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.

Be it enacted by the Senate and House of Representa-

tives 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 amend-
ed—

(1) in paragraph (3)—
(A) by striking “, in lieu of an adjudication as defined in section 551(7),”; 

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

(C) by striking “and arbitration” and inserting “arbitration, and use of ombudsmen”; 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.—Section 574(a) of title 5, United States Code, is amended in the matter before paragraph (1) by striking “any information concerning”.

(b) 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.”.

(c) Exemption From Disclosure by Statute.—
Section 574 of title 5, United States Code, is amended
by striking “This section” and inserting “This section
(other than subsection (a))”.

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

(a) Promotion of Administrative Dispute Res-
olutions.—Section 3(a)(1) of the Administrative Dis-
pute Resolution Act (5 U.S.C. 581 note; Public Law 101–
552; 104 Stat. 2736) is amended by striking “the Admin-
istrative Conference of the United States and”.

(b) Compilation of Information.—

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United States Code, is repealed.

(2) Technical and Conforming Amend-
ment.—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 Serv-
ice.—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”.

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SEC. 5. AMENDMENTS TO SUPPORT SERVICE 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”.

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(b) References to the Administrative Conference of the United States.—Section 573 of title 5, United States Code, is amended—

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

“(e) In consultation with other appropriate Federal agencies and professional organizations experienced in matters concerning dispute resolution, the Federal Mediation and Conciliation Service 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 (e)(2) or a roster maintained by other public or private organizations, or individual”.

SEC. 8. 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. 581 note) is amended by striking section 11.
SEC. 9. 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.”.