

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 Trafficant 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

five minute the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than 15 minutes.

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

Mr. GOODLING. Mr. Speaker, reserving the right to object, I ask unanimous consent that we have 2½ minutes on each side to complete the amendment of the gentleman from Virginia [Mr. MORAN], because all of those Members that got up and spoke over there, after we agreed that no more would get up and speak, I told my side they could get up and speak. So now we have to give 2½ minutes to either side on the amendment of the gentleman from Virginia [Mr. MORAN].

Mr. GOODLING. Mr. Speaker, I withdraw my reservation of objection.

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

Mr. CLAY. Mr. Speaker, reserving the right to object, nobody was listening to the speakers and I suggest that nobody is going to listen to the ones that the gentleman brings forth now.

Mr. Speaker, I have no objection to the unanimous consent request.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania to modify the unanimous-consent request of the gentleman from Missouri?

There was no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri [Mr. CLAY], as modified?

There was no objection.

#### TEAMWORK FOR EMPLOYEES AND MANAGERS ACT OF 1995

The SPEAKER pro tempore (Mr. SALMON). 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 further consideration of the bill, H.R. 743.

□ 1747

#### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 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. When the Committee of the Whole rose earlier today, section 3 had been designated and pending was the amendment offered by the gentleman from Virginia [Mr. MORAN].

Pursuant to the order of the House of today, 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 may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

Debate on each further amendment to the bill will be debatable for 10 minutes, equally divided between the proponent and an opponent of the amendment.

Two and one-half minutes remain on each side on the Moran amendment. The gentleman from Virginia [Mr. MORAN] controls 2½ minutes and the gentleman from Pennsylvania [Mr. GOODLING] controls 2½ minutes and will be entitled to close the debate.

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

Mr. Chairman, there are some things that I want to emphasize in this, because some of my very good friends have spoken on this, and perhaps there may be some misunderstanding.

In the first place, this does not affect any of the teams that currently exist that enable employers to deal with employees. This only affects groups that are set up to discuss the wages and working conditions. Those specific, most profound issues that are restricted by the National Labor Relations Act. Because the Labor Relations Act says that if you are going to discuss the wages and conditions of employment, then you really need legitimate elected representatives.

Mr. Chairman, that is all this amendment does. This amendment simply says that if you are going to have people making those determinations, the most important determinations in terms of the workforce, then those representatives of the employees ought to be democratically elected by the employees.

It does not go into a lot of rigamarole on how it might occur. I am sure there might be many ways of doing it, but it has to be a secret ballot and that is all that we ask. We do not tie it to any Federal bureaucracy. But I know that this is an aspect of fairness that not only legitimizes this bill, if it were to pass, but legitimizes the labor-management relationship within the work force.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GOODLING] is recognized for 2½ minutes.

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

Mr. TALENT. Mr. Chairman, let me describe why this amendment is not

going to work and why it reflects the mentality that simply does not reflect what is going on in the workplace today.

Let us take again a real-life example; not something that is going on in the Congress. People in the workshop are upset. They have been working a lot of overtime and maybe they do not like that. They have been complaining to the supervisor.

No union is present and no organizing. The supervisor goes to the plant manager. What can the plant manager do? The other side has admitted that there is a problem. That the plant manager cannot just form some kind of a team under current law to examine it; that it would be illegal under current law. So what can the plant manager do?

Mr. Chairman, he can just say, "Forget it. I am going to make the decision myself. We are going to continue working the way we are." What we want to say is let him do what people are already trying to do in thousands of places around the country. Say, "Okay. You talk to the people involved in it. Make sure you talk to Bill and Fred. Get them together and come up with a solution."

Mr. Chairman, what the amendment would say, before he can do that he has got to have an election with a secret ballot. What unit are you going to use? Just the craft unit in the plant? Are you going to use the whole unit? What day are you going to have the election? How many weeks are they going to have beforehand? What is the nominating process? How are they going to conduct the secret ballot?

Mr. Chairman, it is going to take months to resolve something that people in the real world outside of Government need to get resolved quickly. The effect of this amendment, or the defeat of this bill, would be to say, in effect, management must act dictatorially unless the employees choose the union.

Mr. Chairman, why do we want to force that in the workplaces on the employees and the employees in the United States? If people have a representative who will go in and collectively bargain and want a secret ballot and they want the months and months of campaigning, there is a method to get that. Under current law, it is called a union. If that is what they want, they can have it.

Mr. Chairman, we should not foreclose this expeditious means of getting people involved in decisions that are going to have to be made dictatorially by management. There is a problem. We have established consensus. This is a narrowly tailored bill to achieve it. The amendment, although offered in good faith, and I respect the work of the gentleman from Virginia [Mr. MORAN], is unworkable. Defeat the amendment and pass the bill.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from Virginia [Mr. MORAN].