Chief Justice correctly pointed out to me in his letter, ''As security concerns have not diminished, it is essential that the off-grounds authority of the Supreme Court police be continued without interruption.'' The Supreme Court informs me that threats of violence against the Justices and the Court have increased since 1982, as has violence in the Washington metropolitan area. Accordingly, I support a permanent extension of this authority to provide for the safety of the Justices, court employees, and official visitors.

Given the late date in the Congress, however, and the fact that we must pass an extension before December 29, 1996, the bill we are considering today would provide for only a 4-year extension, until December 29, 2000. My colleague in the Senate, Senator HATCH, has introduced a similar, stopgap bill, which will allow for the orderly continuation of Supreme Court security measures until the time that we can consider a permanent authorization. Yesterday, the Senate approved that bill.

This provision is without significant cost, but provides great benefits to those on the highest court in the land and those working with them. According to the Supreme Court, from 1993 through 1995, there were only 25 requests for Supreme Court police protection beyond the Washington, DC, metropolitan area, at a toal cost of $2,997. I am also informed that off-grounds protection of the Justices within the D.C. area is provided without substantial additional cost, since it is part of the officers' regularly scheduled duties along with tasks on court grounds.

I encourage my colleagues to support this much-needed extension so as to preserve the security of the Supreme Court.

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

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will be brief because the gentleman from Illinois has clearly outlined what this is. This is basically housekeeping and it must be done. I wish we did not ever have to worry about policing for the Supreme Court or for anything else, but that is a wish that, obviously, is absolutely ridiculous when we look at the real world. If we do not do this, we are in real trouble.

Yes, we probably need to do the permanent one as soon as possible because this constantly rolling it over every few years does not make sense either.

The gentleman from Illinois has explained this. We have no objection over here.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume to pay tribute to my friend, the gentlewoman from Colorado, PAT SCHROEDER. This may be our last clash on the floor. We have had several over the past 22 years anyway, and they have all been civil. They have been fervent but they have been civil.

The gentlewoman makes a great contribution to this body, and she will be missed by this Member. I wish her Godspeed in her future endeavors.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. HYDE] that the House suspend the rules and pass the bill, H.R. 4164.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. HYDE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2100) to provide for the extension of certain authority for the Marshal of the Supreme Court and the Supreme Court Police.

The Clerk read the title of the Senate bill.

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

Mr. REED. Mr. Speaker, reserving the right to object, I have no objection but I would like an explanation.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

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

Mr. HYDE. Mr. Speaker, I would say to the gentleman that the bill is the identical bill with the one we just passed in the House. It is the Senate version.

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

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORITY.

Section 9(c) of the Act entitled ''An Act relating to the policing of the building and grounds of the Supreme Court of the United States'', approved August 18, 1949 (40 U.S.C. 13n(c)) is amended in the first sentence by striking ''1996'' and inserting ''2000''.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 4164) was laid on the table.

ADMINISTRATIVE DISPUTE RESOLUTION ACT OF 1996

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4194) to reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes.

The Clerk read as follows:

H.R. 4194

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Administrative Dispute Resolution Act of 1996''.

SEC. 2. AMENDMENT TO DEFINITIONS.

Section 571 of title 5, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking '', in lieu of an adjudication as defined in section 551(7) of this title,'';

(B) by striking ''settlement negotiations,''; and

(C) by striking ''and arbitration'' and inserting ''arbitration, and use of ombuds''; and

(2) in paragraph (8)—

(A) in subparagraph (B) by striking ''decision,'' and inserting ''decision;''; and

(B) by striking the matter following subparagraph (B).

SEC. 3. AMENDMENTS TO CONFIDENTIALITY PROVISIONS.

(a) LIMITATION OF CONFIDENTIALITY APPLICATION TO COMMUNICATION.—Subsections (a) and (b) of section 574 of title 5, United States Code, are each amended in the matter before paragraph (1) by striking ''any information concerning''.

(b) DISPUTE RESOLUTION COMMUNICATION.—Section 574(b)(7) of title 5, United States Code, is amended to read as follows:

''(7) except for dispute resolution communications generated by the neutral, the dispute resolution communication was provided to or was available to all parties to the dispute resolution proceeding.''.

(c) ALTERNATIVE CONFIDENTIALITY PROCEDURES.—Section 574(d) of title 5, United States Code, is amended—

(1) by inserting ''(1)'' after ''(d)''; and

(2) by adding at the end thereof the following new paragraph:

''(2) To qualify for the exemption established under subsection (j), an alternative confidential procedure under this subsection may not provide for less disclosure than the confidential procedures otherwise provided under this section.''.

(d) EXEMPTION FROM DISCLOSURE BY STATUTE.—Section 574 of title 5, United States Code, is amended by amending subsection (j) to read as follows:

''(j) A dispute resolution communication which is between a neutral and a party and which may not be disclosed under this section shall also be exempt from disclosure under section 552(b)(3).''.

SEC. 4. AMENDMENT TO REFLECT THE CLOSURE OF THE ADMINISTRATIVE CONFERENCE.

(a) PROMOTION OF ADMINISTRATIVE DISPUTE RESOLUTIONS.—Section 3(a)(1) of the Administrative Dispute Resolution Act (5 U.S.C. 571 note; Public Law 101–552; 104 Stat. 2736) is amended to read as follows:

''(1) consult with the agency designated by, or the interagency committee designated or established by, the President under section 573 of title 5, United States Code, to facilitate and encourage agency use of alternative dispute resolution under subchapter IV of chapter 5 of such title; and''.

(b) COMPILATION OF INFORMATION.—

(1) IN GENERAL.—Section 582 of title 5, United States Code, is repealed.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by striking the item relating to section 582.

