

order dismissing the said complaint, not later than 365 days after the filing of the unfair labor practice charge with the Board except in cases of extreme complexity. The Board shall submit a report annually to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate regarding any cases pending for more than 1 year, including an explanation of the factors contributing to such a delay and recommendations for prompt resolution of such cases."

SEC. 304. REGULATIONS.

The Board may issue such regulations as are necessary to carry out the purposes of this title.

TITLE IV—ATTORNEYS FEES

SEC. 401. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds as follows:

(1) Certain small businesses and labor organizations are at a great disadvantage in terms of expertise and resources when facing actions brought by the National Labor Relations Board.

(2) The attempt to "level the playing field" for small businesses and labor organizations by means of the Equal Access to Justice Act has proven ineffective and has been underutilized by these small entities in their actions before the National Labor Relations Board.

(3) The greater expertise and resources of the National Labor Relations Board as compared with those of small businesses and labor organizations necessitate a standard that awards fees and costs to certain small entities when they prevail against the National Labor Relations Board.

(b) PURPOSE.—It is the purpose of this title—

(1) to ensure that certain small businesses and labor organizations will not be deterred from seeking review of, or defending against, actions brought against them by the National Labor Relations Board because of the expense involved in securing vindication of their rights;

(2) to reduce the disparity in resources and expertise between certain small businesses and labor organizations and the National Labor Relations Board; and

(3) to make the National Labor Relations Board more accountable for its enforcement actions against certain small businesses and labor organizations by awarding fees and costs to these entities when they prevail against the National Labor Relations Board.

SEC. 402. AMENDMENT TO NATIONAL LABOR RELATIONS ACT.

The National Labor Relations Act (29 U.S.C. 151 and following) is amended by adding at the end the following new section:

"AWARDS OF ATTORNEYS' FEES AND COSTS

"SEC. 20. (a) ADMINISTRATIVE PROCEEDINGS.—An employer who, or a labor organization that—

"(1) is the prevailing party in an adversary adjudication conducted by the Board under this or any other Act, and

"(2) had not more than 100 employees and a net worth of not more than \$1,400,000 at the time the adversary adjudication was initiated, shall be awarded fees and other expenses as a prevailing party under section 504 of title 5, United States Code, in accordance with the provisions of that section, but without regard to whether the position of the Board was substantially justified or special circumstances make an award unjust. For purposes of this subsection, the term 'adversary adjudication' has the meaning given that term in section 504(b)(1)(C) of title 5, United States Code.

"(b) COURT PROCEEDINGS.—An employer who, or a labor organization that—

"(1) is the prevailing party in a civil action, including proceedings for judicial review of agency action by the Board, brought by or against the Board, and

"(2) had not more than 100 employees and a net worth of not more than \$1,400,000 at the time the civil action was filed, shall be awarded fees and other expenses as a prevailing party under section 2412(d) of title 28, United States Code, in accordance with the provisions of that section, but without regard to whether the position of the United States was substantially justified or special circumstances make an award unjust. Any appeal of a determination of fees pursuant to subsection (a) or this subsection shall be determined without regard to whether the position of the United States was substantially justified or special circumstances make an award unjust."

SEC. 403. APPLICABILITY.

(a) AGENCY PROCEEDINGS.—Subsection (a) of section 20 of the National Labor Relations Act, as added by section 402 of this Act, applies to agency proceedings commenced on or after the date of the enactment of this Act.

(b) COURT PROCEEDINGS.—Subsection (b) of section 20 of the National Labor Relations Act, as added by section 402 of this Act, applies to civil actions commenced on or after the date of the enactment of this Act.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce, Will the House pass said bill?

The SPEAKER pro tempore, Mr. TIAHRT, announced that the yeas had it.

Mr. CLAY demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas ..... 202 affirmative ..... } Nays ..... 200

¶26.22

[Roll No. 78]

AYES—202

- Aderholt Combest Goss
Archer Cook Graham
Armev Cox Granger
Bachus Crane Greenwood
Baker Cubin Gutknecht
Ballenger Cunningham Hall (TX)
Barr Davis (VA) Hansen
Bartlett Deal Hastert
Bartlett DeLay Hastings (WA)
Barton Dickey Hayworth
Bass Doolittle Hefley
Bateman Dreier Heger
Bereuter Duncan Hill
Bilbray Dunn Hilleary
Bilirakis Ehlers Hobson
Billey Ehrlich Hoekstra
Blunt Emerson Horn
Boehner English Hostettler
Boyd Ensign Hulshof
Brady Everett Hunter
Bryant Ewing Hutchinson
Bunning Fawell Hyde
Burr Foley Inglis
Burton Fossella Istook
Buyer Fowler Jenkins
Callahan Fox John
Calvert Frelinghuysen Johnson, Sam
Camp Gallegly Jones
Canady Ganske Kasich
Castle Gekas Kim
Chabot Gibbons Kingston
Chambliss Gilchrist Klug
Chenoweth Gillmor Knollenberg
Christensen Gingrich Kolbe
Coble Goode Largent
Coburn Goodlatte Latham
Collins Goodling Leach

- Lewis (CA) Peterson (PA) Smith (OR)
Lewis (KY) Petri Smith, Linda
Linder Pickering Snowbarger
Livingston Pitts Souder
LoBiondo Pombo Spence
Lucas Porter Stearns
Manzullo Portman Stenholm
McCollum Pryce (OH) Stump
McCrery Radanovich Sununu
McInnis Ramstad Talent
McIntosh Redmond Tanner
McIntyre Regula Tauzin
McKeon Riggs Taylor (MS)
Mica Riley Taylor (NC)
Miller (FL) Rogan Thomas
Moran (KS) Rohrabacher Thornberry
Morella Roukema Thune
Myrick Ryun Tiahrt
Nethercutt Salmon Upton
Neumann Sanford Walsh
Ney Saxton Wamp
Northup Scarborough Watkins
Norwood Schaefer, Dan Watts (OK)
Nussle Schaffer, Bob Weldon (FL)
Oxley Sensenbrenner White
Packard Sessions Whitfield
Pappas Shadegg Wicker
Parker Shaw Wolf
Paul Skuster Young (FL)
Paxon Shuster
Pease Smith (MI)

NOES—200

- Abercrombie Hall (OH) Olver
Ackerman Hamilton Ortiz
Allen Hastings (FL) Owens
Andrews Hefner Pallone
Baesler Hilliard Pascrell
Baldacci Hinchey Pastor
Barcia Hinojosa Pelosi
Barrett (WI) Holden Peterson (MN)
Becerra Hooley Pickett
Bentsen Hoyer Pomeroy
Berman Jackson (IL) Poshard
Berry Johnson (CT) Price (NC)
Bishop Johnson (WI) Quinn
Blagojevich Kanjorski Rahall
Blumenauer Kaptur Reyes
Boehlert Kelly Rivers
Bonior Kennedy (MA) Rodriguez
Borski Kennedy (RI) Roemer
Boswell Kennelly Rothman
Boucher Kildee Roybal-Allard
Brown (CA) Kilpatrick Rush
Brown (OH) Kind (WI) Sabo
Campbell King (NY) Sanchez
Capps Kleczka Sanders
Carson Klink Sandlin
Clay Kucinich Sawyer
Clayton LaFalce Schumer
Clement LaHood Scott
Clyburn Lampson Serrano
Condit Lantos Shays
Costello LaTourette Sherman
Coyne Lazio Shimkus
Cramer Levin Sisisky
Cummings Lewis (GA) Skaggs
Danner Lipinski Skelton
Davis (FL) Lofgren Slaughter
Davis (IL) Lowey Smith (NJ)
DeFazio Luther Smith, Adam
DeGette Maloney (CT) Snyder
Delahunt Maloney (NY) Spratt
DeLauro Manton Stabenow
Deutsch Markey Stark
Diaz-Balart Martinez Stokes
Dicks Mascara Strickland
Dingell Matsui Stupak
Dixon McCarthy (MO) Tauscher
Doggett McCarthy (NY) Thompson
Dooley McGovern Thurman
Doyle McHale Tierney
Edwards McHugh Torres
Eshoo McKinney Towns
Etheridge Meehan Traficant
Evans Meeke (FL) Turner
Farr Meeks (NY) Velazquez
Fattah Menendez Vento
Fazio Metcalf Visclosky
Filner Miller (CA) Watt (NC)
Forbes Minge Waxman
Frank (MA) Mink Weldon (PA)
Franks (NJ) Moakley Weller
Frost Mollohan Wexler
Furse Moran (VA) Weygand
Gejdenson Murtha Wise
Gephardt Nadler Woolsey
Gordon Neal Wynn
Green Oberstar Young (AK)
Gutierrez Obey

## NOT VOTING—29

Bonilla	Harman	Payne
Brown (FL)	Houghton	Rangel
Cannon	Jackson-Lee	Rogers
Cardin	(TX)	Ros-Lehtinen
Conyers	Jefferson	Royce
Cooksey	Johnson, E. B.	Smith (TX)
Crapo	McDade	Solomon
Engel	McDermott	Waters
Ford	McNulty	Yates
Gilman	Millender-	
Gonzalez	McDonald	

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

¶26.23 ORDER OF BUSINESS—  
CONSIDERATION OF H.R. 2515

On motion of Mr. SMITH of Oregon, by unanimous consent,

*Ordered*, That the following resolution (H. Res. 394) be considered as adopted:

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2515) to address the declining health of forests on Federal lands in the United States through a program of recovery and protection consistent with the requirements of existing public land management and environmental laws, to establish a program to inventory, monitor, and analyze public and private forests and their resources, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Agriculture now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 3530. Each section of that amendment in the nature of a substitute shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI or clause 5(a) of rule XXI are waived. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute

made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

*Ordered further*, That during consideration of the bill (H.R. 2515) to address the declining health of forests on Federal lands in the United States through a program of recovery and protection consistent with the requirements of existing public land management and environmental laws, to establish a program to inventory, monitor, and analyze public and private forests and their resources, and for other purposes, in the Committee of the Whole pursuant to that resolution; (1) the amendment in the nature of a substitute made in order as original text be considered as read; and (2) after general debate, the bill be considered for amendment under the five-minute rule for a period not to extend beyond 1:30 p.m. on Friday March 27, 1998.

¶26.24 ADDITIONAL COSPONSORS—H.R.  
2009

Mrs. CAPPS, by unanimous consent, was authorized to be considered as the first sponsor of the bill (H.R. 2009) to amend the Social Security Act to waive the 24 month waiting period for Medicare coverage of individuals disabled with amyotrophic lateral sclerosis (ALS), to provide Medicare coverage of drugs used for treatment of ALS, and to amend the Public Health Service Act to increase Federal funding for research on ALS, for the purpose of adding cosponsors and requesting reprints pursuant to clause 4 of rule XXII.

¶26.25 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. GILLMOR, for today ;

To Mr. McNULTY, for today after 2 p.m.; and

To Mr. YATES, for today after 4:30 p.m.

And then,

¶26.26 ADJOURNMENT

On motion of Mr. GANSKE, at 11 o'clock and 17 minutes p.m., the House adjourned.

¶26.27 REPORTS OF COMMITTEES ON  
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of the rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SPENCE: Committee on National Security, H.R. 2786. A bill to authorize additional appropriations for the Department of Defense for ballistic missile defenses and other measures to counter the emerging threat posed to the United States and its allies in the Middle East and Persian Gulf region by the development and deployment of ballistic missiles by Iran; with amendments (Rept. No. 105-468 Pt. 1).

¶26.28 TIME LIMITATION OF REFERRED  
BILL

Pursuant to clause 5 of rule X, the following action was taken by the Speaker:

H.R. 2786. Referral to the Committee on International Relations extended for a period ending not later than March 26, 1998.

¶26.29 DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X, the Committee on International Relations discharged from further consideration. H.R. 2786 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

¶26.30 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ARCHER:

H.R. 3558. A bill to provide that the exception for certain real estate investment trusts from the treatment of stapled entities shall apply only to existing property, and for other purposes; to the Committee on Ways and Means.

By Mr. HYDE (for himself, Mr. INGLIS of South Carolina, Mr. HUTCHINSON, Mr. PEASE, Mr. GRAHAM, Mr. CONYERS, Mr. BOUCHER, and Mr. DELAHUNT):

H.R. 3559. A bill to modify the application of the antitrust laws with respect to obtaining video programming for multichannel distribution, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Michigan:

H.R. 3560. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide for a pilot program for personalized retirement security through personal retirement savings accounts to allow for more control by individuals over their Social Security retirement income, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDREWS (for himself, Mr. SHAYS, Mr. CLAY, Mr. ROEMER, Mr. WALSH, Mr. FARR of California, Mr. NEAL of Massachusetts, Mr. DOOLEY of California, Mrs. MORELLA, Mr. QUINN, Mr. BARRETT of Wisconsin, Mr. SANDLIN, Mr. MILLER of California, Mr. MENENDEZ, Mr. KENNEDY of Massachusetts, Mr. LEWIS of Georgia, Mr. CARDIN, Mr. DINGELL, Mr. FROST, Mr. HORN, Mr. UNDERWOOD, Mr. MALONEY of Connecticut, Mr. HINCHEY, Mr. MURTHA, Mrs. KENNELLY of Connecticut, Mr. BORSKI, Mr. FAZIO of California, Mr. MARTINEZ, Mr. BALDACCI, Mr. FATTAH, Ms. WOOLSEY, Mr. KIND of Wisconsin, Ms. SANCHEZ, Ms. JACKSON-LEE, Mr. MORAN of Virginia, Mr. PETERSON of Minnesota, Mr. VENTO, Mr. FRANK of Massachusetts, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. LEACH, Mr. ADAM SMITH of Washington, Mr. SABO, Mrs. LOWEY, Mr. SAWYER, Mr. DEFazio, Mr. ACKERMAN, Mr. HOUGHTON, Mr. HALL of Ohio, Mr. SANDERS, Mr. LANTOS, Mr. KLINK, and Mr. SCOTT):

H.R. 3561. A bill to extend for five years the authorization of appropriations for the programs under the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 3562. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to C corporations which have substantial employee ownership and to encourage stock ownership by employees by excluding from gross income stock paid as