



## **Administrative Dispute Resolution Act of 1996**

5 USCA s 571 R 3 OF 16 USC  
5 U.S.C.A. s 571

UNITED STATES CODE ANNOTATED

TITLE 5. GOVERNMENT ORGANIZATION AND EMPLOYEES

PART I--THE AGENCIES GENERALLY

CHAPTER 5--ADMINISTRATIVE PROCEDURE SUBCHAPTER IV--  
ALTERNATIVE MEANS OF DISPUTE RESOLUTION IN THE ADMINISTRATIVE  
PROCESS

Current through P.L. 104-333, approved 11-12-96

s 571. Definitions

For the purposes of this subchapter, the term --

- (1) “agency” has the same meaning as in section 551(1) of this title;
- (2) “administrative program” includes a Federal function which involves protection of the public interest and the determination of rights, privileges and obligations of private persons through rule making, adjudication, licensing, or investigation, as those terms are used in subchapter II of this chapter;
- (3) “alternative means of dispute resolution” means any procedure that is used to resolve issues in controversy, including, but not limited to, conciliation, facilitation, mediation, factfinding, minitrials, arbitration, and use of ombuds, or any combination thereof;
- (4) “award” means any decision by an arbitrator resolving the issues in controversy;
- (5) “dispute resolution communication” means any oral or written communication prepared for the purposes of a dispute resolution proceeding, including any memoranda, notes or work product of the neutral, parties or nonparty participant; except that a written agreement to enter into a dispute resolution proceeding, or final written agreement or arbitral award reached ~ a result of a dispute resolution proceeding, is not a dispute resolution communication;

(6) “dispute resolution proceeding” means any process in which an alternative means of dispute resolution is used to resolve an issue in controversy in which a neutral is appointed and specified parties participate;

(7) “in confidence” means, with respect to information, that the information is provided--

(a)with the expressed intent of the source that it not be disclosed; or

(b)under circumstances that would create the reasonable expectation’s behalf of the source that the information will not be disclosed;

(8) “issue in controversy” means an issue which is material to a decision concerning an administrative program of an agency, and with which there is disagreement--

(a)between an agency and persons who would be substantially affected by the decision; or

(b)between persons who would be substantially affected by the decision;

(9) “neutral” means an individual who, with respect to an issue in controversy, functions specifically to aid the parties in resolving the controversy;

(10) “party” means--

(a)for a proceeding with named parties, the same as in section 551(3) of this title; and

(b)for a proceeding without named parties, a person who will be significantly affected by the decision in the proceeding and who participated in the proceeding;

(11) “person” has the same meaning as in section 551(2) of this title; and

(12) “roster” means a list of persons qualified to provide services as neutrals.

CREDIT ( S )

1996 Main Volume

(Added Pub. L. 101-552, s 4(b), Nov. 15, 1990, 104 Stat. 2738, s 581, and renumbered s. 571 and amended Pub. L. 102-354, ss 3(b)(2), 5(b)(1), (2), Aug. 26 1992, 106 Stat. 944, 946.)

## 1997 Electronic Pocket Part Update

(As amended Pub. L. 104-320, s 2, Oct. 19, 1996, 110 Stat. 3870.)

### HISTORICAL AND STATUTORY NOTES

#### Revision Notes and Legislative Reports

1990 Acts. Senate Report No. 101-543, see 1990 U.S. Code Cong. and Adm. News, p. 3931.

1992 Acts. House Report No. 102-372, see 1992 U.S. Code Cong. and Adm. News, p. 830.

#### Amendments

1996 Amendments. Par. (3). Pub. L. 104-320, s 2(1)(A), struck out “, in lieu of an adjudication as defined in section 551(7) of this title,” following “any procedure that is used”.

Pub. L. 104-320, s 2 (1) (B), struck out “settlement negotiations,” following “but not limited to,”

Pub. L. 104-320, s 2(1)(C), substituted “arbitration, and use of ombuds” for “and arbitration”.