(c) FEDERAL MEDIATION AND CONCILIATION SERVICE.—Section 203(f) of the Labor Management Relations Act, 1947 (29 U.S.C. 173(f)) is amended by striking ''the Administrative Conference of the United States and other agencies'' and inserting ''the agency designated by, or the interagency committee designated or established by, the President under section 573 of title 5, United States Code,''.

SEC. 5. AMENDMENTS TO SUPPORT SERVICES PROVISION.

Section 583 of title 5, United States Code, is amended by inserting ''State, local, and tribal governments,'' after ''other Federal agencies,''.

SEC. 6. AMENDMENTS TO THE CONTRACT DISPUTES ACT.

Section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605) is amended—

(1) in subsection (d) by striking the second sentence and inserting: ''The contractor shall certify the claim when required to do so as provided under subsection (c)(1) or as otherwise required by law.''; and

(2) in subsection (e) by striking the first sentence.

SEC. 7. AMENDMENTS ON ACQUIRING NEUTRALS.

(a) EXPEDITED HIRING OF NEUTRALS.—

(1) COMPETITIVE REQUIREMENTS IN DEFENSE AGENCY CONTRACTS.—Section 2304(c)(3)(C) of title 10, United States Code, is amended by striking ''agency, or'' and inserting ''agency, or to procure the services of an expert or neutral for use''.

(2) COMPETITIVE REQUIREMENTS IN FEDERAL CONTRACTS.—Section 303(c)(3)(C) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(3)(C)), is amended by striking ''agency, or'' and inserting ''agency, or to procure the services of an expert or neutral for use''.

(b) REFERENCES TO THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES.—Section 573 of title 5, United States Code, is amended—

(1) by striking subsection (c) and inserting the following:

''(c) The President shall designate an agency or designate or establish an interagency committee to facilitate and encourage agency use of dispute resolution under this subchapter. Such agency or interagency committee, in consultation with other appropriate Federal agencies and professional organizations experienced in matters concerning dispute resolution, shall—

''(1) encourage and facilitate agency use of alternative means of dispute resolution; and

''(2) develop procedures that permit agencies to obtain the services of neutrals on an expedited basis.''; and

(2) in subsection (e) by striking ''on a roster established under subsection (c)(2) or a roster maintained by other public or private organizations, or individual''.

SEC. 8. ARBITRATION AWARDS AND JUDICIAL REVIEW.

(a) ARBITRATION AWARDS.—Section 580 of title 5, United States Code, is amended—

(1) by striking subsections (c), (f), and (g); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) JUDICIAL AWARDS.—Section 581(d) of title 5, United States Code, is amended—

(1) by striking ''(1)'' after ''(b)''; and

(2) by striking paragraph (2).

(c) AUTHORIZATION OF ARBITRATION.—Section 575 of title 5, United States Code, is amended—

(1) in subsection (a)(2), by striking ''Any'' and inserting ''The'';

(2) in subsection (a)(2), by adding at the end the following: ''Each such arbitration agreement shall specify a maximum award that may be issued by the arbitrator and may specify other conditions limiting the range of possible outcomes.'';

(3) in subsection (b)—

(A) by striking ''may offer to use arbitration for the resolution of issues in controversy, if'' and inserting ''shall not offer to use arbitration for the resolution of issues in controversy unless''; and

(B) by striking in paragraph (1) ''has authority'' and inserting ''would otherwise have authority''; and

(4) by adding at the end the following:

''(c) Prior to using binding arbitration under this subchapter, the head of an agency, in consultation with the Attorney General and after taking into account the factors in section 572(b), shall issue guidance on the appropriate use of binding arbitration and when an officer or employee of the agency has authority to settle an issue in controversy through binding arbitration.''.

SEC. 9. PERMANENT AUTHORIZATION OF THE ALTERNATIVE DISPUTE RESOLUTION PROVISIONS OF TITLE 5, UNITED STATES CODE.

The Administrative Dispute Resolution Act (Public Law 101–552; 104 Stat. 2747; 5 U.S.C. 571 note) is amended by striking section 11.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subchapter IV of title 5, United States Code, is amended by adding at the end thereof the following new section:

''§ 584. Authorization of appropriations

''There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 583 the following:

''584. Authorization of appropriations.''.

SEC. 11. REAUTHORIZATION OF NEGOTIATED RULEMAKING ACT OF 1990.

(a) PERMANENT REAUTHORIZATION.—Section 5 of the Negotiated Rulemaking Act of 1990 (Public Law 101–648; 5 U.S.C. 561 note) is repealed.

(b) CLOSURE OF ADMINISTRATIVE CONFERENCE.—

(1) IN GENERAL.—Section 569 of title 5, United States Code, is amended—

(A) by amending the section heading to read as follows:

''§ 569. Encouraging negotiated rulemaking''; and

(B) by striking subsections (a) through (g) and inserting the following:

''(a) The President shall designate an agency or designate or establish an interagency committee to facilitate and encourage agency use of negotiated rulemaking. An agency that is considering, planning, or conducting a negotiated rulemaking may consult with such agency or committee for information and assistance.

''(b) To carry out the purposes of this subchapter, an agency planning or conducting a negotiated rulemaking may accept, hold, administer, and utilize gifts, devises, and bequests of property, both real and personal if that agency's acceptance and use of such gifts, devises, or bequests do not create a conflict of interest. Gifts and bequests of money and proceeds from sales of other property received as gifts, devises, or bequests shall be deposited in the Treasury and shall be disbursed upon the order of the head of such agency. Property accepted pursuant to this section, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gifts, devises, or bequests.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by striking the item relating to section 569 and inserting the following:

''569. Encouraging negotiated rulemaking.''.

(c) EXPEDITED HIRING OF CONVENORS AND FACILITATORS.—

(1) DEFENSE AGENCY CONTRACTS.—Section 2304(c)(3)(C) of title 10, United States Code, is amended by inserting ''or negotiated rulemaking'' after ''alternative dispute resolution''.

