative of the employees or to negotiate or enter into collective bargaining agreements * * *''

What this means is that an employee-involvement committee cannot assume the role of a union. And, in numerous rulings over the years, the National labor Relations Board has ruled various employee involvement committees to be illegal because they violated section 8(a)(2) by seeking to be the exclusive bargaining representative.

In union settings, if an employer sought the formation of an employee-involvement committee, he would have to consult the operating union and seek its approval. So, the union has the final say and can veto the employer's request, thereby preventing the creation of such a committee. And, no one can honestly believe that a union would allow the establishment of an employee-involvement committee which could potentially undermine the union's collective bargaining powers.

Unfortunately, unions too readily assume that, if an employer is involved in setting up an employee-involvement committee, then he or she will only seek to dominate and take advantage of employees. This argument might have been 100 percent valid 60 years ago, which is why the National Labor Relations Act is so proscriptive, but it is certainly not the case today.

The bottom line is that the National Labor Relations Act is so broadly written and so widely interpreted so as to deem illegal anything that remotely resembles a labor organization. The TEAM Act seeks to reconcile this ambiguity by permitting some employer-employee cooperation in nonunion settings.

Mr. Chairman, it is time we stop assuming that an employer's main function is to control and restrict the rights of the people who work for him. Maybe 60 years ago, but not now. A tremendous amount can be gained when employers and employees work as a team. And, if we continue to prevent this increased dialog from taking place, we are placing U.S. companies and businesses at a significant competitive disadvantage as we enter the 21st century.

I urge my colleagues to support this important legislation.

The CHAIRMAN. Are there further amendments to section 1? If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the escalating demands of global competition have compelled an increasing number of employers in the United States to make dramatic changes in workplace and employer-employee relationships;

(2) such changes involve an enhanced role for the employee in workplace decisionmaking, often referred to as ''Employee Involvement'', which has taken many forms, including self-managed work teams, quality-of-worklife, quality circles, and joint labor-management committees;

(3) Employee Involvement programs, which operate successfully in both unionized and nonunionized settings, have been established by over 80 percent of the largest employers in the United States and exist in an estimated 30,000 workplaces;

(4) in addition to enhancing the productivity and competitiveness of businesses in the United States, Employee Involvement programs have had a positive impact on the lives of such employees, better enabling them to reach their potential in the workforce;

(5) recognizing that foreign competitors have successfully utilized Employee Involvement techniques, the Congress has consistently joined business, labor and academic leaders in encouraging and recognizing successful Employee Involvement programs in the workplace through such incentives as the Malcolm Baldrige National Quality Award;

(6) employers who have instituted legitimate Employee Involvement programs have not done so to interfere with the collective bargaining rights guaranteed by the labor laws, as was the case in the 1930's when employers established deceptive sham ''company unions'' to avoid unionization; and

(7) Employee Involvement is currently threatened by legal interpretations of the prohibition against employer-dominated ''company unions''.

(b) PURPOSES.—The purpose of this Act is—

(1) to protect legitimate Employee Involvement programs against governmental interference;

(2) to preserve existing protections against deceptive, coercive employer practices; and

(3) to allow legitimate Employee Involvement programs, in which workers may discuss issues involving terms and conditions of employment, to continue to evolve and proliferate.

The CHAIRMAN. Are there amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. EMPLOYER EXCEPTION.

Section 8(a)(2) of the National Labor Relations Act is amended by striking the semicolon and inserting the following: '': Provided further, That it shall not constitute or be evidence of an unfair labor practice under this paragraph for an employer to establish, assist, maintain, or participate in any organization or entity of any kind, in which employees participate, to address matters of mutual interest, including, but not limited to, issues of quality, productivity, efficiency, and safety and health, and which does not have, claim, or seek authority to be the exclusive bargaining representative of the employees or to negotiate or enter into collective bargaining agreements with the employer or to amend existing collective bargaining agreements between the employer and any labor organization, except that in a case in which a labor organization is the representative of such employees as provided in section 9(a), this proviso shall not apply;''.

AMENDMENT OFFERED BY MR. MORAN

Mr. MORAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MORAN: Page 7, line 16, strike ''employees'' and insert ''representatives of employees, elected by a majority of employees by secret ballot,''.

□ 1715

Mr. MORAN. Mr. Chairman, I had the Clerk read the entire amendment because it is so short. It is very simple: It says that if you are going to have employee representatives, those people ought to in fact be representative of the employees. The only way that you can get fair representation is through a democratic process.

