

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].

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

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

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Virginia [Mr. MORAN], will be postponed.

AMENDMENT OFFERED BY MR. TRAFICANT

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

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 7, line 16, strike "employees" and insert "who participate to at least the same extent practicable as representatives of management."

The CHAIRMAN. Pursuant to the unanimous-consent request, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 5 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. Chairman, the amendment basically says, page 7, line 16, after "employees," insert, "who participate to at least the same extent practicable as representatives of management."

Mr. Chairman, this amendment is predicated on legal precedents of law now. Section 302 of the 1947 Taft-Hartley Act allows multi-employer pension funds in this case to be administered by a joint labor management board of trustees.

The key language in this legislation foundation is so long as both sides are equally represented. The statutory requirement ensures that equality is not illusory, but real. This does not micromanage business and it would offer some basic protections as it deals with fairness.

Now, there have been some attempts to reach common ground on this language, but I believe the language is, in fact, a basic, commonsense fairness provision.

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

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

Mr. GUNDERSON. Mr. Chairman, I want to compliment the gentleman for his effort in trying to work something out here. Let us clarify. I ask the gentleman whether I understand the amendment correctly. What the gentleman from Ohio is saying is that to the extent practicable, a team ought to have the same number of employers as employees?

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, to the greatest extent practicable all those matters of representation should be on an equal footing. I have left the language open in the event that there are some other mitigating factors which might cause some confusion.

Mr. GUNDERSON. Mr. Chairman, if the gentleman would yield further, and in our previous discussions that the gentleman and I had before he brought the amendment up, in a situation, for example, in a small business where I happen to be the employer and I happen to have 30 employees, that does not mean that we would limit the team to 1 employee.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, no, it would not. To the greatest extent practicable, fairness, and where it can be reached, equality in reaching these cooperative provisions that the bill espouses. Where they can be obtained, to the greatest extent practicable that shall be the benchmark and the guiding mark.

Mr. GUNDERSON. Mr. Chairman, I appreciate the gentleman's clarification.

Mr. TRAFICANT. Mr. Chairman, let me say this. Democrats are looking for some sinister side to this. The Republicans are not; they are saying it is all well-intentioned. Frankly, I do not know. All I know is this. If we are going to have these teams, there has been a statutory benchmark that says, Look, when we have joint employer-employee groups, the key legislative legal language is "fair and equal representation." Everybody having the same input as possible.

Now, I would be willing to work out anything that would reach the intent of that language, but I do not believe that there is much of a difference in the positions that we have discussed.

□ 1800

I believe the language is self-explanatory to the greatest extent practicable, but it ensures that fairness provision, as listed in section 302 of the Taft-Hartley Act, which speaks to participatory committees.

Mr. GUNDERSON. Mr. Chairman, if the gentleman will continue to yield, who defines whether it is practicable?

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

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

Mr. FAWELL. Mr. Chairman, the question that I have here, and I am not trying to be difficult, basically, as I understand the gentleman's amendment, section 3 would read 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.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. TRAFICANT] has expired.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I yield to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, in which employees participate to at least

the same extent practicable as representatives of management.

My question is, how do we determine whether or not the employees are participating to the same extent as representatives of management? It is not just a case of numbers. Now you are talking about a very subjective question of, are the employees participating to the same extent as are representatives of management. I do not know how that can be. I can see it being the formation of an awful lot of lawsuits.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, the existing language that deals with participatory committees under a labor setting is as long as both sides are equally represented. Now, I leave it open and broad enough, and to answer the gentleman from Wisconsin, that could be determined by the committee itself, those equally represented groups there, as to how and what in fact it is. It does not have to entail a big legal process. That would be my legislative intent.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GOODLING] has 4 minutes remaining.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Chairman, I wonder if the gentleman would answer a question. I can explain the problem I have got with his amendment. I see what the gentleman is driving at, but I want to explore why the gentleman thinks it is necessary, if I could.

Again, we are talking about real life problems that arise in the workplace. If the workplace is organized, if there is a union representing the employees, this bill does not apply. So we are talking about unorganized workplaces. So there is no union present.