(2) FEDERAL CONTRACTS.—Section 303(c)(3)(C) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(3)(C)), is amended by inserting ''or negotiated rulemaking'' after ''alternative dispute resolution''.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subchapter III of title 5, United States Code, is amended by adding at the end thereof the following new section:

''§ 570a. Authorization of appropriations

''There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 570 the following:

''570a. Authorization of appropriations.''.

(e) NEGOTIATED RULEMAKING COMMITTEES.—The Director of the Office of Management and Budget shall—

(1) within 180 days of the date of the enactment of this Act, take appropriate action to expedite the establishment of negotiated rulemaking committees and committees established to resolve disputes under the Administrative Dispute Resolution Act, including, with respect to negotiated rulemaking committees, eliminating any redundant administrative requirements related to filing a committee charter under section 9 of the Federal Advisory Committee Act (5 U.S.C. App.) and providing public notice of such committee under section 564 of title 5, United States Code; and

(2) within one year of the date of the enactment of this Act, submit recommendations to Congress for any necessary legislative changes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from Rhode Island [Mr. REED] each will control 20 minutes.

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

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4194 and urge its adoption by the House.

Back in 1990, Mr. Speaker, the then-President of the United States, George Bush, signed into law the Administrative Dispute Resolution Act, which brings us to this moment in the history of this type of legislation. What we are about to do, if the House should agree and if the Senate, of course, is to reauthorize that first attempt at, and successful attempt, I might add, at bringing a new mechanism into play for the solution of problems that arise between agencies and people who deal with the agencies in the private sector most especially.

We ought to set the stage, Mr. Speaker, by saying assume that we have a contractor, and we have testimony in

hearings that buttress the example that I am about to render, a contractor deals with an agency and they come to a stalemate on an important issue in which there is no alternative left for the contractor except to bring the matter to court.

What happens then is a protracted period. As we all know, a protracted period is part of the court system these days, during which the contractor is not going to be doing any work and which the agency may find itself frozen in its tracks in attempting to do the mandate while the court proceeds to handle a case that may take years to reach final docket stage.

The purpose then of the Administrative Dispute Resolution Act is to allow a mechanism where an interim kind of cooperative measure can be taken where both parties go before a mechanism which allows them an alternative way to solve their dispute.

What this does for the contractor is save enormous amounts of money, of course. No. 2, it, more importantly, saves important time segments for both the agency and the contractor and, in the long run, brings about for the public a swift answer to the vexing problems that may have arisen. So by itself it is an excellent cost saver and time saver, and we want to make sure that the House and the Senate fully complement our efforts here by passing this legislation.

What more we can say about it is that on June 12, 1996, the Senate approved a predecessor to this bill with an amendment that included several substantive additions. First, several provisions in the Senate passed bill relating to ADR were different, notably with respect to the issues of confidentiality of ADR communications and the authority of the Government to engage in binding arbitration.

Second, the Senate added a permanent reauthorization of the Negotiated Rulemaking Act, a law designed to improve the development of agency rules by encouraging the formation of committees composed of representatives from the regulated public to work together with agency representatives.

Third, the Senate added a provision dealing with the jurisdiction of the Federal district courts to entertain bid protests in procurement cases, something which is commonly referred to as Scanwell jurisdiction, after the name of the case that wended its way through the court system.

The conferees of the House and Senate negotiated over a period of several months to arrive at an agreement that would enable two important provisions to be reauthorized, two provisions which our subcommittee had heard testimony that indicated that considerable taxpayer dollars were being saved, as I indicated in my hypothetical, because of their existence.

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Both the ADR Act and the Negotiated Rulemaking Act have reduced the cost of government to the taxpayer by, in the instance of the former, reducing resort to litigation, which is what I have been trying to emphasize, and in the case of the latter, by ensuring the promulgation of agency rules that make sense and which do not overburden the regulated public.

The question of changing Scanwell jurisdiction. This added feature that I mentioned had not been raised in the House but was supported by the administration and insisted upon by the Senate, thereby causing the delays that caused us to wait until almost the last day to make sure that this can be passed. The conference adopted a course of compromise with respect to Scanwell, but it is obvious that since efforts to change Scanwell jurisdiction have never been the subjects of hearings in the House, they cannot be successful at this point without discrete consideration in this body. Thus H.R. 4194 embodies the conference agreement with the exception of Scanwell, dropping off Scanwell, which is left for consideration as we see it in the next Congress.

With respect to ADR, the House receded to the Senate language on confidentiality with an amendment that brought it closer to the House position. The same course was taken with respect to the issue of arbitration. The conference report provided, and so does the current bill, H.R. 4194, that ADR communications between the neutral and the parties are exempted from disclosure under the Freedom of Information Act. It did so in order to promote honest and candid discussions in the process which will lead to the settlement of issues in dispute and a resulting savings in time and money to every party to a particular dispute. ADR communications between the parties themselves are not so exempted in recognition that the public does in fact have a right to know something about the process and how it is operating.

Now, with respect to arbitration, the conference report and H.R. 4194 authorize agencies to engage in binding arbitration but with certain limitations and guidelines designed to foster discretion and accountability. This bill, as did the conference report, clarifies that an agency cannot exceed its otherwise applicable settlement authority in ADR proceedings and it requires an agency, in consultation with the Attorney General, to issue guidelines on the use and limitations of binding arbitration.

Mr. Speaker, I think it is an important accomplishment of this body to reauthorize two very significant statutes that have been extremely useful in saving the taxpayers money and in helping agencies and the regulated public develop a better working relationship that makes government work better. I wish to commend my colleague, the distinguished gentleman from Rhode Island, Mr. REED, and thank him for his efforts and his cooperation and that of his staff in promoting the final result in this overextended controversy. We also wish to extend our personal wishes of good luck to the gentleman who is embarking on a new career that if he would be successful would result, of course, in the elevating of the IQ of both the House and the Senate and in doing so we wish him the best.