Par. (8). Pub. L. 104-320, s 2(2), struck out provisions excepting any matter specified under section 2302 or 7121(c) of this title from the definition of “issue in controversy”.

1992 Amendments. Par. (3). Pub. L. 102-354, s 5(b)(1), inserted comma following “including”.

Par. (8). Pub. L. 102-354, s 5(b)(2), redesignated portion of existing matter with minor changes, as subpar. (A), and added subpar. (B).

#### Sunset Provisions

Section 11 of Pub. L. 101-552, as amended Pub. L. 104-106, s 4321(i)(5), Feb. 10, 1996, 110 Stat. 676, which provided that the authority of agencies to use dispute resolution proceedings under Pub. L. 101-552 and under the amendments made by Pub. L. 101-552 [for distribution of which see Short Title of 1990 Acts note set out under this section and Tables] would terminate on October 1, 1995 except that such authority would continue in

effect with respect to then pending proceedings which, in the judgment of the agencies that were parties to the dispute resolution proceedings, required such continuation, until such proceedings terminated, was repealed by Pub. L. 104-320, s 9, Oct. 19, 1996, 11 Stat. 3872.

#### Prior Provisions

A prior section 571, added Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 388, relating to purpose of Administrative Conference of the United States, was redesignated section 591 of this title by Pub. L. 102-354, s 2(2), Aug. 26, 1992, 106 Stat. 944.

#### Short Title

1996 Amendments. Section 1 of Pub. L. 104-320, provided that: “This Act [enacting section 570a of this title, amending sections 571, 573, 574, 575, 580, 581, and 583 of this title, section 2304 of Title 10, Armed Forces, section 1491 of Title 28, Crimes and Criminal Procedure, section 173 of Title 29, Labor, section 3556 of Title 31, Money and Finance, and sections 253 and 605 of Title 41, Public Contracts, repealing section 582 of this title, enacting provisions set out as notes under section 563 of this title, section 1491 of Title 28, and section 3556 of Title 31, amending provisions set out as notes under section 571 of this title, and repealing provisions set out as notes under section 571 of this title] may be cited as the ‘Administrative Dispute Resolution Act of 1996’ “

1990 Acts. Section 1 of Pub. L. 101-552 provided that: “This Act [enacting this subchapter, amending section 556 of this title and section 10 of Title 9, Arbitration, section 2672 of Title 28, Judiciary and Judicial Procedure, section 173 of Title 29, Labor, section 3711 of Title 31, Money and Finance, and sections 605 and 607 of Title 41, Public Contracts, and enacting provision set out as notes under this section] may be cited as the ‘Administrative Dispute Resolution Act’ “

#### Congressional Findings

Section 2 of Pub. L. 101-552 provided that: “The Congress finds that--

“(1) administrative procedure, as embodied in chapter 5 of title 5, United States Code [chapter 5 of this title], and other statutes, is intended to offer a prompt, expert, and inexpensive means of resolving disputes as an alternative to litigation in the Federal courts;

“(2) administrative proceedings have become increasingly formal, costly, and lengthy resulting in unnecessary expenditures of time and in a decreased likelihood of achieving consensual resolution of disputes;

“(3) alternative means of dispute resolution have been used in the private sector for many years and, in appropriate circumstances, have yielded decision that are faster, less expensive, and less contentious;

“(4) such alternative means can lead to more creative, efficient, and sensible outcomes;

“(5) such alternative means may be used advantageously in a wide variety of administrative programs;

“(6) explicit authorization of the use of well-tested dispute resolution techniques will eliminate ambiguity of agency authority under existing law;

“(7) Federal agencies may not only receive the benefit of techniques that well developed in the private sector, but may also take the lead in the further development and refinement of such techniques; and

“(8) the availability of a wide range of dispute resolution procedures, and increased understanding of the most effective use of such procedures, will enhance the operation of the Government and better serve the public.”