Now, where there is no union present, without this bill, there is no question that management can decide these issues on its own without talking to anybody, can just say, we are going to change the scheduling and we are not going to change it. We do not care what people think. They just decide it on their own and do it. And that is perfectly legal.

So the question I have to ask the gentleman is, if a manager who decided on his own wants to say, well, look to the supervisor Joe, Joe, you and Fred go talk to Jane. So now there is two supervisors and Jane. What is wrong with allowing management to sample some employee opinion? Why do we have to require that they have some kind of equality when all that may result is management making the decision dictatorially.

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

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

Mr. TRAFICANT. Mr. Chairman, I am going to try to give as brief an answer as I can. I understand the gentleman's position. I accept it 101 percent. But if we also take that a step further,

is it not the intent of this legislation to provide for those nonunion workplaces an opportunity for team coordination and cooperation to move the company forward?

With that in mind, every existing statute that covers participatory employer/employee groups has one basic bit of language, and it talks about equal opportunities within that group for both management and labor.

The Traficant amendment basically says to the greatest extent practicable that each side should have an equal opportunity to address those issues and have their say.

Mr. TALENT. Mr. Chairman, I would just say to the gentleman, I am not aware of every statute that says some kind of an equal participatory requirement. I mean, there is right now, what the statute provides is either management doing it entirely on its own without the participation of employees at all or a union being certified which is exclusively employees. So it seems to me the gentleman is trying to introduce a new concept. I do not know that it makes that much practical difference, but I think it is based on a misconception of what is going on out there again and what the act is designed to do.

So I thank the gentleman for offering it. I know it is in good faith, but I do not know that it is workable.

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

Mr. Chairman, I need to have the gentleman make a change. Where he says strike and insert, and then he has to put employees back in before we go to who, "employees who participate."

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

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

MODIFICATION OF AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that page 7, line 16, "employees" would be listed there before "who participate to at least the same extent practicable as representatives of management."

The CHAIRMAN. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as modified, offered by Mr. TRAFICANT:

Page 7, line 16, strike "employees" and insert "who participate to at least the same extent practicable as representatives of management."

Mr. GOODLING. Mr. Chairman, we accept the gentleman's amendment.

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

There was no objection.

Mr. GOODLING. I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. DOGGETT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DOGGETT:

Page 7, beginning on line 23, strike "in a case in which" and all that follows through page 8, line 2, and insert the following: "this proviso shall not apply in a case in which—

(1) a labor organization is the representative of such employees as provided in section 9(a), or

(2) the employer creates or alters the work unit or committee during organizational or other concerted activities for the purpose of collective bargaining or other mutual aid or protection among such employees or seeks to discourage employees from exercising their rights under section 7 of the Act;"

The CHAIRMAN. Pursuant to the unanimous-consent agreement of today, the gentleman from Texas [Mr. DOGGETT] and the gentleman from Pennsylvania [Mr. GOODLING] will each be recognized for 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. DOGGETT].

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

Early in the consideration of this legislation, I met with employers in Austin, TX, folks like 3M and Texas Instruments, Motorola, IBM. I have personally seen teams at work in those kind of manufacturing plants that are vital to consistently maintaining our unemployment in central Texas below 4 percent. I personally believe in the team concept. It is already in abundant use in my area, and it is helping to keep American firms competitive in the international marketplace.

Used appropriately, teams represent a process through which every employee is offered an opportunity to contribute to the maximum of that employee's potential. This approach represents one way for us to continue outperforming other countries.

Some of these employers apparently fear, because of one case, that there is the possibility of being involved in litigation with unscrupulous employees for doing what they are already doing, for doing what is occurring at the very moment that we are debating this bill down in Austin, TX and in progressive workplaces across America.

I do not have any personal problem with clarifying and protecting those employers under H.R. 743. But I think if we are going to protect the employer, we should also offer protection for the employee.

My amendment is targeted to do just that. Just as there could be an unscrupulous employee stirring up litigation, so there could be an unscrupulous employer. My amendment is an attempt to reap the benefits of the TEAM Act without allowing abuse of the employee.

It would simply make clear in a much more narrow way than my colleague, the gentleman from Ohio [Mr.

SAWYER], attempted to do earlier that the TEAM Act itself is there, but it would be unfair for an employer to use a team to thwart an organizing drive. It says that the employer cannot create or alter a team during organizational or other concerted activities among employees.

In other words, an employer cannot start a team or stack a team to thwart an organizing drive. And it is entirely neutral on whether people should be organized. Just as with the sponsors of this act, I do not take a position one way or another as to whether people should be in unions. That is up to them. We just should not have another tool in that process that could thwart their choice to belong to a union.

The business leaders that I have talked to in Texas have said they are not out to create company unions or to thwart union drives through this legislation. So my amendment is consistent with what they say they need as well as with what they say they do not need.

Since our colleagues who are offering the TEAM Act say they also have no intention of interfering in union organization, I would say, let us just spell it out in the bill. That is what this amendment does.

I know that achieving moderation in this congress when the issue is employer-employee relations, labor-management relations, is not an easy task. But that is what we ought to do here tonight. I personally voted today for the resolution that permitted the consideration of H.R. 743. I want to support the TEAM Act and vote for this bill. But let us be sure that we have provided protection for those employees who want the right to organize and that they do not get teamed up on.

Let us pass this amendment, because with it we can protect employees while giving employers the flexibility that the sponsors say they need and which I believe they need to compete globally.

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

Mr. GOODLING. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, first of all I want to make sure that everybody understands that if an employer uses a team or committee to interfere with the right of employees to organize, that is prohibited by law and the TEAM Act would not change that in any way. All the protections in the National Labor Relations Act safeguarding the rights of employees to organize and form unions remains unaffected by the TEAM Act. Employers are still prohibited from interfering with the employees' ability to organize under section 8(a)(1) and are prohibited under section 8(a)(3) from discriminating against employees on the basis of union activity.

Prohibiting the creation of a team or alteration of a work unit during organizational activity would potentially call into question every team used because there is no way of ensuring that employers will be on notice that such

activity is taking place in the workplace.

Is a discussion between two employees about the benefits of a union organization an activity, an organizational activity? What about offsite meetings between the local and several employees? Prohibiting the same activity during concerted activities makes matters even worse, as that concept is extremely broad under the National Labor Relations Act. Indeed, it can cover any time two employees are talking about a term or a condition of employment.

So the amendment would really cause all sorts of confusion and I suppose all sorts of litigation also.

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

The CHAIRMAN. The gentleman from Texas [Mr. DOGGETT] has 1½ minutes remaining.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [MR. FAWELL].

Mr. FAWELL. Mr. Chairman, I rise in opposition. An employer cannot use a team or committee to interfere with the employees ability to organize or engage in other concerted activities for mutual aid or protection. Interestingly enough, this is set forth right in section (a)(1) which makes it an unfair labor practice for employers to interfere with, to restrain, or coerce employees in the exercise of their rights guaranteed by section 7 of the National Labor Relations Act or to organize or bargain collectively through representatives of their own choosing. That remains untouched by this act.

In a recent case, it was found that an employer's promise, the day before a union election, to establish a communications committee to deal with employee grievances was a violation in fact of section 8(a)(1), because it was used as an inducement to persuade employees to vote against the union.

Again, I just urge Members not to start filling in all of these various types of laws in this bill. It is already taken care of.

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

Mr. Chairman, as I hear the arguments against the amendment, they seem to boil down to that it is already against the law to do what I want to accomplish through this amendment and, on the other hand, that the amendment is too broad to do what is already in the law. If it is already in the law and there is no intent to use the TEAM Act in order to thwart organizing drives, then why not put it in again and clarify it and assure those who have been concerned that that is the purpose of this act that in fact we are prohibiting it.

As far as whether the second argument, that the amendment is too broad, I have drawn it directly from section 7 of the act and have not included any new terms of art but have relied on those terms that are already in as codified 29 U.S.C. 157, where we

already have a body of court law concerning what these terms mean.

As to the final point, which I wonder if offered almost frivolously, that perhaps the employer would not know when employees were engaged in an organizing drive, I guarantee my colleagues that any of the Texas employers that I know, they are going to know if there is an organizing drive going on in their plant.

This is a narrow amendment. It does not use the categories, nor is it subject to the kind of objections that were raised to the amendment which I thought was a good one, of my colleague, the gentleman from Ohio [Mr. SAWYER].

It is designed only to assure employees that they are not going to be teamed up on. If we do that, then I can certainly join this bill. I think the bill is basically a good concept. I want to support the bill. I want to see a bill that can be signed by the President into law and one that is equally fair to employer and employee.

Mr. GOODLING. Mr. Chairman, I yield the balance of my time to the gentleman from Wisconsin [Mr. GUNDERSON].

The CHAIRMAN. The gentleman from Wisconsin [Mr. GUNDERSON] is recognized for 2½ minutes.

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

□ 1815

Mr. GUNDERSON. Mr. Chairman, I certainly do not question the intent of our colleague from Texas. The concern I have is that section 7 of the act, which he took it from, talks about interfering. The problem with the amendment is that it says, if this happens at the same time, whether there is interference or not, then there is an automatic violation, and that becomes a problem when we look at our paren 2 where the employer alters the work unit. The gentleman and I know that simply any kind of change of the work force or the change of the production line alters the word unit. Now my colleague would say he has got that during an organizational or other concerted activity for the purpose of collective bargaining, or mutual aid, or protection among the employees. So, if we are altering the work unit, changing the production line for the mutual aid or protection of the employees making the place safer for the work force, if that were happening at the same time the TEAM were in effect, it would not have to be interference, but if it is happening at the same time, it becomes a problem.

I have to tell my colleague I think most people on this side of the aisle do not want TEAM to become an excuse and tactic to prevent organization, and if during this process, as we move through the Senate and conference, if we can talk this out, I think some of us want to work with the gentleman on that. Our concern is that the language

the gentleman has seems to go beyond that, and we have some concerns, so that is why I would encourage my colleagues not to support the amendment at this time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DOGGETT].

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

#### RECORDED VOTE

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

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Texas [Mr. DOGGETT] will be postponed.

#### SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of today, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: The amendment offered by the gentleman from Virginia [Mr. MORAN]; the amendment offered by the gentleman from Texas [Mr. DOGGETT].

#### AMENDMENT OFFERED BY MR. MORAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia [Mr. MORAN] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

#### RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to the order of the House of today, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional amendment on which the Chair has postponed further proceedings.

#### PARLIAMENTARY INQUIRY

Mr. DOGGETT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DOGGETT. Mr. Chairman, is it necessary to ask for a recorded vote again?

The CHAIRMAN. At the appropriate time Members will be asked to stand for a recorded vote.

The vote was taken by electronic device, and there were—ayes 195, noes 228, not voting 11, as follows:

[Roll No. 689]

#### AYES—195

Abercrombie	Becerra	Borski
Ackerman	Beilenson	Boucher
Andrews	Bentsen	Brewster
Baessler	Berman	Browder
Baldacci	Bevill	Brown (CA)
Barcia	Bishop	Brown (FL)
Barrett (WI)	Bonior	Brown (OH)

Bryant (TX)	Hastings (FL)	Pallone	Knollenberg	Nethercutt	Shadegg	Dellums	Kennedy (RI)	Poshard
Bunn	Hayes	Pastor	Kolbe	Neumann	Shaw	Deutsch	Kennelly	Rahall
Cardin	Hefner	Payne (NJ)	LaHood	Ney	Shays	Diaz-Balart	Kildee	Rangel
Chabot	Hilliard	Pelosi	Largent	Norwood	Shuster	Dicks	Kleccka	Reed
Chapman	Hinchey	Peterson (FL)	Latham	Nussle	Sisisky	Dingell	Klink	Regula
Clay	Holden	Peterson (MN)	LaTourette	Oxley	Skeen	Dixon	LaFalce	Richardson
Clayton	Horn	Pomeroy	Laughlin	Packard	Skelton	Doggett	Lantos	Riggs
Clement	Hoyer	Poshard	Lazio	Parker	Smith (MI)	Doyle	Levin	Rivers
Clyburn	Jackson-Lee	Rahall	Leach	Paxon	Smith (TX)	Durbin	Lewis (GA)	Roemer
Coleman	Jacobs	Rangel	Lewis (CA)	Payne (VA)	Souder	Edwards	Lincoln	Rose
Collins (IL)	Johnson (SD)	Reed	Lewis (KY)	Petri	Spence	Engel	Lofgren	Roybal-Allard
Collins (MI)	Johnson, E. B.	Richardson	Lightfoot	Pickett	Stearns	Eshoo	Lowe	Rush
Condit	Johnston	Rivers	Linder	Pombo	Stenholm	Evans	Luther	Sabo
Conyers	Kanjorski	Roemer	Lipinski	Porter	Stump	Farr	Maloney	Sanders
Costello	Kaptur	Rose	Livingston	Portman	Talent	Fattah	Manton	Sawyer
Coyne	Kennedy (MA)	Roybal-Allard	LoBiondo	Pryce	Tate	Fazio	Markey	Schroeder
Cramer	Kennedy (RI)	Rush	Longley	Quillen	Tauzin	Fields (LA)	Mascara	Schroeder
Danner	Kennelly	Sabo	Lucas	Quinn	Taylor (MS)	Filner	Matsui	Scott
de la Garza	Kildee	Sanders	Manzullo	Radanovich	Taylor (NC)	Flake	McCarthy	Serrano
DeFazio	Kleccka	Sawyer	Martini	Ramstad	Thomas	Foglietta	McDermott	Skaggs
DeLauro	Klink	Schroeder	McCollum	Regula	Thornberry	Ford	McHale	Slaughter
Dellums	LaFalce	Scott	McCrery	Riggs	Thornton	Frank (MA)	McKinney	Smith (NJ)
Deutsch	Lantos	Serrano	McDade	Roberts	Tiahrt	Franks (NJ)	McNulty	Spratt
Diaz-Balart	Levin	Skaggs	McHugh	Rogers	Torkildsen	Frost	Meehan	Stark
Dicks	Lewis (GA)	Slaughter	McInnis	Rohrabacher	Torres	Furse	Meek	Stokes
Dingell	Lincoln	Smith (NJ)	McIntosh	Ros-Lehtinen	Upton	Gejdenson	Menendez	Studds
Dixon	Lofgren	Smith (WA)	McKeon	Roth	Vucanovich	Gephardt	Mfume	Stupak
Doyle	Lowey	Spratt	Menendez	Roukema	Waldholtz	Gibbons	Miller (CA)	Tanner
Duncan	Luther	Stark	Meyers	Royce	Walker	Gilman	Mineta	Tejeda
Durbin	Maloney	Stockman	Mica	Salmon	Walsh	Gonzalez	Minge	Thompson
Edwards	Manton	Stokes	Miller (FL)	Sanford	Wamp	Gordon	Mink	Thornton
Engel	Markey	Studds	Molinari	Saxton	Weldon (FL)	Green	Mollohan	Thurman
Eshoo	Mascara	Stupak	Montgomery	Scarborough	Weller	Gutierrez	Moran	Torricelli
Evans	Matsui	Tanner	Moorhead	Schaefer	White	Hall (OH)	Murtha	Towns
Farr	McCarthy	Tejeda	Morella	Schiff	Wicker	Hamilton	Nadler	Trafigant
Fattah	McDermott	Thompson	Myers	Seastrand	Wolf	Harman	Neal	Velazquez
Fazio	McHale	Thurman	Myrick	Sensenbrenner	Zeliff	Hastings (FL)	Oberstar	Vento
Fields (LA)	McKinney	Torricelli				Hefner	Obey	Visclosky
Filner	McNulty	Towns				Hinchey	Olver	Ward
Flake	Meehan	Trafigant	Hoke	Reynolds	Volkmer	Hoke	Ortiz	Waters
Flanagan	Meek	Velazquez	Jefferson	Schumer	Watts (OK)	Holden	Orton	Watt (NC)
Foglietta	Metcalfe	Vento	Martinez	Solomon	Young (FL)	Hoyer	Owens	Waxman
Ford	Mfume	Visclosky	Moakley	Tucker		Jackson-Lee	Pallone	Williams
Frank (MA)	Miller (CA)	Ward				Jacobs	Pastor	Wilson
Franks (NJ)	Mineta	Waters				Johnson (SD)	Payne (NJ)	Wise
Frost	Minge	Watt (NC)				Johnson, E.B.	Pelosi	Woolsey
Furse	Mink	Waxman				Johnston	Peterson (FL)	Wyden
Gejdenson	Mollohan	Weldon (PA)				Kanjorski	Peterson (MN)	Wynn
Gephardt	Moran	Whitfield				Kaptur	Pomeroy	Yates
Gibbons	Murtha	Williams				Kennedy (MA)	Portman	
Gilman	Nadler	Wilson						
Gonzalez	Neal	Wise						
Gordon	Oberstar	Woolsey						
Green	Obey	Wyden						
Gutierrez	Olver	Wynn						
Hall (OH)	Ortiz	Yates						
Hamilton	Orton	Young (AK)						
Harman	Owens	Zimmer						