In the meantime, Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I rise in support of this important, bipartisan legislation.

The original Alternative Dispute Resolution Act [ADRA] was signed into law in 1990 in order to encourage the use of alternative dispute resolution techniques—such as mediation, arbitration, and negotiation—to resolve disputes involving Federal agencies. The authorization for this program expired in October 1995, and this legislation would permanently reauthorize the program. Although agencies can engage in ADR without authorizing legislation, the ADRA provided a governmentwide framework for ADR and its expiration has caused unnecessary disruption in the field.

I favor innovative programs such as ADRA which can lower the costs of litigation without diminishing access to justice. This benefits both sides to the litigation equation—Government as well as business and private parties—and is the type of civil justice reform we can all support.

In addition to permanently reauthorizing ADRA, H.R. 4194 makes several other changes to the law. It expands the range of cases which are subject to referral to ADR by eliminating exemptions for certain types of workplace grievances and discrimination cases, so long as the employee so consents. I believe the program has been sufficiently tested so that it can be used for these very sensitive cases. H.R. 4194 also makes the ADR procedure more user friendly by streamlining the acquisition process for neutrals.

The bill also creates a limited exemption from the Freedom of Information Act [FOIA] for certain documents disclosed to an arbitrator or other neutral in the course of a dispute resolution proceeding. As with all other exemptions to FOIA, this new exemption is to be construed in the narrowest possible manner.

For example, it is important to note that the parties are not permitted to use this exemption as a mere sham to exempt sensitive information from FOIA. Thus, as noted in the statement of managers on the predecessor legislation to this bill (H.R. 2977), litigants may not resort to ADR principally as a means of taking advantage of the new exemption—in such a case the new FOIA exemption should not be held to apply. There are few policies which are more important than openness in Government and release of Government documents to the people.

Finally, I would like to note that this bill does not authorize an agency or any other employer to require its employees to submit to binding arbitration as a condition of employment or to relinquish any rights they may have under title VII of the Civil Rights Act of 1964 or any other statute. The decision to engage in binding arbitration concerning such disputes must be voluntary by all parties. No one should be required to relinquish his or her statutory rights as a condition of obtaining employment with the Federal Government. Under no condition could I support this legislation if this were not the case.

I urge my colleagues to join me in supporting this worthwhile, bipartisan legislation.

Mr. REED. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. REED. Mr. Speaker, first I want to thank the gentleman from Pennsylvania, Mr. GEKAS, for his hard work on this legislation. It was a pleasure working with him and his staff, and I commend him on the excellent job he has done this year as chairman of the Subcommittee on Commercial and Administrative Law. I thank him for his kind words and his accurate assessment of my intelligence.

The original House version of this legislation, H.R. 2977, passed the House by voice vote on June 4 of this year. The bill before us today is identical to the conference report on H.R. 2977 minus a controversial procurement reform provision added by the Senate. That provision would have repealed Federal district court jurisdiction over bid protests otherwise known as the Scanwell jurisdiction, as has been explained by Chairman GEKAS. Removing this provision will give the House the opportunity to hold hearings on this issue and examine it more closely. In particular, close scrutiny should be given to the impact on small contractors of this provision.

The remaining provisions of this legislation permanently authorize the Administrative Dispute Resolution Act and the Negotiated Rulemaking Act.

Mr. Speaker, I include my full statement for the RECORD:

First, I want thank Chairman GEKAS for his hard work on this legislation. It was a pleasure working with him and his staff and I commend him on the excellent job he has done this year as the chairman of the Subcommittee on Commercial and Administrative Law.

The original House version of this legislation, H.R. 2977, passed the House by voice vote on June 4 of this year. The bill before us today is identical to the conference report on H.R. 2977, minus a controversial procurement reform provision added by the Senate. That provision would have repealed Federal district court jurisdiction over bid protests, otherwise known as Scanwell jurisdiction. Removing this provision will give the House the opportunity to hold hearings on this issue and examine it more closely. In particular, close scrutiny should be given to the impact on small contractors.

The remaining provisions of this legislation permanently reauthorize the Administrative Dispute Resolution Act and the Negotiated Rulemaking Act.

When the ADR Act was first enacted in 1990, the Federal Government lagged well behind the private sector and the courts in using alternative dispute resolution. Since then, almost every agency has experimented with consensus based dispute resolution techniques. Now, the Federal Government has the opportunity to become a leader in making dispute resolution easier, cheaper, and more effective.

H.R. 4194 makes several changes to the existing ADR Act:

It removes a procedural impediment to the use of binding arbitration by Government agencies while at the same time imposing safeguards to ensure binding arbitration is used only where appropriate.

It expands the range of cases that can be referred to ADR by eliminating the exemptions for certain types of workplace related disputes so they may, with the consent of the employee, be referred to ADR. The general provisions of section 572(b), which establish criteria for identifying cases where ADR is not appropriate, would still apply.

I would like to take a moment to address a concern that was recently brought to my attention by the gentlelady from Colorado [Mrs. SCHROEDER]. She wanted to make clear that this bill does not authorize an agency or any other employer to require its employees to submit to binding arbitration as a condition of employment or to require employees to relinquish rights they may have under title VII of the Civil Rights Act of 1964 or any other statute.

I wanted to assure her that she has no reason to worry about this bill. The decision to engage in binding arbitration must be voluntary by all parties, as provided by sections 572 (a) and (c) of the ADR Act. Also, 5 U.S.C. 2302(b)(9)(A) makes it a prohibited personnel practice to take any action against an employee because of the ''exercise of any appeal, complaint or grievance right granted by any law, rule, or regulation.'' A party cannot be required to enter into binding arbitration as a condition of initial or continued employment. I wanted to make sure that point is absolutely clear. We have been assured of this by the Department of Justice, the EEOC, and OPM. Both the Ranking Member, Mr. CONYERS, and I signed the conference report with this understanding and would not have signed it otherwise, nor would we be supporting this legislation today.