#### Definitions

Section 10 of Pub. L. 101-552, as amended Pub. L. 102-354, s 5(b)(6), Aug. 26, 1992, 106 Stat. 946, provided that: “As used in this Act [Pub. L. 101-552 for distribution of which see Short Title of 1990 Acts note set out under this section and Tables], the terms ‘agency’, ‘administrative program’, and ‘alternative means of dispute resolution’ have the meanings given such terms in section 571 of title 5, United States Code [this section] (enacted as section 581 of title 5, United States Code, by section 4(b) of this Act, and redesignated as section 571 of such title by section 3(b) of the Administrative Procedure Technical Amendments Act of 1991) [Pub. L. 102-354].”

#### Promotion of Alternative Means of Dispute Resolution

Section 3 of Pub. L. 101-552, as amended Pub. L. 104-320, s 4(a), Oct. 19, 199~ 110 Stat. 3871, provided that:

#### HISTORICAL AND STATUTORY NOTES

“(a) Promulgation of agency policy.--Each agency shall adopt a policy that addresses the use of alternative means of dispute resolution and case management. In developing such a policy, each agency shall--

- “(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 [section 571 et seq. of this title]; and

“(2) examine alternative means of resolving disputes in connection with-

- “(A) formal and informal adjudications;
- “(B) rulemakings;
- “(C) enforcement actions;
- “(D) issuing and revoking licenses or permits;
- “(E) contract administration;
- “(F) litigation brought by or against the agency; and
- “(G) other agency actions.
- “(b) Dispute resolution specialists.--The head of each agency shall designate a senior official to be the dispute resolution specialist of the agency. Such official shall be responsible for the implementation of
  - “(1) the provisions of this Act [Pub. L. 101-552 for distribution of which see Short Title set out under this section and Tables] and the amendments made by this Act; and

o “(2) the agency policy developed under subsection (a).

7 “(c) Training.--Each agency shall provide for training on a regular basis for the dispute resolution specialist of the agency and other employees involved : implementing the policy of the agency developed under subsection (a). Such training should encompass the theory and practice of negotiation, mediation, arbitration, or related techniques. The dispute resolution specialist shall periodically recommend to the agency head agency employees who would benefit from similar training.

7 “(d) Procedures for grants and contracts.

- “(1) Each agency shall review each of its standard agreements for contracts, grants, and other assistance and shall determine whether to amend any such standard agreements to authorize and encourage the use of alternative means of dispute resolution.
- “(2)(A) Within 1 year after the date of the enactment of this Act [Nov. 15, 1990], the Federal Acquisition Regulation shall be amended, as necessary, to carry out this Act [see Short Title of 1990 Acts note set out under this section] and the amendments made by this Act.
- “(B) For purposes of this section, the term ‘Federal Acquisition Regulation’ means the single system of Government-wide procurement regulation referred to in section 6(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(a)) [section 405(a) of Title 41, Public Contracts].”

## Use of Nonattorneys

Section 9 of Pub. L. 101-552 provided that:

“(a) Representation of parties.--Each agency, in developing a policy on the use of alternative means of dispute resolution under this Act [Pub. L. 101-552 for distribution of which, see Short Title note set out under this section and Tables], shall develop a policy with regard to the representation by persons other than attorneys of parties in alternative

dispute resolution proceedings and shall identify any of its administrative programs with numerous claims or disputes before the agency and determine--

“(1) the extent to which individuals are represented or assisted by attorney or by persons who are not attorneys; and

“(2) whether the subject areas of the applicable proceedings or the procedures are so complex or specialized that only attorneys may adequately provide such representation or assistance.

“(b) Representation and assistance by nonattorneys.--A person who is not an attorney may provide representation or assistance to any individual in a claim or dispute with an agency, if--

“(1) such claim or dispute concerns an administrative program identified under subsection (a);

“(2) such agency determines that the proceeding or procedure does not necessitate representation or assistance by an attorney under subsection (a) (2); and

“(3) such person meets any requirement of the agency to provide representation or assistance in such a claim or dispute.

