

(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 the 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.

(Added Pub. L. 101-552, §4(b), Nov. 15, 1990, 104 Stat. 2742, §585; renumbered §575, Pub. L. 102-354, §3(b)(2), Aug. 26, 1992, 106 Stat. 944; amended Pub. L. 104-320, §8(c), Oct. 19, 1996, 110 Stat. 3872.)

#### CODIFICATION

Section 575 of former Title 5, Executive Departments and Government Officers and Employees, was transferred to section 2259 of Title 7, Agriculture.

#### PRIOR PROVISIONS

A prior section 575 was renumbered section 595 of this title.

#### AMENDMENTS

1996—Subsec. (a)(2). Pub. L. 104-320, §8(c)(1), (2), substituted “The” for “Any” and inserted at end “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.”

Subsec. (b). Pub. L. 104-320, §8(c)(3), in introductory provisions substituted “shall not offer to use arbitration for the resolution of issues in controversy unless” for “may offer to use arbitration for the resolution of issues in controversy, if”, and in par. (1) substituted “would otherwise have authority” for “has authority”.

Subsec. (c). Pub. L. 104-320, §8(c)(4), added subsec. (c). 1992—Pub. L. 102-354 renumbered section 585 of this title as this section.

#### § 576. Enforcement of arbitration agreements

An agreement to arbitrate a matter to which this subchapter applies is enforceable pursuant to section 4 of title 9, and no action brought to enforce such an agreement 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.

(Added Pub. L. 101-552, §4(b), Nov. 15, 1990, 104 Stat. 2742, §586; renumbered §576, Pub. L. 102-354, §3(b)(2), Aug. 26, 1992, 106 Stat. 944.)

#### CODIFICATION

Section 576 of former Title 5, Executive Departments and Government Officers and Employees, was trans-

ferred to section 2260 of Title 7, Agriculture, and subsequently repealed by Pub. L. 107-171, title X, §10418(a)(3), May 13, 2002, 116 Stat. 507.

#### PRIOR PROVISIONS

A prior section 576 was renumbered section 596 of this title.

#### AMENDMENTS

1992—Pub. L. 102-354 renumbered section 586 of this title as this section.

#### § 577. Arbitrators

(a) The parties to an arbitration proceeding shall be entitled to participate in the selection of the arbitrator.

(b) The arbitrator shall be a neutral who meets the criteria of section 573 of this title.

(Added Pub. L. 101-552, §4(b), Nov. 15, 1990, 104 Stat. 2742, §587; renumbered §577 and amended Pub. L. 102-354, §3(b)(2), (3), Aug. 26, 1992, 106 Stat. 944, 945.)

#### AMENDMENTS

1992—Pub. L. 102-354, §3(b)(2), renumbered section 587 of this title as this section.

Subsec. (b). Pub. L. 102-354, §3(b)(3), substituted “section 573” for “section 583”.

#### § 578. Authority of the arbitrator

An arbitrator to whom a dispute is referred under this subchapter may—

(1) regulate the course of and conduct arbitration hearings;

(2) administer oaths and affirmations;

(3) compel the attendance of witnesses and production of evidence at the hearing under the provisions of section 7 of title 9 only to the extent the agency involved is otherwise authorized by law to do so; and

(4) make awards.

(Added Pub. L. 101-552, §4(b), Nov. 15, 1990, 104 Stat. 2742, §588; renumbered §578, Pub. L. 102-354, §3(b)(2), Aug. 26, 1992, 106 Stat. 944.)

#### AMENDMENTS

1992—Pub. L. 102-354 renumbered section 588 of this title as this section.

#### § 579. Arbitration proceedings

(a) The arbitrator shall set a time and place for the hearing on the dispute and shall notify the parties not less than 5 days before the hearing.

(b) Any party wishing a record of the hearing shall—

(1) be responsible for the preparation of such record;

(2) notify the other parties and the arbitrator of the preparation of such record;

(3) furnish copies to all identified parties and the arbitrator; and

(4) pay all costs for such record, unless the parties agree otherwise or the arbitrator determines that the costs should be apportioned.

(c)(1) The parties to the arbitration are entitled to be heard, to present evidence material to the controversy, and to cross-examine witnesses appearing at the hearing.

(2) The arbitrator may, with the consent of the parties, conduct all or part of the hearing by