H.R. 4194 makes ADR easier for agencies to use by streaming the acquisition process for neutrals.

H.R. 4104 also enhances the confidentially provisions of the ADR statute. The bill provides that a document generated by a neutral and provided to all parties is exempt from discovery under section 574(b)(7), as well as from disclosure pursuant to FOIA. This change will facilitate the use of early neutral evaluation and similar ADR processes that provide an outcome prediction to both sides. Parties are understandably reluctant to subject themselves to the risk of the neutral's opinion, which is not based on full discovery, being used against them at trial later. This is a change from the House passed version of H.R. 2977.

Another change from the House passed version of H.R. 2977 concerns the interaction between the confidentiality protections in the ADR Act and the Freedom of Information Act. As passed by the House, H.R. 2977 provided that the memoranda, notes, or work product of the neutral would be exempt from disclosure under the Freedom of Information Act. According to the testimony of the Federal Mediation and Conciliation Service, the lack of a FOIA exemption has served as an incentive to hire private neutrals who are not subject to FOIA, rather than Government neutrals. This is a particular problem for Government agencies, like FMCS, that furnish employees as neutrals for proceedings involving other Federal agencies, since their neutrals' notes, unlike the notes of private sector neutrals, may be subject to FOIA disclosure.

The conference was reluctant to go as far as the Senate bill and exempt all ADR communication from FOIA. Under prevailing law, documents exchanged by the Government and its litigation adversaries in the course of settlement are not withholdable under FOIA, and key documents have been made public that shed light on why the Government settled important enforcement actions.

But the House conferees were persuaded to go slightly farther than the original House proposal to cover the situation where a neutral asks an agency to prepare a statement outlying the strengths and weakness of its case. Under the House passed H.R. 2977, such a document in the hands of the mediator would be protected against disclosure pursuant to FOIA, yet that same document in the hands of an agency party would not be, unless it fit one of the existing FOIA exemptions. The overall purpose of the confidentiality provision is to encourage a candid exchange between a party and the neutral to the end of facilitating an agreement. Thus, the conference agreed that dispute resolution communications between a party and a neutral are to be protected against disclosure under FOIA. It is not the intent of the conferees, as is made clear by the statement of managers, that this provision be read to permit parties to evade FOIA by passing documents through the neutral to another party. It only exempts a document generated by an agency during a dispute resolution proceeding that is provided to the neutral alone. If a party provides a document to the neutral and the neutral provides it to another party, that document would be regarded as being exchanged between the parties, and hence outside the revised section 474(j). It would therefore, be subject to FOIA. In fact, under ADRA section 574(b)(7), if the document is provided to or available to all parties, it is also not protected against disclosure through discovery.

H.R. 4194 also narrows the definition of documents accorded confidentiality. They are limited to communications prepared for a dispute resolution proceeding. Preexisting documents are not protected. Section 574(f) already states that the ADR Act does not prevent the discovery or admissibility of any evidence that is otherwise discoverable.

When the Department of Justice drops antitrust charges against a software company pursuant to a settlement agreement or the FDIC settles a case with the directors of a failed savings and loan, the public should be able to find out why the Government acted as it did. The public interest in disclosure does not disappear simply because of a shift in venue from a trial court or an unassisted settlement setting to an alternative dispute resolution proceeding.

At the same time, ADR is qualitatively different from unassisted settlement negotiations and litigation. Working with a neutral, participants share information and concede weaknesses that otherwise would be more advantageous to withhold. Exempting from FOIA disclosure documents shared with the neutral, along with the work product of the neutral, will encourage ADR without sacrificing accountability and openness.

The conference report also permanently reauthorizes the Negotiated Rulemaking Act.

The Negotiated Rulemaking Act was passed in 1990 to provide an alternative to traditional notice and comment rulemaking. Instead, of formulating a rule on its own, publishing it, and waiting for interested parties to comment, under negotiated rulemaking an agency brings together representatives of the parties that will be affected by the rule to develop that rule by consensus. Our subcommittee held a very informative hearing this year where we heard from the participants of a negotiated rulemaking involving OSHA, the construction industry, and labor, that succeeded where a decade of traditional rulemaking had failed.

Agencies have used negotiated rulemaking in a variety of circumstances, from fall protection in the steel industry to headlight aiming. Vice President GORE's National Performance Review encouraged its use, citing the reduction in compliance costs, greater ease in implementation, and more cooperative relationships between the agency and regulated parties that result. President Clinton by Executive order has required executive departments and selected agencies to do at least one negotiated rulemaking this year.

The Negotiated Rulemaking Act would expire at the end of November. This conference report would permanently reauthorize it, and make some primarily technical improvements. For example, the process for acquiring neutrals and facilitators is streamlined. Likewise, OMB is directed to expedite the procedures for forming a negotiated rulemaking committee.

H.R. 4194 also authorizes the President to designate an agency or interagency panel to coordinate and facilitate agency use of ADR and negotiated rulemaking, to make up for the loss of ACUS, the Administrative Conference of the United States, which lost its funding last year.

Finally, I insert into the RECORD a copy of the statement of managers as part of the legislative history of this bill.

It is important that we reauthorize both the Administrative Dispute Resolution Act and the Negotiated Rulemaking Act. This bill has the support of the administration and I urge my colleagues to vote for H.R. 4194.

Mr. Speaker, I include for the RECORD a copy of the statement of managers as part of the legislative history of the bill:

The conferees incorporate by reference in this Statement of Managers the legislative history reflected in both House Report 104–597 and Senate Report 104–245. To the extent not otherwise inconsistent with the conference agreement, those reports give expression to the intent of the conferees.

Section 3—House recedes to Senate amendment with modifications. This section clarifies that, under 5 U.S.C. section 574, a dispute resolution communication between a party and a neutral or a neutral and a party that meets the requirements for confidentiality in section 574 is also exempt from disclosure under FOIA. In addition, a dispute resolution communication originating from a neutral and provided to all of the parties, such as Early Neutral Evaluation, is protected from discovery under 574(b)(7) and from disclosure under FOIA. A dispute resolution communication originating from a party to a party or parties is not protected from disclosure by the ADR Act.

The Managers recognize that the intent of the Conference Agreement not to exempt from disclosure under FOIA a dispute resolution communication given by one party to another party could be easily thwarted if a neutral in receipt of a dispute resolution communication agrees with a party to in turn pass the communication on to another party. It is the intent of the Managers that if the neutral attempts to circumvent the prohibitions of the ADR Act in this manner, the exemption from FOIA would not apply.

As with all other FOIA exemptions, the exemption created by section 574(j) is to be construed narrowly. The Managers would not expect the parties to use the new exemption as a mere sham to exempt information from FOIA. Thus, for example, we would not expect litigants to resort to ADR principally as a means of taking advantage of the new exemption. In such a case the new exemption would not apply.

Section 7—Senate recedes to House with a modification. This section requires the President to designate an agency or to designate or establish an interagency committee to facilitate and encourage the use of alternative dispute resolution. The Managers encourage the President to designate the same entity under this provision as is designated under section 11 (regarding Negotiated Rulemaking). This would promote the coordination of policies, enhance institutional memory on the relevant issues, and make more efficient the use of ADR and Negotiated Rulemaking.

Section 8—House recedes to Senate amendment with modifications. This section permits the use of binding arbitration under certain conditions, and clarifies that an agency cannot exceed its otherwise applicable settlement authority in alternative dispute resolution proceedings.

The head of an agency that is a party to an arbitration proceeding will no longer have the authority to terminate the proceeding or vacate any award under 5 U.S.C. section 580. However, it is the Managers' intent that an arbitrator shall not grant an award that is inconsistent with law. In addition, prior to the use of binding arbitration, the head of each agency, in consultation with the Attorney General, must issue guidelines on the use and limitations of binding arbitration.

Section 11—House recedes to Senate amendment with modifications. This section permanently reauthorizes the Negotiated Rulemaking Act of 1990. The President is required to designate an agency or interagency committee to facilitate and encourage the use of negotiated rulemaking.

In addition, this section requires the Director of the Office of Management and Budget to take action to expedite the establishment of negotiated rulemaking committees and committees to resolve disputes under the Administrative Dispute Resolution Act. It is the understanding of the Managers that the Federal Advisory Committee Act (FACA) applies to proceedings under the Negotiated Rulemaking Act, but does not apply to proceedings under the Administrative Dispute Resolution Act. The Director also is required to submit recommendations to Congress for any necessary legislative changes within one year after enactment.

The Managers deleted language in paragraph (b)(1)(B) determining that property accepted under this section shall be considered a gift to the United States for federal tax purposes because the Managers determined that the language merely repeated current law.

Section 12—House recedes to Senate amendment with modifications. This section consolidates federal court jurisdiction for procurement protest cases in the Court of Federal Claims. Previously, in addition to the jurisdiction exercised by the Court of Federal Claims, certain procurement protest cases were subject to review in the federal district courts. The grant of exclusive federal court jurisdiction to the Court of Federal Claims does not affect in any way the authority of the Comptroller General to review procurement protests pursuant to Chapter 35 of Title 31, U.S. Code.

This section also applies the Administrative Procedure Act Standard of review previously applied by the district courts (5 U.S.C. sec. 706) to all procurement protest cases in the Court of Federal Claims. It is the intention of the Managers to give the Court of Federal Claims exclusive jurisdiction over the full range of procurement protest cases previously subject to review in the federal district courts and the Court of Federal Claims. This section is not intended to affect the jurisdiction or standards applied by the Court of Federal Claims in any other area of the law.

Mr. Speaker, it is important that we reauthorize both the Administrative Dispute Resolution Act and the Negotiated Rulemaking Act. This bill has the support of the administration and I urge my colleagues to vote for H.R. 4194.

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

Mr. GEKAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE].

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

Mr. HYDE. Mr. Speaker, the cost and length of traditional litigation is increasingly leading to the settlement of claims through alternative means. Many different techniques, such as mediation, arbitration, minitrials, and partnering have been found effective in reaching expeditious and consensual resolutions to matters which would have otherwise been adjudicated through our courts. The benefits of these alternative dispute resolution techniques are equally apparent where one or more of the parties to the dispute is a governmental entity. In order to promote their use by agencies, we are today considering H.R. 4194, the Alternative Dispute Resolution Act of 1996, which will reauthorize that act.

In addition to providing a permanent authorization for the act, H.R. 4194 contains several provisions which will improve procedures governing alternative dispute resolution, and give parties incentives to use these techniques. First, it eliminates the provision of current law which gives the Government 30 days to vacate the award of an arbitrator. The practical effect of this provision was that no private party would agree to arbitration with the Government. This change is anticipated to dramatically increase the use of binding arbitration.

Under the bill, an agency cannot use binding arbitration if doing so would exceed its otherwise applicable settlement authority in alternative dispute resolution proceedings. An arbitrator would not be permitted to grant an award that is inconsistent with law. In addition, prior to the use of binding arbitration, the head of each agency, in consultation with the Attorney General, must issue guidelines on the use and limitations of binding arbitration.