Mr. Chairman, if you are going to have legitimate representatives of employee groups, then they ought to be elected. I cannot think of any other legitimate way to decide who ought to represent a group of individuals than through the democratic process. All this amendment does is to say that for employee representatives, they will be chosen through a democratic process by the employees themselves. That is all it does.

I agree that we ought to have more creativity and flexibility in the workplace to deal with the advances in technology and the globalization of our economy. The problem is that this legislation's bottom line, if it is not corrected by this amendment, will give carte blanche authority to management to create, to mold, and to in fact terminate employee organizations dealings with issues such as wages and benefits, the guts of employee-management relationships.

The amendment I offer does not affect the tens of thousands of currently existing employee involvement groups. It does not affect them at all. It does require that when groups are formed to discuss the terms and conditions of employment, that they be democratically elected, and that is the whole purpose for this bill, because currently the National Labor Relations Act precludes employee groups from being able to determine the wages and conditions of employment.

If you are going to get into that area, then the people that you negotiate with ought to be truly representative of the work force.

Employee involvement groups have been successful at developing a number of creative solutions in a flexible environment, but they have not to date dealt with wages and benefits. That issue deserves a higher level of scrutiny. This will provide that higher level of scrutiny. It will make sure that the only people who are representing the employees are not the teacher's pet types of individuals who in fact are not representative. Some of them may be; some of them, we are sure, will not be. The only way to determine if they are representative is to let the employee choose them, and that is what this amendment does.

The TEAM Act abolishes the restriction in the National Labor Relations Act that restricts these employee involvement groups to discussing the terms and conditions of employment. We are told that this is not an obstruction to anything that currently exists within the workplace on the one hand by management. We are told by labor unions that all this is is an attempt to create sham unions.

You cannot have it both ways. It will in fact be a confirmation that they are sham unions if the employee representatives are not democratically selected.

Mr. Chairman, this part of the National Labor Relations Act was enacted in 1935 specifically to abolish sham unions. They flourished in the 1920's and 1930's. They are not entirely a thing of the past now. The courts in this country see dozens of sham union cases each year.

The statute we are replacing today is the only mechanism that prevents the deliberate formation of sham unions. The National Labor Relations Board former chairman, Edward Miller, now an attorney representing management interests, recognized this. He said, ''If this section were repealed, I have no doubt in not too many months or years sham company unions would again occur. As the Congress proceeds to change labor law in such a profound fashion, we should not deprive workers of the basic right of choosing their own representatives.''

My amendment allows employee involvement groups to discuss these conditions. It guarantees fairness by requiring democratic elections. It is a simple amendment. It makes common sense. I think it is the only way that Members in good conscience should support the kind of bill we are considering today.

Mr. WELDON of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think one of the mistakes this body has made for a very long time is that they do not look at what is going on out there in the marketplace. They make a decision as to what they think would be best, and then try to force that decision on the marketplace.

I know in my particular circumstances, in my district I have a very large employer that has a very long track record of having a very successful experience with teams. They have many different divisions and they have many different departments within each division. In most of these places they have teams. In some of the offices, the teams are actually elected, and some of them they are not, they are decided by acclamation.

I think it would be a mistake for us to come along and say in this TEAM Act that you have to do it the way we think it is done best. In our legislation, we do not mandate it, and I personally believe it would be a mistake in this particular circumstance to make a change like this.

I think the businesses that are working with this concept have devised a variety of different ways to make it work most successfully within the teams. The whole concept of this is that you get away from an adversarial environment where everybody is kind of coming together and everybody is giving their input into the process. Usually it is extremely democratic. If it is not, you do not get the level of satisfaction, the high level of satisfaction and the high level of morale that these teams have shown repeatedly in business after business that it works so well in.

For us here in Washington to say no, no, no, you have got to do it a certain way, I think it would be in my opinion a real mistake. The teams that are working in the businesses in my district, it is very, very democratic. In some instances it is by election, in some instances it is the whole department working together as a team. So to have an election is kind of ludicrous, where everybody in the office is taking part in the decisionmaking process.

So I respectfully rise in opposition to my good colleague's amendment, and I would encourage my colleagues to vote against the Moran amendment.

Mr. MORAN. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Virginia.

Mr. MORAN. Mr. Chairman, I would like to ask the gentleman, since he has emphasized the point that most of these teams are in fact democratically elected, what is wrong with ensuring that they all be democratically elected? Apparently, it would not change most of the structure of these team units.

Mr. WELDON of Florida. Mr. Chairman, reclaiming my time, the point is basically this. In some of the teams it is everybody. So the point of having an election is unnecessary. In some of the teams it is by acclamation. To have the NLRB making sure that all of these teams are elected, considering how politicized the NLRB is, I think would be a very, very big mistake.

We have businesses that are thriving using this technique. They are becoming more and more competitive. The business I am referring to would have had to have laid 1,000 people off, more than they ended up having to lay off because of the defense cutbacks, were it not for the fact they were able to dramatically expand their international sales. One of the ways they have been able to maintain a high level of productivity and efficiency is through the implementation of these team concepts.

For us to interject another regulation and another level of Federal bureaucracy into the process I think would be a grave mistake. I understand the good gentleman's legitimate concern to make sure it is a Democratic process, but I respectfully rise in opposition.

Mr. MORAN. Mr. Chairman, if the gentleman would yield further, I would inform the gentleman there is no mention of a Federal bureaucracy in the amendment. The amendment simply says that they would be representatives of employees elected by a majority of employees by secret ballot. A very simple amendment.

Mr. WELDON of Florida. Mr. Chairman, I agree. You know how that would be enforced, through the NLRB.

Ms. HARMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Moran amendment and in opposition to the bill in its present form.

The Moran amendment highlights what is wrong with this bill—the bill permits company domination of cooperative workplace organizations, including, most importantly, the selection of the members of these organizations.

Proponents of the bill insist that the Moran amendment is unnecessary—that nothing in the bill precludes the election of employee members to these organizations.

Yet nothing in the bill guarantees the democratic election of worker representatives. Without the amendment, companies can organize, hand-pick, and set the agenda for employee representation committees and then portray the committees as legitimate employee involvement. That is wrong.

If the Moran amendment is unnecessary, then this bill is unnecessary. For nothing in section 8(a)(2) of the National Labor Relations Act precludes employee involvement in workplace organizations that discuss productivity, efficiency, and safety and health. Nothing in current law and in current NLRB

decisions prevents workers and management from addressing and responding to the internationally competitive business environment.

Proponents of the bill argue that the NLRB's decision in the case of Electomation, Inc. caused a ''chilling effect'' on employee involvement programs, yet the data indicate the contrary. In the 2½ years since the decision, employee involvement programs have continued to grow at a healthy pace, especially in small firms.

To the extent that the Electromation ruling may have clouded the law, the Sawyer amendment, which I also support, clarifies it. But, in my view, the unanimous decision in the Electromation case by a Reagan-Bush appointed NLRB and a Seventh Circuit U.S. Court of Appeals panel clearly distinguishes the facts in that case. Perhaps that is why the National Association of Manufacturers testified in September, 1994 before the Commission on the Future of Worker-Management Relations that it did not see the need for, and did not propose or support, legislative changes to section 8(a)(2).

Mr. Chairman, workplace cooperation is certainly critical to our Nation's ability to compete in the next century. But such cooperation is already possible, indeed, it is flourishing under current law. The key to the success of this cooperation is true independence and freedom of association and representation. It is anathema to our Nation's core values to suggest that company domination of such workplace organizations is the path we must follow to be competitive in the future.

Employees and employers can work together now, without Congress resorting to legislation legitimizing company dominated and controlled unions.

I urge support of the Moran amendment and defeat of the bill in its present form.

Mr. FAWELL, Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also have to oppose the amendment, the concept of introducing an election into this area of voluntary employee teams. Again, I would ask that one stop and recognize that all of what is happening right now in the nonunion sector, where you have obviously all these thousands and thousands of employee teams to which reference has been made, and what we would be doing now is to introduce the concept of an election, and that in turn raises all kinds of questions.

You see, we would begin to now restrict and to regulate that which is totally, freely functioning right now. Questions would abound. How would the employer determine who is being represented and gets to vote in the secret ballot election? What management members of the team also represent the employees? If so, would they have to be elected? How long would the campaign period have to be before the election? How would the employer determine whether employees represent other employees? Would the NLRB conduct the election? If not, who would police it to make sure the ballot is truly secret and there is no coercion?

One can go on and on and on.

□ 1730

We must remember that workplaces continuously form numerous teams; some are permanent, some are just ad hoc, performing a wide variety of tasks, and of a very temporary nature. Teams can be formed to address emergency situations, such as determining scheduling and job responsibilities. Membership changes continuously.

Mr. Chairman, this introduces a morass of problems which, understandably, upon first blush, especially if one is not familiar with the National Labor Relations Act and the National Labor Relations Board, it introduces all kinds of problems. It sounds good. I know the gentleman's intentions are good, but, once again, we have a good thing going, it is flourishing, and we ought not to do harm. We should follow the Hippocratic oath and first do no harm. This would do a lot of harm.

Mr. ABERCROMBIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. CLAY. Mr. Chairman, I ask unanimous consent that we limit debate on each of the amendments, including this one, to 10 minutes, to be equally divided between both sides, 5 minutes each, and permission to roll the votes.

The CHAIRMAN. The Chair would state it is not possible in the Committee of the Whole to get permission to postpone votes.

Will the gentleman from Missouri [Mr. CLAY] withhold his request until the gentleman from Hawaii has completed his statement and renew the request at that time.

The gentleman from Hawaii [Mr. ABERCROMBIE] is recognized for 5 minutes.

Mr. ABERCROMBIE. Mr. Chairman, I find this a profoundly sad day. We are talking here, and actually having people stand up on the floor of the House of Representatives, the people's House in the United States of America and saying that if the Moran amendment passes we will be introducing the concept of elections to working people with respect to who might represent their positions as to the terms and conditions of their activities in the workplace.

That is what the whole collective bargaining idea has been about. Yes, it probably is strange to some of the people in this body, I am sorry to say, that workers might have an idea about who could represent them; that the condescending patronizing idea that possibly workers know what is good for them and can organize themselves accordingly some people still find strange.

Mr. Chairman, what I find strange is I know that my mother was fired from her job for marrying my father. My mother. This is not ancient history. My mother was fired from her job teaching in Buffalo, NY, for marrying my father. And I remember her saying to me when I first got involved with organizing labor, that all she could do was go to the principal's office, then go to see the superintendent of schools and stamp her foot. There was nothing she could do. It was the depression and the assumption was that if a woman married, then it was up to the husband to provide and she lost her job. No recourse.

I do not know what team was involved there. I do not know what organization got put together by management in Buffalo, NY, during the depression.

What about all these mergers and layoffs? Is there a team put together to discuss what the compensation for Ted Turner is going to be? I know he got on television and said he was never going to starve again. Well, I am certainly very happy about that, but I do not know if any team got together to discuss it. I know that with virtually every merger that takes place in this country, thousands of people are laid off of their jobs. Has it been discussed with them? Is that a concept? Yes, in this private sector out there, which is a nonunion sector right now, I guess it does strike people strange that people might want to organize.

Let us go over what the Moran amendment says. It says that employee involvement groups that discuss the terms and conditions of employment must be elected by the employees. This is the United States of America. I do not think we would find this strange in the Solidarity movement in Poland. I think we are suggesting the same thing in Burma. I think we are suggesting the same thing all over the world and yet we want to take it away from ourselves?

Mr. Chairman, we have to vote on this. This is going to make a statement for all of us in here as to whether or not we believe that the working people of the United States of America are not only capable of making decisions about the terms and conditions of their life and their workplace, but that we, in fact, as Americans, proud Americans, free men and women, are encouraging that and supporting that. That has made the difference for labor and management in terms of freedom and democracy in this country ever since this Congress, this House of Representatives, this legislative body, this national representative body said that organizing for collective bargaining purposes was a fundamental right of working men and women in this country.

To vote against the Moran amendment is to say that we oppose free elections by free men and women with respect to the conditions of work that they want to endure or undergo. Of course they can speak with management. Will they discuss the salaries and compensation of management?

Will that be part of the team effort? I doubt it. It has not been that up to this time.

Mr. Chairman, what I say is if we are in favor of men and women being able to determine the terms and conditions of their work in a cooperative setting, then allow them to elect the people who are going to represent that point of view. To do anything less is to undermine the very basis of collective bargaining in this Nation.

Miss COLLINS of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Moran amendment that would require that employee representatives who discuss the terms and conditions of employment with management be elected by fellow employees. The so-called TEAM Act would amend section 8(a)(2) of the National Labor Relations Act to allow employers to establish, finance, maintain, and control employee-participation committees to deal with workers regarding their wages, hours, and other conditions of employment. Mr. Chairman, it seems to me that the employees would be the best source for information when it comes down to their working conditions.

Mr. Chairman, this TEAM Act, if passed in present form, would violate the fundamental notions of democracy which underlie our Nation's system of labor relations. It seems to me that my colleagues on the other side of the aisle believe that workers must not be allowed to choose their own representatives but have them dictated by their respective company. This is a prime example of a Contract on America and its workers.