## NOT VOTING—11

□ 1837

Mr. SKELTON changed his vote from “aye” to “no.”

Mr. ORITZ and Ms. BROWN of Florida changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DOGGETT

The CHAIRMAN. The pending business is the request for a recorded vote on the amendment offered by the gentleman from Texas [Mr. DOGGETT] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 187, noes 234, not voting 13, as follows:

[Roll No. 690]

AYES—187

Allard	Coburn	Gekas	Abercrombie	Bonior	Clyburn
Archer	Collins (GA)	Geren	Ackerman	Borski	Coleman
Armey	Combest	Gilchrest	Andrews	Boucher	Collins (IL)
Bachus	Cooley	Gillmor	Baessler	Browder	Collins (MI)
Baker (CA)	Cox	Goodlatte	Baldacci	Brown (CA)	Condit
Baker (LA)	Crane	Goodling	Barcia	Brown (FL)	Conyers
Ballenger	Crapo	Goss	Barrett (WI)	Brown (OH)	Costello
Barr	Creameans	Graham	Becerra	Bryant (TX)	Coyne
Barrett (NE)	Cubin	Greenwood	Beilenson	Cardin	Cramer
Bartlett	Cunningham	Gunderson	Bentsen	Chapman	Danner
Barton	Davis	Gutknecht	Berman	Clay	de la Garza
Bass	Deal	Hall (TX)	Bevill	Clayton	DeFazio
Bateman	DeLay	Hancock	Bishop	Clement	DeLauro
Bereuter	Dickey	Hansen			
Bilbray	Doggett	Hastert			
Bilirakis	Dooley	Hastings (WA)			
Bliley	Doolittle	Hayworth			
Blute	Dornan	Hefley			
Boehlert	Dreier	Heineman			
Boehner	Dunn	Herger			
Bonilla	Ehlers	Hilleary			
Bono	Ehrlich	Hobson			
Brownback	Emerson	Hoekstra			
Bryant (TN)	English	Hostettler			
Bunning	Ensign	Houghton			
Burr	Everett	Hunter			
Burton	Ewing	Hutchinson			
Buyer	Fawell	Hyde			
Callahan	Fields (TX)	Inglis			
Calvert	Foley	Istook			
Camp	Forbes	Johnson (CT)			
Canady	Fowler	Johnson, Sam			
Castle	Fox	Jones			
Chambliss	Franks (CT)	Kasich			
Chenoweth	Frelinghuysen	Kelly			
Christensen	Frisa	Kim			
Chrysler	Funderburk	King			
Clinger	Gallegly	Kingston			
Coble	Ganske	Klug			