Second, H.R. 4194 increases the confidentiality of dispute resolution communications between a party and a neutral. While current law sets out in great detail what communications

in an alternative dispute resolution may be disclosed by the neutral and the parties, and under what conditions, it fails to ensure that such documents are also protected from disclosure under the Freedom of Information Act [FOIA]. If either a party or the neutral is a Government agency, a dispute resolution communication would be potentially available to the public through FOIA dispute the intent of the ADR Act that it be kept confidential. This confidentiality is of vital importance to reaching a voluntary agreement, because it encourages a candid exchange between a party and a neutral. H.R. 4194 provides an exemption from FOIA disclosure for communications between a party and a neutral, so long as they would also be confidential according to the terms of the ADR Act.

The bill clarifies that, under 5 U.S.C. section 574, a dispute resolution communication between a party and a neutral or a neutral and a party that meets the requirements for confidentiality in section 574 is also exempt from disclosure under FOIA. In addition, a dispute resolution communication originating from a neutral and provided to all of the parties, such as early neutral evaluation, is protected from discovery under 574(b)(7) and from disclosure under FOIA. A dispute resolution communication originating from a party to a party or parties is not protected from disclosure by the ADR Act.

The intent of this provision not to exempt from disclosure under FOIA a dispute resolution communication given by one party to another party could be easily thwarted if a neutral in receipt of a dispute resolution communication agrees with a party to in turn pass the communication on to another party. If the neutral attempts to circumvent the prohibitions of the ADR Act in this manner, the FOIA exemption would not apply.

As with all other FOIA exemptions, the exemption created by section 574(j) is to be construed narrowly. Parties should not be allowed to use the new exemption as a mere sham to exempt information from FOIA. Thus, for example, litigants should not resort to ADR principally as a means of taking advantage of the new exemption. In such case the new exemption would not apply.

Mr. Speaker, H.R. 4194 also reauthorizes the Negotiated Rulemaking Act, which encourages agencies to use negotiated rulemaking when its use would enhance the informal rulemaking process. The bill requires the President to designate an agency or to designate or establish an interagency committee to facilitate and encourage the use of negotiated rulemaking, and to do the same to facilitate the use of alternative dispute resolution. Hopefully, the President will designate the same entity for both purposes. This would promote the coordination of policies, enhance institutional memory on the relevant issues, and make more efficient the use of ADR and negotiated rulemaking. In addition, the bill requires the Director of the Office of Management and Budget to take action to expedite the establishment of negotiated rulemaking committees and committees to resolve disputes under the Administrative Dispute Resolution Act. The Federal Advisory Committee Act [FACA] would apply to proceedings under the Negotiated Rulemaking Act, but not to proceedings under the Administrative Dispute Resolution Act.

Mr. Speaker, I strongly support H.R. 4194 and urge its swift adoption.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when we engaged in hearings on this bill, I want to spread on the record the thought that I have that the quality of the testimony was what spurred this Member in attempting to bring about a final solution to the resolution of administrative disputes. Particularly I want to pay tribute to the gentlemen from TRW, who in their testimony outlined how in effect money could be saved and, more importantly, time and energy of the various agencies and the private entities involved in an enterprise and very forcefully convinced this Member, along with the testimony of others, that this type of mechanism indeed should be and is now on the verge of being reauthorized.

We worry about what effect the Scanwell language might have and what atmosphere it casts over the final passage of this legislation. The gentleman from Rhode Island was correct in stating that hearings ought to be held and that the next Congress ought to make it a part of its agenda. I want to place on the record my pledge that if reelected and we return to the work of the committee in which we participate, that we will hold hearings and look at it very closely. But for now, we do no harm to anyone by leaving the law as it is without delving into the controversial aspects of the Scanwell item about which we speak. So, with that pledge, I am determined to offer the best possible face of this legislation so it can be reauthorized now, along with its other provisions.

I wonder if the gentleman from Rhode Island would engage in a colloquy with me with some of my remaining time. I remembered during the conference that the gentleman from Rhode Island was not unhappy with but was not final in his determination as to the report language. Could I ask the gentleman if he is now satisfied with the report language as now will accompany the bill?

Mr. REED. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Rhode Island.

Mr. REED. Mr. Speaker, I believe we have made progress with respect to the report language and it is adequate. We have made progress with the report language. I believe at this juncture, it is adequate to substantiate our understanding of the legislation and provide guidance to interpretation of the legislation.

Mr. GEKAS. Mr. Speaker, I thank the gentleman.

So that the last tidiness that has to be applied to this legislation, namely the report language, will probably offer no obstacle to the final passage of this legislation; is that correct?

Mr. REED. Mr. Speaker, I do not think there is anything that we should know. I believe that the staffs have been in communication and that there is an understanding that the language of the report will substantiate our mutual understanding of the legislation. Consequently, I do not at this juncture anticipate any problems.

Mr. GEKAS. Mr. Speaker, I am rapidly coming to the close of the remarks that I want to insert into the record, but I am searching diligently for even additional language that I feel should become part of the RECORD. I am doing that to give time to the gentleman from Georgia, [Mr. LINDER], to get here so that we can proceed with the next item of business. You are going to have to listen to me drone on for a few minutes, if you do not mind. The gentleman from Massachusetts [Mr. MOAKLEY], is present but he cannot begin the process without the presence of his colleague from the Committee on Rules. We are consulting here on how best we can fill the time.

Mr. Speaker, as my final item in the discourse which I have embarked on this morning, I want to give some statistics that will show the value of what we are about here today. The Army Corps of Engineers reportedly used dispute resolution in 55 contract disputes between 1989–94, 53 of which were successful. One case reportedly resulted in a claim for $55 million being settled for $17 million in 4 days. So this gives you an idea that we are not just puffing here when we are saying that to allow for a mechanism for alternative ways to solve disputes between contractors and agencies, that we indeed can demonstrate to the public that we are utilizing time, energy and cost savings very efficiently.