“(c) Disqualification of representation or assistance.--Any agency that adopts regulations under subchapter IV of chapter 5 of title 5, United States Code [subchapter IV of chapter 5 of this title], to permit representation or assistance by persons who are not attorneys shall review the rules of practice before such agency to--

“(1) ensure that any rules pertaining to disqualification of attorneys from practicing before the agency shall also apply, as appropriate, to other persons who provide representation or assistance; and

“(2) establish effective agency procedures for enforcing such rules of practice and for receiving complaints from affected persons.”

Citation Rank(R) Database

5 USCA s 573 R4 OF 16 USC

5 U.S.C.A. s 573

UNITED STATES CODE ANNOTATED

## TITLE 5. GOVERNMENT ORGANIZATION AND EMPLOYEES

### PART I--THE AGENCIES GENERALLY

#### CHAPTER 5--ADMINISTRATIVE PROCEDURE SUBCHAPTER IV-- ALTERNATIVE MEANS OF DISPUTE RESOLUTION IN THE ADMINISTRATIVE PROCESS

Current through PL 104-333, approved 11-12-96

s 573. Neutrals

(a) A neutral may be a permanent or temporary officer or employee of the Federal Government or any other individual who is acceptable to the parties to a dispute resolution proceeding. A neutral shall have no official, financial, or personal conflict of interest with respect to the issues in controversy, unless such interest is fully disclosed in writing to all parties and all parties agree that the neutral may serve.

(b) A neutral who serves as a conciliator, facilitator, or mediator serves at the will of the parties.

(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.

(d) An agency may use the services of one or more employees of other agencies to serve as neutrals in dispute resolution proceedings. The agencies may enter into an interagency agreement that provides for the reimbursement by the user agency or the parties of the full or partial cost of the services of such an employee.

(e) Any agency may enter into a contract with any person for services as a neutral, or for training in connection with alternative means of dispute resolution. The parties in a dispute resolution proceeding shall agree on compensation for the neutral that is fair and reasonable to the Government.



## CREDIT ( S )

### 1996 Main Volume

(Added Pub. L. 101-552, s 4(b), Nov. 15, 1990, 104 Stat. 2739, s 583, and renumbered s 573, Pub. L. 102-354, s 3(b)(2), Aug. 26, 1992, 106 Stat. 944.)

### 1997 Electronic Pocket Part Update

(As amended Pub. L. 104-320, s 7(b), Oct. 19, 1996, 110 Stat. 3872.)

## HISTORICAL AND STATUTORY NOTES

### Revision Notes and Legislative Reports

1990 Acts. Senate Report No. 101-543, see 1990 U.S. Code Cong. and Adm. News, p. 3931.

1992 Acts. House Report No. 102-372, see 1992 U.S. Code Cong. and Adm. News, p. 830.

### Sunset Provisions

The termination of amendments by Pub. L. 101-552 and authority to use dispute resolution proceedings on Oct. 1, 1995, provided by section 11 of Pub. L. 101552, set out as a note under section 571 of this title, was repealed by Pub. L. 104-320, s 9, Oct. 19, 1996, 110 Stat. 3872.

### Prior Provisions

A prior section 573, added Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 389, and amended Pub. L. 99-470, s 1(a), Oct. 14, 1986, 100 Stat. 1198, relating to Administrative Conference of the United States, was redesignated section 593 0 this title by Pub. L. 102-354, s 2(2), Aug. 26 ,1992, 106 Stat. 944.

### Definitions

Definitions of terms “agency”, “administrative program” and “alternative mean of dispute resolution” set forth in section 571 applicable to this section, se section 10 of Pub. L. 101-552, set out as a note under section 571 of this title.