## NOES—234

Allard	Crane	Hansen
Archer	Crapo	Hastert
Armey	Creameans	Hastings (WA)
Bachus	Cubin	Hayes
Baker (CA)	Cunningham	Hayworth
Baker (LA)	Davis	Hefley
Ballenger	Deal	Heineman
Barr	DeLay	Herger
Barrett (NE)	Dickey	Hilleary
Bartlett	Dooley	Hobson
Barton	Doolittle	Hoekstra
Bass	Dornan	Horn
Bateman	Dreier	Hostettler
Bereuter	Duncan	Houghton
Bilbray	Ehlers	Hunter
Bilirakis	Ehrlich	Hutchinson
Bliley	Emerson	Hyde
Blute	English	Inglis
Boehlert	Ensign	Istook
Boehner	Everett	Johnson (CT)
Bonilla	Ewing	Johnson, Sam
Bono	Fawell	Jones
Brewster	Fields (TX)	Kasich
Brownback	Flanagan	Kelly
Bryant (TN)	Foley	Kim
Bunn	Forbes	King
Bunning	Fowler	Kingston
Burr	Fox	Klug
Burton	Franks (CT)	Knollenberg
Buyer	Frelinghuysen	Kolbe
Callahan	Frisa	LaHood
Calvert	Funderburk	Largent
Camp	Gallegly	Latham
Canady	Ganske	LaTourette
Castle	Gekas	Laughlin
Chabot	Geren	Lazio
Chambliss	Gilchrest	Leach
Chenoweth	Gillmor	Lewis (CA)
Christensen	Goodlatte	Lewis (KY)
Chrysler	Goodling	Lightfoot
Clinger	Goss	Linder
Coble	Graham	Lipinski
	Greenwood	Livingston
	Gunderson	LoBiondo
	Gutknecht	Longley
	Hall (TX)	Lucas
	Hancock	Manzullo

Martini	Pryce	Spence
McCollum	Quillen	Stearns
McCrery	Quinn	Stenholm
McDade	Radanovich	Stockman
McHugh	Ramstad	Stump
McInnis	Roberts	Talent
McIntosh	Rogers	Tate
McKeon	Rohrabacher	Tauzin
Meyers	Ros-Lehtinen	Taylor (MS)
Mica	Roth	Taylor (NC)
Miller (FL)	Roukema	Thomas
Molinari	Royce	Thornberry
Montgomery	Salmon	Tiahrt
Moorhead	Sanford	Torkildsen
Morella	Saxton	Torres
Myers	Scarborough	Upton
Myrick	Schaefer	Vucanovich
Nethercutt	Schiff	Waldholtz
Neumann	Seastrand	Walker
Ney	Sensenbrenner	Walsh
Norwood	Shadegg	Wamp
Nussle	Shaw	Weldon (FL)
Oxley	Shays	Weldon (PA)
Packard	Shuster	Weller
Parker	Sisisky	White
Paxon	Skeen	Whitfield
Payne (VA)	Skelton	Wicker
Petri	Smith (MI)	Wolf
Pickett	Smith (TX)	Young (AK)
Pombo	Smith (WA)	Zeliff
Porter	Souder	Zimmer

## NOT VOTING—13

Dunn	Moakley	Volkmer
Hilliard	Reynolds	Watts (OK)
Jefferson	Schumer	Young (FL)
Martinez	Solomon	
Metcalf	Tucker	

## □ 1845

So the amendment was rejected.

The result of the vote was announced as above recorded.

## □ 1845

The CHAIRMAN. The Clerk will designate section 4.

The text of section 4 is as follows:

**SEC. 4. LIMITATION ON EFFECT OF ACT.**

Nothing in this Act shall affect employee rights and responsibilities contained in provisions other than section 8(a)(2) of the National Labor Relations Act, as amended.

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

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

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. KOLBE, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 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, pursuant to House Resolution 226, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. LAHOOD). Under the rule, the previous question is ordered.

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

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

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

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

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

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

## RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 221, noes 202, not voting 11, as follows:

[Roll No. 691]

## AYES—221

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

Walker
Wamp
Weldon (FL)
Weldon (PA)

Weller
White
Whitfield
Wicker

Wolf
Zeliff
Zimmer

## NOES—202

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

## NOT VOTING—11

Jefferson	Reynolds	Volkmer
Lewis (CA)	Schumer	Watts (OK)
Martinez	Solomon	Young (FL)
Moakley	Tucker	

## □ 1903

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Speaker, I was unavoidably detained with the Governor of Oklahoma and the President on rollcall Nos. 689, 690, and 691.