I think that the gentleman from Georgia, [Mr. LINDER], would agree with me if he were here. If he should get to the floor rather quickly, I could end my discourse.

Mr. Speaker, this is not the most exciting of issues and my heart is not pounding with the rapture that usually accompanies my involvement in issues before the floor, but insofar as it was granted to us to have the power to deal with the issue and because it was relegated to my committee, I now take the privilege of thanking every member of the Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary, both on the minority side and the majority side. This may be the last time that our voice, collectively or individually, will be heard as members of that committee.

I daresay that we had excellent cooperative, bipartisan action on many items and where we did devolve into ideological or partisan approaches to a particular problem, those were handled on a civil basis with great cooperation being accorded between staffs and between and among Members.

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

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Mr. REED. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like, if I could, to engage the gentleman from Pennsylvania [Mr. GEKAS] in a colloquy, and

in doing so I would like to take a moment to address a concern that was recently brought to my attention by the gentlewoman from Colorado [Mrs. SCHROEDER]. She wanted to make clear that this bill does not authorize an agency or any other employer to require its employees to submit to binding arbitration as a condition of employment, or to relinquish rights they may have under title 7 of the Civil Rights Act of 1964 or any other statute. I want to assure her that she has no reason to worry about this bill and that the decision to engage in binding arbitration must be voluntary by all parties, as provided in sections styled 72(a) and (c) of the ADR act, and in fact would like if the gentleman could confirm that understanding.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. REED. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, I assert for the record and for the gentleman's confirmation that indeed this bill does not in any way change the current law, the current system for handling binding arbitration of the type that has been described by the gentleman in his hypothetical. We remain nongermane in this bill as to the current situation on binding arbitration.

Mr. REED. Mr. Speaker, I thank the gentleman from Pennsylvania, and reclaiming my time once again, I do want to commend him for his leadership on the committee and to commend all of my colleagues on the committee, both the members of the minority and majority parties and the staffs who have done an excellent job. I, too, second the chairman's determination that this has been a committee I think marked by collegiality and cooperation, and at times when we did disagree it was done based upon principle, in a very civil and constructive manner, and I thank the chairman for that atmosphere that he has created.

I have no more speakers, Mr. Speaker, and I would reserve the balance of my time pending other comments by the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, one other item: I made it the point throughout the entire 2-year period in which I chaired this committee to begin the each meeting and each hearing on time. When we said 10 o'clock or 9:30 or 11 o'clock, the gavel actually rapped every single time that we had a hearing or meeting throughout the course of the 2 years.

Now many times we had to recess immediately upon convening the hearing because of the absence of a quorum, but I want the record to show that every single meeting or hearing that was conducted in the Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary began on time. I believe, unless someone can contravene it, that that is a record.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Massachusetts (Mr. MOAKLEY) to see if he can challenge that assertion on my part. Seeing that he is rising, that worries me, but I will yield to the gentleman.

Mr. MOAKLEY. Mr. Speaker, actually I cannot affirm whether or not that is true, but the only thing is I know that presently, right now, I am waiting for a Republican member of the Committee on Rules to show up who is not on time.

Mr. GEKAS. Mr. Speaker, I thank the gentleman for his non-comment.

Another matter that I wanted to bring before the CONGRESSIONAL RECORD is my personal thanks to Ray Smietanka, to Roger Fleming, to Charles Kern, who are staff attorneys in the subcommittee, and of course Susan Guttierez and Becky Ward who are visible most of the time, but invisible another part-time, but who very boldly and carefully helped the process of the committee.

Now I want to speak some more, and the gentleman from Georgia (Mr. LINDER) is here, but I refuse to end my discourse because I am getting warm now. But I think I am going to have to do so.

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

Mr. REED. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the bill, H.R. 4194.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 3539, FEDERAL AVIATION AUTHORIZATION ACT OF 1996

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 540 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 540

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3539) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

(Mr. LINDER asked and was given permission to revise and extend his remarks and to include extraneous material)

Mr. Speaker, House Resolution 540 provides for the consideration of the conference report for H.R. 3539, Federal Aviation Reauthorization. House Resolution 540 is a typical House rule for a conference report. The rule waives all points of order against the conference report and against its consideration, and the conference report shall be considered as read.

The House understands the importance of the timely consideration of this bill, and the Rules Committee favorably approved this rule yesterday. It is imperative that this bill be enacted into law soon so that airport improvement funds can be released across the country by the end of the month. We are close to completing the work of the 104th Congress, and the House cannot delay sending the President this legislation for his signature; therefore, I urge adoption of this rule so that we can get on with debate and passage of this essential legislation.

As a conferee on the section of this legislation under the jurisdiction of the Rules Committee, I want to commend Chairman BUD SHUSTER, and BILL CLINGER, and JOHN DUNCAN for their hard work in resolving the differences that remained between the House and the Senate legislation. The conferees had to balance an assortment of concerns, and the resulting product closely resembles the FAA reauthorization bill that passed the House.

The conference report authorizes the Federal Aviation Administration's major program for 2 years and provides about $19 billion dollars for FAA operations, airport grants, and FAA facilities, equipment, and research. This legislation reforms the FAA, authorizes the necessary funding to increase aviation safety and security, and assures expanded aircraft inspection. These are provisions that are vital to provide the effective services and protection that the American public deserves.

I also want to comment on a number of notable items in the bill. First, the conference report authorizes an airport privatization pilot program that will allow five airports to be either sold or to enter into long term leases. The pilot program gives us an opportunity to observe the ability of the private sector to introduce the necessary capital and efficiencies that may help to advance our current airport system into the 21st century.

Another significant provision in the conference report is a requirement that the National Transportation Safety Board serve as the responsible contact following an accident. Under these requirements, the NTSB would designate an independent, non-profit entity to