### Citation Rank(R) Database

5 USCA s 574 R 5 OF 16 USC

5 U.S.C.A. s 574

UNITED STATES CODE ANNOTATED

TITLE 5. GOVERNMENT ORGANIZATION AND EMPLOYEES

PART I--THE AGENCIES GENERALLY

CHAPTER 5--ADMINISTRATIVE PROCEDURE SUBCHAPTER IV--  
ALTERNATIVE MEANS OF DISPUTE RESOLUTION IN THE ADMINISTRATIVE  
PROCESS

Current through P.L. 104-333, approved 11-12-96

s 574. Confidentiality

(a) Except as provided in subsections (d) and (e), a neutral in a dispute resolution proceeding shall not voluntarily disclose or through discovery or compulsory process be required to disclose any dispute resolution communication or any communication provided in confidence to the neutral, unless--

- (1) all parties to the dispute resolution proceeding and the neutral consent in writing, and, if the dispute resolution communication was provided by a nonparty participant, that participant also consents in writing;
- (2) the dispute resolution communication has already been made public;
- (3) the dispute resolution communication is required by statute to be made public, but a neutral should make such communication public only if no other person is reasonably available to disclose the communication; or
- (4) a court determines that such testimony or disclosure is necessary to--
  - (A) prevent a manifest injustice;
  - (B) help establish a violation of law; or
  - (C) prevent harm to the public health or safety, of sufficient magnitude in the particular case to outweigh the integrity of dispute resolution

proceedings in general by reducing the confidence of parties in future cases that their communications will remain confidential.

(b) A party to a dispute resolution proceeding shall not voluntarily disclose or through discovery or compulsory process be required to disclose any dispute resolution communication, unless--

- (1) the communication was prepared by the party seeking disclosure;
- (2) all parties to the dispute resolution proceeding consent in writing;
- (3) the dispute resolution communication has already been made public;
- (4) the dispute resolution communication is required by statute to be made public;
- (5) a court determines that such testimony or disclosure is necessary to--

(A) prevent a manifest injustice;

(B) help establish a violation of law; or

(C) prevent harm to the public health and safety, of sufficient magnitude in the particular case to outweigh the integrity of dispute resolution proceedings in general by reducing the confidence of parties in future cases that their communications will remain confidential;

(6) the dispute resolution communication is relevant to determining the existence or meaning of an agreement or award that resulted from the dispute resolution proceeding or to the enforcement of such an agreement or award;

(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) Any dispute resolution communication that is disclosed in violation of subsection (a) or (b), shall not be admissible in any proceeding relating to the issues in controversy with respect to which the communication was made.

(d)

(1) The parties may agree to alternative confidential procedures for disclosures by a neutral. Upon such agreement the parties shall inform the neutral before the

commencement of the dispute resolution proceeding of any modifications to the provisions of subsection (a) that will govern the confidentiality of the dispute resolution proceeding. If the parties do not inform the neutral, subsection (a) shall apply.

(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.

(e) If a demand for disclosure, by way of discovery request or other legal process, is made upon a neutral regarding a dispute resolution communication, the neutral shall make reasonable efforts to notify the parties and any affected nonparty participants of the demand. Any party or affected nonparty participant who receives such notice and within 15 calendar days does not offer to defend a refusal of the neutral to disclose the requested information shall have waived any objection to such disclosure.

(f) Nothing in this section shall prevent the discovery or admissibility of any evidence that is otherwise discoverable, merely because the evidence was presented in the course of a dispute resolution proceeding.

(g) Subsections (a) and (b) shall have no effect on the information and data that are necessary to document an agreement reached or order issued pursuant to a dispute resolution proceeding.

(h) Subsections (a) and (b) shall not prevent the gathering of information for research or educational purposes, in cooperation with other agencies, governmental entities, or dispute resolution programs, so long as the parties and the specific issues in controversy are not identifiable.

(i) Subsections (a) and (b) shall not prevent use of a dispute resolution communication to resolve a dispute between the neutral in a dispute resolution proceeding and a party to or participant in such proceeding, so long as such dispute resolution communication is disclosed only to the extent necessary to resolve such dispute.

