

(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 or 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.

(Added Pub. L. 101-552, §4(b), Nov. 15, 1990, 104 Stat. 2743, §590; renumbered §580 and amended Pub. L. 102-354, §§3(b)(2), 5(b)(3), Aug. 26, 1992, 106 Stat. 944, 946; Pub. L. 104-320, §8(a), Oct. 19, 1996, 110 Stat. 3872.)

#### AMENDMENTS

1996—Subsec. (c). Pub. L. 104-320, §8(a), redesignated subsec. (d) as (c) and struck out former subsec. (c) which read as follows: “The head of any agency that is a party to an arbitration proceeding conducted under this subchapter is authorized to terminate the arbitration proceeding or vacate any award issued pursuant to the proceeding before the award becomes final by serving on all other parties a written notice to that effect, in which case the award shall be null and void. Notice shall be provided to all parties to the arbitration proceeding of any request by a party, nonparty participant or other person that the agency head terminate the arbitration proceeding or vacate the award. An employee or agent engaged in the performance of investigative or prosecuting functions for an agency may not, in that or a factually related case, advise in a decision under this subsection to terminate an arbitration proceeding or to vacate an arbitral award, except as witness or counsel in public proceedings.”

Subsecs. (d), (e). Pub. L. 104-320, §8(a)(2), redesignated subsec. (e) as (d). Former subsec. (d) redesignated (c).

Subsecs. (f), (g). Pub. L. 104-320, §8(a)(1), struck out subsecs. (f) and (g) which read as follows:

“(f) An arbitral award that is vacated under subsection (c) shall not be admissible in any proceeding relating to the issues in controversy with respect to which the award was made.

“(g) If an agency head vacates an award under subsection (c), a party to the arbitration (other than the United States) may within 30 days of such action petition the agency head for an award of fees and other expenses (as defined in section 504(b)(1)(A) of this title) incurred in connection with the arbitration proceeding. The agency head shall award the petitioning party those fees and expenses that would not have been incurred in the absence of such arbitration proceeding, unless the agency head or his or her designee finds that special circumstances make such an award unjust. The procedures for reviewing applications for awards shall, where appropriate, be consistent with those set forth in subsection (a)(2) and (3) of section 504 of this title. Such fees and expenses shall be paid from the funds of the agency that vacated the award.”

1992—Pub. L. 102-354, §3(b)(2), renumbered section 590 of this title as this section.

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

#### § 581. Judicial Review<sup>1</sup>

(a) Notwithstanding any other provision of law, any person adversely affected or aggrieved by an award made in an arbitration proceeding conducted under this 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)<sup>2</sup> of title 9.

(Added Pub. L. 101-552, §4(b), Nov. 15, 1990, 104 Stat. 2744, §591; renumbered §581 and amended Pub. L. 102-354, §3(b)(2), (4), Aug. 26, 1992, 106 Stat. 944, 945; Pub. L. 104-320, §8(b), Oct. 19, 1996, 110 Stat. 3872.)

#### REFERENCES IN TEXT

Section 10(b) of title 9, referred to in subsec. (b), was redesignated section 10(c) of title 9 by Pub. L. 107-169, §1(4), May 7, 2002, 116 Stat. 132.

#### PRIOR PROVISIONS

A prior section 581 was renumbered section 571 of this title.

Another prior section 581 was renumbered section 561 of this title.

#### AMENDMENTS

1996—Subsec. (b). Pub. L. 104-320, which directed that section 581(d) of this title be amended by striking “(1)” after “(b)” and by striking par. (2), was executed to subsec. (b) of this section to reflect the probable intent of Congress. Prior to amendment, par. (2) read as follows: “A decision by the head of an agency under section 580 to terminate an arbitration proceeding or vacate an arbitral award shall be committed to the discretion of the agency and shall not be subject to judicial review.”

1992—Pub. L. 102-354, §3(b)(2), renumbered section 591 of this title as this section.

Subsec. (b)(2). Pub. L. 102-354, §3(b)(4), substituted “section 580” for “section 590”.

#### § 582. Repealed. Pub. L. 104-320, §4(b)(1), Oct. 19, 1996, 110 Stat. 3871

Section, added Pub. L. 101-552, §4(b), Nov. 15, 1990, 104 Stat. 2744, §592; renumbered §582, Pub. L. 102-354, §3(b)(2), Aug. 26, 1992, 106 Stat. 944, related to compilation of data on use of alternative means of dispute resolution in conducting agency proceedings.

#### § 583. Support services

For the purposes of this subchapter, an agency may use (with or without reimbursement) the services and facilities of other Federal agencies, State, local, and tribal governments, public and private organizations and agencies, and individuals, with the consent of such agencies, organizations, and individuals. An agency may accept voluntary and uncompensated services for purposes of this subchapter without regard to the provisions of section 1342 of title 31.

(Added Pub. L. 101-552, §4(b), Nov. 15, 1990, 104 Stat. 2745, §593; renumbered §583, Pub. L. 102-354, §3(b)(2), Aug. 26, 1992, 106 Stat. 944; amended Pub. L. 104-320, §5, Oct. 19, 1996, 110 Stat. 3871.)

#### PRIOR PROVISIONS

Prior sections 583 to 590 were renumbered sections 573 to 580 of this title, respectively.

Other prior sections 583 to 590 were renumbered sections 563 to 570 of this title, respectively.

#### AMENDMENTS

1996—Pub. L. 104-320 inserted “State, local, and tribal governments,” after “other Federal agencies.”

1992—Pub. L. 102-354 renumbered section 593 of this title as this section.

<sup>1</sup> So in original. Probably should not be capitalized.

<sup>2</sup> See References in Text note below.