

Public Law 102-354
102d Congress

An Act

Aug. 26, 1992

[H.R. 2549]

To make technical corrections to chapter 5 of title 5, United States Code.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Administrative
Procedure
Technical
Amendments
Act of 1991.
Government
employees.
5 USC 561 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Administrative Procedure Technical Amendments Act of 1991".

SEC. 2. REDESIGNATION OF SUBCHAPTER III.

Subchapter III of chapter 5 of title 5, United States Code, is amended—

- (1) by redesignating such subchapter as subchapter V;
- (2) by redesignating sections 571 through 576 as sections 591 through 596, respectively; and
- (3) in section 593(b)(4), as redesignated by paragraph (2), by striking "575" and inserting "595".

SEC. 3. REDESIGNATION OF SUBCHAPTER IV.

(a) **NEGOTIATED RULEMAKING.**—The subchapter IV entitled "NEGOTIATED RULEMAKING PROCEDURE" of chapter 5 of title 5, United States Code, is amended—

- (1) by redesignating such subchapter as subchapter III and inserting such subchapter immediately after subchapter II of such chapter 5;
- (2) by redesignating sections 581 through 590 as sections 561 through 570, respectively;
- (3) in section 565(a)(1), as redesignated by paragraph (2) of this section, by striking "584" and inserting "564";
- (4) in subsection (d) of section 568, as redesignated by paragraph (2) of this section, by striking "589" and inserting "569"; and
- (5) in section 569, as redesignated by paragraph (2) of this section—
 - (A) in subsection (d)(2) by striking "586" and inserting "566";
 - (B) in subsection (f)(2) by striking "588" and inserting "568"; and
 - (C) in subsection (g) by striking "575" and inserting "595".

(b) **ALTERNATIVE DISPUTE RESOLUTION.**—The subchapter IV entitled "ALTERNATIVE MEANS OF DISPUTE RESOLUTION IN THE ADMINISTRATIVE PROCESS" of chapter 5 of title 5, United States Code, is amended—

- (1) by inserting such subchapter immediately after subchapter III of such chapter (as redesignated by subsection (a)(1) of this section);
- (2) by redesignating sections 581 through 593 as sections 571 through 583, respectively;

(3) in subsection (b) of section 577, as redesignated by paragraph (2) of this section, by striking "583" and inserting "573"; and

(4) in subsection (b)(2) of section 581, as redesignated by paragraph (2) of this section, by striking "590" and inserting "580".

SEC. 4. CLERICAL AMENDMENTS.

The table of sections at the beginning of chapter 5 of title 5, United States Code, is amended by striking "SUBCHAPTER III" and all that follow through the end of the table and inserting the following:

"SUBCHAPTER III—NEGOTIATED RULEMAKING PROCEDURE

- "Sec. 561. Purpose.
- "Sec. 562. Definitions.
- "Sec. 563. Determination of need for negotiated rulemaking committee.
- "Sec. 564. Publication of notice; applications for membership on committees.
- "Sec. 565. Establishment of committee.
- "Sec. 566. Conduct of committee activity.
- "Sec. 567. Termination of committee.
- "Sec. 568. Services, facilities, and payment of committee member expenses.
- "Sec. 569. Role of the Administrative Conference of the United States and other entities.
- "Sec. 570. Judicial review.

"SUBCHAPTER IV—ALTERNATIVE MEANS OF DISPUTE RESOLUTION IN THE ADMINISTRATIVE PROCESS

- "Sec. 571. Definitions.
- "Sec. 572. General authority.
- "Sec. 573. Neutrals.
- "Sec. 574. Confidentiality.
- "Sec. 575. Authorization of arbitration.
- "Sec. 576. Enforcement of arbitration agreements.
- "Sec. 577. Arbitrators.
- "Sec. 578. Authority of the arbitrator.
- "Sec. 579. Arbitration proceedings.
- "Sec. 580. Arbitration awards.
- "Sec. 581. Judicial review.
- "Sec. 582. Compilation of information.
- "Sec. 583. Support services.

"SUBCHAPTER V—ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

- "Sec. 591. Purpose.
- "Sec. 592. Definitions.
- "Sec. 593. Administrative Conference of the United States.
- "Sec. 594. Powers and duties of the Conference.
- "Sec. 595. Organization of the Conference.
- "Sec. 596. Authorization of appropriations."

SEC. 5. ADDITIONAL TECHNICAL AND CONFORMING AMENDMENTS.

(a) NEGOTIATED RULEMAKING ACT OF 1990.—(1) Section 4 of the Negotiated Rulemaking Act of 1990 (Public Law 101-648; 104 Stat. 4976) is amended by striking "576" and inserting "596".

5 USC 561 note.

(2) Section 5 of that Act is amended—

(A) by striking "Subchapter IV" and inserting "Subchapter III of chapter 5";

(B) by striking " , as added by section 3 of this Act," and inserting "(enacted as subchapter IV of chapter 5 of title 5, United States Code, by section 3 of this Act and redesignated as subchapter III of such chapter 5 by section (3)(a) of the Administrative Procedure Technical Amendments Act of 1991)"; and

(C) by striking “subchapter IV” and inserting “subchapter III”.

(b) ADMINISTRATIVE DISPUTE RESOLUTION ACT.—(1) Paragraph (3) of section 571 of title 5, United States Code, as redesignated by section 3(b)(2) of this Act, is amended by inserting a comma after “including”.

(2) Paragraph (8) of section 571 of title 5, United States Code, as redesignated by section 3(b)(2) of this Act, is amended to read as follows:

“(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,

except that such term shall not include any matter specified under section 2302 or 7121(c) of this title;”.

(3) Subsection (g) of section 580 of title 5, United States Code, as redesignated by section 3(b)(2) of this Act, is amended by striking “attorney fees and expenses” and inserting “fees and other expenses”.

(4) Section 10(b) of title 9, United States Code (as added by section 5 of the Administrative Dispute Resolution Act (Public Law 101-552; 104 Stat. 2745)), is amended—

(A) by striking “590” and inserting “580”; and

(B) by striking “582” and inserting “572”.

(5) Section 203(f) of the Labor Management Relations Act, 1947 (as added by section 7 of the Administrative Dispute Resolution Act (104 Stat. 2746)), is amended in the third sentence by striking “583” and inserting “573”.

(6) Section 10 of the Administrative Dispute Resolution Act (104 Stat. 2747) is amended—

(A) by striking “581” and inserting “571”; and

(B) by striking “, as added by section 4(b) of this Act” and inserting “(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)”.

Approved August 26, 1992.

29 USC 173.

5 USC 571 note.

LEGISLATIVE HISTORY—H.R. 2549:

HOUSE REPORTS: No. 102-372 (Comm. on the Judiciary).

CONGRESSIONAL RECORD:

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