(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).

CREDIT (S)

1996 Main Volume



(Added Pub. L. 101-552, s 4(b), Nov. 15, 1990, 104 Stat. 2740, s 584, and renumbered s 574, Pub. L. 102-354, s 3(b)(2), Aug. 26, 1992, 106 Stat. 944.)

#### 1997 Electronic Pocket Part Update

(As amended Pub. L. 104-320, s 3, Oct. 19, 1996, 110 Stat. 3870.)

### HISTORICAL AND STATUTORY NOTES

#### Revision Notes and Legislative Reports

1990 Acts. Senate Report No. 101-543, see 1990 U.S. Code Cong. and Adm. News, p. 3931.

1992 Acts. House Report No. 102-372, see 1992 U.S. Code Cong. and Adm. News, p. 830.

#### Sunset Provisions

The termination of amendments by Pub. L. 101-552 and authority to use dispute resolution proceedings on Oct. 1, 1995, provided by section 11 of Pub. L. 101552, set out as a note under section 571 of this title, was repealed by Pub. L. 104-320, s 9, Oct. 19, 1996, 110 Stat. 3872.

#### Prior Provisions

A prior section 574, added Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 390, and amended Pub. L. 101-422, s 2, Oct. 12, 1990, 104 Stat. 910, relating to powers and duties of Administrative Conference of the United States, was redesignated section 594 of this title by Pub. L. 102-354, s 2(2), Aug. 26, 1992, 106 Stat. 944.

#### Definitions

Definitions of terms “agency”, “administrative program” and “alternative means of dispute resolution” set forth in section 571 applicable to this section, see section 10 of Pub. L. 101-552, set out as a note under section 571 of this title.

#### Citation Rank(R) Database

5 USCA s 575 R 6 OF 16 USC

5 U.S.C.A. s 575

UNITED STATES CODE ANNOTATED

TITLE 5. GOVERNMENT ORGANIZATION AND EMPLOYEES

PART I--THE AGENCIES GENERALLY

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ALTERNATIVE MEANS OF DISPUTE RESOLUTION IN THE ADMINISTRATIVE  
PROCESS

Current through P.L. 104-333, approved 11-12-96

s 575. Authorization of arbitration

(a)

(1) Arbitration may be used as an alternative means of dispute resolution whenever all parties consent. Consent may be obtained either before or after an issue in controversy has arisen. A party may agree to--

(A) submit only certain issues in controversy to arbitration; or

(B) arbitration on the condition that the award must be within a range of possible outcomes.

(2) The arbitration agreement that sets forth the subject matter submitted to the arbitrator shall be in writing. 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) An agency may not require any person to consent to arbitration as a condition of entering into a contract or obtaining a benefit.

(b) An officer or employee of an agency shall not offer to use arbitration for the resolution of issues in controversy unless such officer or employee--

(1) would otherwise have authority to enter into a settlement concerning matter;  
or

(2) is otherwise specifically authorized by the agency to consent to the use of arbitration.

(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.

#### CREDIT(S)

##### 1996 Main Volume

(Added Pub. L. 101-552, s 4(b), Nov. 15, 1990, 104 Stat. 2742, s 585, and renumbered s 575, Pub. L. 102-354, s 3(b)(2), Aug. 26, 1992, 106 Stat. 944.)

##### 1997 Electronic Pocket Part Update

(As amended Pub. L. 1~4~, s 8(c), Oct. 19, 1996, 110 Stat. 3872.)

#### HISTORICAL NOTES -- HISTORICAL AND STATUTORY NOTES

##### Revision Notes and Legislative Reports

1990 Acts. Senate Report No. 101-543, see 1990 U.S. Code Cong. and Adm. News, p. 3931.

1992 Acts. House Report No. 102-372, see 1992 U.S. Code Cong. and Adm. News, p. 830.

##### Sunset Provisions

The termination of amendments by Pub. L. 101-552 and authority to use dispute resolution proceedings on Oct. 1, 1995, provided by section 11 of Pub. L. 101552, set out as a note under section 571 of this title, was repealed by Pub. L. 104-320, s 9, Oct. 19, 1996, 110 Stat. 3872.

