

Union Calendar No. 297

104TH CONGRESS
2^D SESSION

H. R. 2977

[Report No. 104-597]

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

MAY 29, 1996

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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”.

1 **SEC. 2. AMENDMENT TO DEFINITIONS.**

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

4 (1) in paragraph (3)—

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

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

8 and

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

11 and

12 (2) in paragraph (8)—

13 (A) in subparagraph (B) by striking “dec-
14 sion,” and inserting “decision.”; and

15 (B) by striking the matter following sub-
16 paragraph (B).

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

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

22 (b) **ALTERNATIVE CONFIDENTIALITY PROCE-**
23 **DURES.**—Section 574(d) of title 5, United States Code,
24 is amended—

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

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

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

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

12 **SEC. 4. AMENDMENT TO REFLECT THE CLOSURE OF THE**
13 **ADMINISTRATIVE CONFERENCE.**

14 (a) PROMOTION OF ADMINISTRATIVE DISPUTE RES-
15 OLUTIONS.—Section 3(a)(1) of the Administrative Dis-
16 pute Resolution Act (5 U.S.C. 581 note; Public Law 101–
17 552; 104 Stat. 2736) is amended by striking “the Admin-
18 istrative Conference of the United States and”.

19 (b) COMPILATION OF INFORMATION.—

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21 United States Code, is repealed.

22 (2) TECHNICAL AND CONFORMING AMEND-
23 MENT.—The table of sections for chapter 5 of title
24 5, United States Code, is amended by striking the
25 item relating to section 582.

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

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

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

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

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

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

16 (2) in subsection (e) by striking the first sen-
17 tence.

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

19 (a) EXPEDITED HIRING OF NEUTRALS.—

20 (1) COMPETITIVE REQUIREMENTS IN DEFENSE
21 AGENCY CONTRACTS.—Section 2304(c)(3)(C) of title
22 10, United States Code, is amended by striking
23 “agency, or” and inserting “agency, or to procure
24 the services of an expert or neutral for use”.

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

7 (b) REFERENCES TO THE ADMINISTRATIVE CON-
8 FERENCE OF THE UNITED STATES.—Section 573 of title
9 5, United States Code, is amended—

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

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

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

18 “(2) develop procedures that permit agencies to
19 obtain the services of neutrals on an expedited
20 basis.”; and

21 (2) in subsection (e) by striking “on a roster es-
22 tablished under subsection (c)(2) or a roster main-
23 tained by other public or private organizations, or
24 individual”.

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

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

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

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

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

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

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

“584. Authorization of appropriations.”.

Union Calendar No. 297

104TH CONGRESS
2^D SESSION

H. R. 2977

[Report No. 104-597]

A BILL

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

MAY 29, 1996

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed