

APPENDIX

PART II. PRESIDENTIAL MEMORANDUM OF 1998

May 1, 1998

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Designation of Interagency Committees to Facilitate and Encourage Agency Use of Alternate Means of Dispute Resolution and Negotiated Rulemaking

As part of an effort to make the Federal Government operate in a more efficient and effective manner, and to encourage, where possible, consensual resolution of disputes and issues in controversy involving the United States, including the prevention and avoidance of disputes, I have determined that each Federal agency must take steps to:

1. promote greater use of mediation, arbitration, early neutral evaluation, agency ombuds, and other alternative dispute resolution techniques, and
2. promote greater use of negotiated rulemaking.

By the authority vested in me as President by the Constitution and laws of the United States including sections 569(a) and 573(c) of title 5, United States Code, as amended by the Administrative Dispute Resolution Act of 1996 (Public Law 104-320), I hereby direct as follows:

An Alternative Dispute Resolution Working Group, comprised of the Cabinet Departments and, as determined by the Attorney General, such other agencies with a significant interest in dispute resolution, shall be convened and is designated under 5 U.S.C. 573(c) as the interagency committee to facilitate and encourage agency use of alternative means of dispute resolution. The Working Group shall consist of representatives of the heads of all participating agencies, and may meet as a whole or in subgroups of agencies with an interest in particular issues or subject areas, such as disputes involving personnel, procurement, and claims. The Working Group shall be convened by the Attorney General, who may designate a representative to convene and facilitate meetings of the subgroups. The Working Group shall facilitate, encourage, and provide coordination for agencies in such areas as:

1. development of programs that employ alternative means of dispute resolution,
2. training of agency personnel to recognize when and how to use alternative means of dispute resolution,
3. development of procedures that permit agencies to obtain the services of neutrals on an expedited basis, and
4. recordkeeping to ascertain the benefits of alternative means of dispute resolution.

The Working Group shall also periodically advise the President, through the Director of the Office of Management and Budget, on its activities.

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The Regulatory Working Group established under section 4(d) of Executive Order 12866 is designated under 5 U.S.C. 569(a) as the interagency committee to facilitate and encourage agency use of negotiated rulemaking.

This directive is for the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.