##### Prior Provisions

A prior section 575, added Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 390, and amended Pub. L. 92-526, s 1, Oct. 21, 1972, 86 Stat. 1048; Pub. L. 97-258, s 3(a)(1), Sept. 13, 1982, 96 Stat. 1062; Pub. L. 101-422, s 3, Oct. 12, 1990, 104 Stat. 910, relating to organization of Administrative Conference of the United States, was redesignated section 595 of this title by Pub. L. 102-354, s 2(2), Aug. 26, 1992, 106 Stat. 944.

## Definitions

Definitions of terms “agency”, “administrative program” and “alternative mean of dispute resolution” set forth in section 571 applicable to this section, see section 10 of Pub. L. 101-552, set out as a note under section 571 of this title.

## Citation Rank (R) Database

5 USCA s 580 R 7 OF 16 USC

5 U.S.C.A. s 580

### UNITED STATES CODE ANNOTATED

#### TITLE 5. GOVERNMENT ORGANIZATION AND EMPLOYEES

#### PART I--THE AGENCIES GENERALLY

#### CHAPTER 5--ADMINISTRATIVE PROCEDURE SUBCHAPTER IV-- ALTERNATIVE MEANS OF DISPUTE RESOLUTION IN THE ADMINISTRATIVE PROCESS

Current through P.L. 104-333, approved 11-12-96

s 580. Arbitration awards

(a)

(1) Unless the agency provides otherwise by rule, the award in an arbitration proceeding under this subchapter shall include a brief, informal discussion of the factual and legal basis for the award, but formal findings of fact or conclusions of law shall not be required.

(2) The prevailing parties shall file the award with all relevant agencies, along with proof of service on all parties.

(b) The award in an arbitration proceeding shall become final 30 days after it is served on all parties. Any agency that is a party to the proceeding may extend this 30-day period for an additional 30-day period by serving a notice of such extension on all other parties before the end of the first 30-day period.

(c) A final award is binding on the parties to the arbitration proceeding, and may be enforced pursuant to sections 9 through 13 of title 9. No action brought to enforce such an award shall be dismissed nor shall relief therein be denied on the grounds that it is against the United States or that the United States is an indispensable party.

(d) An award entered under this subchapter in an arbitration proceeding may not serve as an estoppel in any other proceeding for any issue that was resolved in the proceeding. Such an award also may not be used as precedent otherwise be considered in any factually unrelated proceeding, whether conducted under this subchapter, by an agency, or in a court, or in any other arbitration proceeding.

[ (e) Redesignated (d) ]

[(f) and (g) Repealed. Pub. L. 104-320, s 8(a)(1), Oct. 19, 1996, 110 Stat. 3872]

#### CREDIT(S)

#### 1996 Main Volume

(Added Pub. L. 101-552, s 4(b), Nov. 15, 1990, 104 Stat. 2743, s 590, and renumbered s 580 and amended Pub. L. 102-354, ss 3(b)(2), 5(b)(3), Aug. 26, 1992, 106 Stat. 944, 946.)

#### 1997 Electronic Pocket Part Update

(As amended Pub. L. 104-320, s 8(a), Oct. 19, 1996, 110 Stat. 3872.)

#### HISTORICAL AND STATUTORY NOTES

##### Revision Notes and Legislative Reports

1990 Acts. Senate Report No. 101-543, see 1990 U.S. Code Cong. and Adm. News, p. 3931.

1992 Acts. House Report No. 102-372, see 1992 U.S. Code Cong. and Adm. News, p. 830.

##### Amendments

1992 Amendments. Subsec. (g). Pub. L. 102-354, s 5(b)(3), substituted “fees and other expenses” for “attorney fees and expenses”.

