

104TH CONGRESS
2D SESSION

H. R. 2977

To reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 1996

Mr. GEKAS (for himself and Mr. REED) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Administrative Dispute
5 Resolution Act of 1996”.

6 **SEC. 2. AMENDMENT TO DEFINITIONS.**

7 Section 571 of title 5, United States Code, is amend-
8 ed—

9 (1) in paragraph (3)—

1 (A) by striking “, in lieu of an adjudication
2 as defined in section 551(7),”;

3 (B) by striking “settlement negotiations,”;
4 and

5 (C) by striking “and arbitration” and in-
6 serting “arbitration, and use of ombudsmen”;
7 and

8 (2) in paragraph (8)—

9 (A) in subparagraph (B) by striking “deci-
10 sion,” and inserting “decision.”; and

11 (B) by striking the matter following sub-
12 paragraph (B).

13 **SEC. 3. AMENDMENTS TO CONFIDENTIALITY PROVISIONS.**

14 (a) **LIMITATION OF CONFIDENTIALITY APPLICATION**
15 **TO COMMUNICATION.**—Section 574(a) of title 5, United
16 States Code, is amended in the matter before paragraph
17 (1) by striking “any information concerning”.

18 (b) **ALTERNATIVE CONFIDENTIALITY PROCE-**
19 **DURES.**—Section 574(d) of title 5, United States Code,
20 is amended—

21 (1) by inserting “(1)” after “(d)”; and

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

24 “(2) To qualify for the exemption established under
25 subsection (j), an alternative confidential procedure under

1 this subsection may not provide for less disclosure than
2 the confidential procedures otherwise provided under this
3 section.”.

4 (c) EXEMPTION FROM DISCLOSURE BY STATUTE.—
5 Section 574 of title 5, United States Code, is amended
6 by striking “This section” and inserting “This section
7 (other than subsection (a))”.

8 **SEC. 4. AMENDMENT TO REFLECT THE CLOSURE OF THE**
9 **ADMINISTRATIVE CONFERENCE.**

10 (a) PROMOTION OF ADMINISTRATIVE DISPUTE RES-
11 OLUTIONS.—Section 3(a)(1) of the Administrative Dis-
12 pute Resolution Act (5 U.S.C. 581 note; Public Law 101-
13 552; 104 Stat. 2736) is amended by striking “the Admin-
14 istrative Conference of the United States and”.

15 (b) COMPILATION OF INFORMATION.—

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

18 (2) TECHNICAL AND CONFORMING AMEND-
19 MENT.—The table of sections for chapter 5 of title
20 5, United States Code, is amended by striking the
21 item relating to section 582.

22 (c) FEDERAL MEDIATION AND CONCILIATION SERV-
23 ICE.—Section 203(f) of the Labor Management Relations
24 Act, 1947 (29 U.S.C. 173(f)) is amended by striking “the
25 Administrative Conference of the United States and”.

1 **SEC. 5. AMENDMENTS TO SUPPORT SERVICE PROVISION.**

2 Section 583 of title 5, United States Code, is amend-
3 ed by inserting “State, local, and tribal governments,”
4 after “other Federal agencies,”.

5 **SEC. 6. AMENDMENTS TO THE CONTRACT DISPUTES ACT.**

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

8 (1) in subsection (d) by striking the second sen-
9 tence and inserting: “The contractor shall certify the
10 claim when required to do so as provided under sub-
11 section (c)(1) or as otherwise required by law.”; and

12 (2) in subsection (e) by striking the first sen-
13 tence.

14 **SEC. 7. AMENDMENTS ON ACQUIRING NEUTRALS.**

15 (a) EXPEDITED HIRING OF NEUTRALS.—

16 (1) COMPETITIVE REQUIREMENTS IN DEFENSE
17 AGENCY CONTRACTS.—Section 2304(c)(3)(C) of title
18 10, United States Code, is amended by striking
19 “agency, or” and inserting “agency, or to procure
20 the services of an expert or neutral for use”.

21 (2) COMPETITIVE REQUIREMENTS IN FEDERAL
22 CONTRACTS.—Section 303(c)(3)(C) of the Federal
23 Property and Administrative Services Act of 1949
24 (41 U.S.C. 253(c)(3)(C)), is amended by striking
25 “agency, or” and inserting “agency, or to procure
26 the services of an expert or neutral for use”.

1 (b) REFERENCES TO THE ADMINISTRATIVE CON-
2 FERENCE OF THE UNITED STATES.—Section 573 of title
3 5, United States Code, is amended—

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

6 “(c) In consultation with other appropriate Federal
7 agencies and professional organizations experienced in
8 matters concerning dispute resolution, the Federal Medi-
9 ation and Conciliation Service shall—

10 “(1) encourage and facilitate agency use of al-
11 ternative means of dispute resolution; and

12 “(2) develop procedures that permit agencies to
13 obtain the services of neutrals on an expedited
14 basis.”; and

15 (2) in subsection (e) by striking “on a roster es-
16 tablished under subsection (c)(2) or a roster main-
17 tained by other public or private organizations, or
18 individual”.

19 **SEC. 8. PERMANENT AUTHORIZATION OF THE ALTER-**
20 **NATIVE DISPUTE RESOLUTION PROVISIONS**
21 **OF TITLE 5, UNITED STATES CODE.**

22 The Administrative Dispute Resolution Act (Public
23 Law 101–552; 104 Stat. 2747; 5 U.S.C. 581 note) is
24 amended by striking section 11.

1 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

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

5 **“§ 584. Authorization of appropriations**

6 “There are authorized to be appropriated such sums
7 as may be necessary to carry out the purposes of this sub-
8 chapter.”.

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

“584. Authorization of appropriations.”.

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