

Calendar No. 427

104TH CONGRESS
2^D SESSION

H. R. 2977

IN THE SENATE OF THE UNITED STATES

JUNE 5, 1996

Received; read twice and placed on the calendar

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Administrative Dispute
3 Resolution Act of 1996”.

4 **SEC. 2. AMENDMENT TO DEFINITIONS.**

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

7 (1) in paragraph (3)—

8 (A) by striking “, in lieu of an adjudication
9 as defined in section 551(7) of this title,”;

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

11 and

12 (C) by striking “and arbitration” and in-
13 serting “arbitration, and use of ombudsmen”;

14 and

15 (2) in paragraph (8)—

16 (A) in subparagraph (B) by striking “dec-
17 sion,” and inserting “decision;”; and

18 (B) by striking the matter following sub-
19 paragraph (B).

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

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

1 (b) ALTERNATIVE CONFIDENTIALITY PROCE-
2 DURES.—Section 574(d) of title 5, United States Code,
3 is amended—

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

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

7 “(2) To qualify for the exemption established under
8 subsection (j), an alternative confidential procedure under
9 this subsection may not provide for less disclosure than
10 the confidential procedures otherwise provided under this
11 section.”.

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

16 **SEC. 4. AMENDMENT TO REFLECT THE CLOSURE OF THE**
17 **ADMINISTRATIVE CONFERENCE.**

18 (a) PROMOTION OF ADMINISTRATIVE DISPUTE RES-
19 OLUTIONS.—Section 3(a)(1) of the Administrative Dis-
20 pute Resolution Act (5 U.S.C. 581 note; Public Law 101–
21 552; 104 Stat. 2736) is amended by striking “the Admin-
22 istrative Conference of the United States and”.

23 (b) COMPILATION OF INFORMATION.—

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25 United States Code, is repealed.

1 (2) TECHNICAL AND CONFORMING AMEND-
2 MENT.—The table of sections for chapter 5 of title
3 5, United States Code, is amended by striking the
4 item relating to section 582.

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

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

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

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

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

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

20 (2) in subsection (e) by striking the first sen-
21 tence.

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

23 (a) EXPEDITED HIRING OF NEUTRALS.—

24 (1) COMPETITIVE REQUIREMENTS IN DEFENSE
25 AGENCY CONTRACTS.—Section 2304(c)(3)(C) of title

1 10, United States Code, is amended by striking
2 “agency, or” and inserting “agency, or to procure
3 the services of an expert or neutral for use”.

4 (2) COMPETITIVE REQUIREMENTS IN FEDERAL
5 CONTRACTS.—Section 303(c)(3)(C) of the Federal
6 Property and Administrative Services Act of 1949
7 (41 U.S.C. 253(c)(3)(C)), is amended by striking
8 “agency, or” and inserting “agency, or to procure
9 the services of an expert or neutral for use”.

10 (b) REFERENCES TO THE ADMINISTRATIVE CON-
11 FERENCE OF THE UNITED STATES.—Section 573 of title
12 5, United States Code, is amended—

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

15 “(c) In consultation with other appropriate Federal
16 agencies and professional organizations experienced in
17 matters concerning dispute resolution, the Federal Medi-
18 ation and Conciliation Service shall—

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

21 “(2) develop procedures that permit agencies to
22 obtain the services of neutrals on an expedited
23 basis.”; and

24 (2) in subsection (e) by striking “on a roster es-
25 tablished under subsection (c)(2) or a roster main-

1 tained by other public or private organizations, or
2 individual”.

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

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

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

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

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

14 “There are authorized to be appropriated such sums
15 as may be necessary to carry out the purposes of this sub-
16 chapter.”.

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

“584. Authorization of appropriations.”.

Passed the House of Representatives June 4, 1996.

Attest:

ROBIN H. CARLE,

Clerk.

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