## Sunset Provisions

The termination of amendments by Pub. L. 101-552 and authority to use dispute resolution proceedings on Oct. 1, 1995, provided by section 11 of Pub. L. 101552, set out as a note under section 571 of this title, was repealed by Pub. L. 104-320, s 9, Oct. 19, 1996, 110 Stat. 3872.

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Definitions of terms “agency”, “administrative program” and “alternative mean of dispute resolution” set forth in section 571 applicable to this section, se section 10 of Pub. L. 101-552, set out as a note under section 571 of this title.

## Citation Rank(R) Database

5 USCA s 581 R 8 OF 16 USC

5 U.S.C.A. s 581

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Current through P.L. 104-333, approved 11-12-96

s 581. Judicial Review [FN1]

(a) Notwithstanding any other provision of law, any person adversely affected or aggrieved by an award made in an arbitration proceeding conducted under the subchapter may bring an action for review of such award only pursuant to the provisions of sections 9 through 13 of title 9.

(b) A decision by an agency to use or not to use a dispute resolution proceeding under this subchapter shall be committed to the discretion of the agency and shall not be subject to judicial review, except that arbitration shall be subject to judicial review under section 10(b) of title 9.

## CREDIT (S)

### 1996 Main Volume

(Added Pub. L. 101-552, s 4(b), Nov. 15, 1990, 104 Stat. 2744, s 591, and renumbered s 581 and amended Pub. L. 102-354, s 3(b)(2), (4), Aug. 26, 1992, 1[ Stat. 944, 945.)

### 1997 Electronic Pocket Part Update

(As amended Pub. L. 104-320, s 8(b), Oct. 19, 1996, 110 Stat. 3872.)

[FN1] So in original. Probably should not be capitalized.

## HISTORICAL AND STATUTORY NOTES

### Revision Notes and Legislative Reports

1990 Acts. Senate Report No. 101-543, see 1990 U.S. Code Cong. and Adm. News, p. 3931.

1992 Acts. House Report No. 102-372, see 1992 U.S. Code Cong. and Adm. News, p. 830.

### Codifications

Amendments by section 8(b) of Pub. L. 104-320 were executed to subsec. (b) as the probable intent of Congress, despite directory language purporting to require the amendment of subsec. (d). This section contains no subsec. (d).

1996 Amendments. Subsec. (b). Pub. L. 104-320, s 8(b), redesignated par. (1) as entire subsec. (b), and struck out par. (2) which related to termination arbitration proceedings or vacation of arbitral awards.

### Amendments

1992 Amendments. Subsec. (b)(2). “section 580” for “section 590”.

Pub. L. 102-354, s 3 (b) (4), substituted

### Sunset Provisions

The termination of amendments by Pub. L. 101-552 and authority to use dispute resolution proceedings on Oct. 1, 1995, provided by section 11 of Pub. L. 101552, set out as a note under section 571 of this title, was repealed by Pub. L 104-320, s 9, Oct. 19, 1996, 110 Stat. 3872.

#### Prior Provisions

A prior section 581, added Pub. L. 101-648, s 3(a), Nov. 29, 1990, 104 Stat. 4970, relating to purposes of provisions relating to negotiated rulemaking procedure, was redesignated section 561 of this title by Pub. L. 102-354, s 3(a) (2), Aug. 26, 1992, 106 Stat. 944.

Another prior section 581, added Pub. L. 101-552, s 4(b), Nov. 15, 1990, 104 Stat. 2738, defining terms for purposes of this subchapter, was redesignated section 571 of this title by Pub. L. 102-354, s 3(b)(2), Aug. 26, 1992, 106 Stat. 944.

#### Definitions

Definitions of terms “agency”, “administrative program” and “alternative means of dispute resolution” set forth in section 571 applicable to this section, s section 10 of Pub. L. 101-552, set out as a note under section 571 of this title.