Mr. Chairman, this TEAM Act also gives unscrupulous employers a powerful weapon for undermining union organizing drives in nonunion workplaces. Whenever an employer gets wind that workers are considering joining a legitimate labor union, it would be an easy matter to establish a phony company-dominated employee-participation committee as a device for suppressing the ability of workers to have meaningful, independent representation.

Mr. Chairman, the TEAM Act is a radical piece of legislation that would allow employers to dictate to workers who will represent them in discussions concerning basic conditions of employment. By doing this, it would rob workers of their right to have their own independent voice. This in turn will inevitably undermine their ability to act collectively to maintain a middle-class standard of living.

Mr. Chairman, I urge all my colleagues to support the Moran amendment.

Mr. HOUGHTON. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment. I will not speak for 5 minutes, Mr. Chairman, but I appreciate your letting me speak at all, since I have already spoken on this issue.

I would like to talk about the Moran amendment for just a minute. I have tremendous respect for the gentleman from Virginia [Mr. MORAN]. He is one of the outstanding Members of this body. The key issue here is fair representation without challenging management rights, and we do that through a secret ballot, and we do it through a secret ballot because we want to get the right people. I understand that. I understand what the gentleman is driving at.

Mr. Chairman, I happen to agree with the gentleman from Ohio [Mr. SAWYER], and I voted for his amendment, but I think this is wrong, and I tell Members why. I cannot really talk about offices too much but I can talk about factories. There are certain dynamics and culture on the factory floor which cannot be regulated this way. Therefore, I think, from a practical standpoint, it will not work. Frankly, in the long run, I do not think it will be fair.

Mr. WISE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in favor of the Moran amendment. I think it brings some balance to this bill. I have gone back and forth on this TEAM Act, and, quite frankly, I have been undecided until recently. I have listened to the arguments, and all sides bring a lot to it. In talking to people that I have a great deal of respect for, both on the management side and the union side, I have come away a little confused.

Mr. Chairman, both make powerful arguments, but I guess I started looking at some statistics and some facts and the concern was, as I understand it, the purpose of the TEAM Act is to permit nonunion operations to be able to form quality groups, to be free of what they consider to be the fetters of the National Labor Relations Act. I began looking to see what the situation is, and what I found is that nonunion companies, as well as union companies, but nonunion companies have already been free.

I look at the statistics and see that productivity in this country is at an all-time high and on a sustained basis. In fact, Business Week magazine just ran an article a few weeks ago talking about how productivity is up, profits are up, but there is a disconnect because wages are tending to go down.

Mr. Chairman, that tells me that productivity is up and so something must be occurring. I have looked at some of the companies that have come and said they need TEAM. One was in my office today. I am fascinated because they just went through a grueling restructuring in which they created new divisions. They have greatly improved their operation. They are back to being a truly world class competitor once again, and they have done it without TEAM. They have been able to form the employee consultation that they needed. They do not agree with my analysis, but yet that is the way it seems to be.

I look at other major companies. How did, for instance, Nissan in Tennessee, and how did Toyota in Ohio, and how did Motorola and others begin to be once again the economic juggernauts of industrial forces. The reality is they have been able to do it all and without TEAM.

Finally, Mr. Chairman, I looked at the National Labor Relations Board and found that since the Electromation case in 1992, which is really sort of what brought this on, I found there had been a handful, at best, of complaints filed by companies saying that they do not have this ability.

For all of those reasons, Mr. Chairman, I rise to oppose the act. But if the act is going to pass, certainly I would hope the Moran amendment would be passed to bring some balance to it.

□ 1745

Mr. GOODLING. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. SALMON] having assumed the chair, Mr. KOLBE, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 743) to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes, had come to no resolution thereon.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 743, TEAMWORK FOR EMPLOYEES AND MANAGERS ACT OF 1995

Mr. CLAY. Mr. Speaker, I have a unanimous-consent request at the desk.

The SPEAKER pro tempore (Mr. SALMON). The Clerk will report the request.

The Clerk read the following:

Mr. CLAY asks unanimous consent that during further consideration of the bill H.R. 743 in the Committee of the Whole pursuant to House Resolution 226, no further amendment shall be in order except the following—

(1) the amendment of Representative Traficant of Ohio, to be debatable for 10 minutes; and

(2) the amendment of Representative Doggett of Texas, to be debatable for 10 minutes; and

further, that each amendment—

(1) may be offered only in the order specified;

(2) may be offered only by the specified proponent or a designee;

(3) shall be considered as read;

(4) shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent;

(5) shall not be subject to amendment; and

(6) shall not be subject to a demand for division of the question, and further, that the chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and that the chairman of the Committee of the Whole may reduce to not less than