of its goal to build and maintain a good working relationship with all members of the community. It will serve to enhance public confidence in immigration law enforcement and to demonstrate the INS' commitment to respecting and protecting the rights of all individuals.

MEMBERSHIP: The CAP is composed of thirteen voting members appointed by the Attorney General. Four of these members are officials from the following components of the Department of Justice: Office of the Attorney General, the INS, and the Community Relations Service. Among these members is the Commissioner of the INS, who serves as the permanent chairperson.

The remaining nine members are private citizens concerned about civil rights, human relations, immigration issues, and ethics in public service. In addition, the CAP has two non-voting members: a Consulate or an Embassy official, representing the Government of Mexico, who serves in a permanent advisory capacity to the CAP, and the INS Director of the Office of Internal Audit who serves in a permanent capacity as the INS Liaison Representative. This composition has produced a balanced membership.

The CAP functions solely as an advisory body in compliance with the provisions of the Federal Advisory Committee Act. The renewal of its charter will be filed in accordance with the provisions of the Act.

CONTACT PERSON: Susan B. Wilt, Immigration and Naturalization Service, 425 I Street NW., Room 3260, Washington, DC 20536, Telephone: (202) 514–2373.

Dated: March 14, 1996.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 96–6679 Filed 3–19–96; 8:45 am]

BILLING CODE 4410–10–M

NATIONAL CREDIT UNION ADMINISTRATION

Alternative Dispute Resolution

AGENCY: National Credit Union Administration (NCUA).

ACTION: Policy statement.

SUMMARY: Consistent with the Administrative Dispute Resolution Act of 1990, the Community Development and Regulatory Improvement Act of 1994, the recommendations of the National Performance Review, and Executive Order 12988, NCUA has adopted a Statement of Policy on the use of alternative dispute resolution (ADR) techniques to resolve appropriate disputes in a fair, timely, and cost efficient manner.

EFFECTIVE DATE: March 13, 1996.

FOR FURTHER INFORMATION CONTACT: Lisa Henderson, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428, telephone (703) 518–6561.

SUPPLEMENTARY INFORMATION:

Background

The Administrative Dispute Resolution Act of 1990 (ADRA) encouraged federal agencies to employ consensual methods of dispute resolution as alternatives to litigation. Congress enacted the ADRA to reduce the time, cost, inefficiencies, and contentiousness that too often are associated with litigation and other adversarial dispute resolution mechanisms. Although the ADRA sunset in October 1995, federal agencies continue to have authority to use ADR techniques to resolve disputes.

Support and encouragement for the use of ADR in federal agencies have come from other sources. In September 1993, Vice President Gore recommended that federal agencies ''increase the use of alternative means of dispute resolution.'' Report of the National Performance Review, Recommendation REG06 (Sept. 7, 1993).

A year later, Congress enacted the Riegle Community Development and Regulatory Improvement Act of 1994. Section 309(e) of the statute requires that NCUA implement a pilot program for using ADR methods to resolve: a) claims against insured credit unions for which NCUA has been appointed conservator or liquidating agent; b) actions taken by NCUA in its capacity as conservator or liquidating agent; and c) any other issue for which the NCUA Board determines that ADR would be appropriate. The statute mandates that the program: a) be fair to all interested parties; b) resolve disputes expeditiously; and c) be less costly than traditional means of dispute resolution, including litigation.

On February 5, 1996, President Clinton signed Executive Order 12988, addressing civil justice reform. Section 1 of the Executive Order directs those federal agencies and litigation counsel that conduct civil litigation on behalf of the United States Government in federal court to follow certain guidelines designed to promote the just and efficient resolution of civil claims. The guidelines encourage litigation counsel to resolve claims through informal discussions, negotiations, and settlements rather than through formal court proceedings. They state that it is appropriate for litigation counsel to use ADR techniques to resolve claims after determining that the use of a particular technique is warranted for a particular claim and will materially contribute to the prompt, fair, and efficient resolution of the claim. Finally, the guidelines state that litigation counsel should be trained in ADR techniques to facilitate broader and effective use of ADR.

In light of the above, the NCUA Board has adopted the following policy statement.

Statement of Policy on Alternative Dispute Resolution

Alternative dispute resolution is the resolution of disputes through informal, voluntary consensual techniques. NCUA is committed to the use of ADR as a tool to resolve disputes at the earliest stage possible in an expeditious, cost effective, and mutually acceptable manner. NCUA adopts this policy to express its full support for ADR and to set forth a framework for the continuing and expanded use of ADR. NCUA fully supports the cost-effective use of ADR, including negotiation, mediation, early neutral evaluation, minitrials, use of settlement judges, and other hybrid forms of ADR in appropriate instances.

NCUA will consider ADR in any dispute in which a negotiated solution is a potentially acceptable outcome. The individual at NCUA who has decision-making authority in a particular matter will determine whether to use ADR in the matter and which method to use. Not every dispute is suitable for settlement through ADR. NCUA views ADR processes as supplementary to, not a displacement of, traditional adjudicative methods of resolving disputes. NCUA will engage in ADR only after determining that ADR is appropriate in a particular case.

The factors NCUA will use to determine whether ADR is appropriate in a particular case are as follows: (1) A creative solution, not necessarily available in formal adjudication, may provide the most satisfactory outcome; (2) The case does not involve or require the setting of precedent; (3) All of the substantially affected parties are involved in the proceeding; (4) Variation in outcome is not a major concern; (5) The parties are likely to agree to use ADR; (6) Litigation likely would be a lengthy and/or expensive process; (7) Cases of this type frequently settle at some point in the process; and (8) The potential for impasse is high.

The particular ADR method selected will depend on the specifics of the case.

Mediation, which involves the use of a trained neutral third party to help disputants negotiate a mutually agreeable settlement, may be suitable when one or more of the following characteristics are present: (1) The parties are looking for a substantial level of control over the resolution of the dispute; (2) The parties have, or expect to have, an ongoing relationship; (3) Communication between the parties has broken down to a significant degree; (4) The legal standards for decision are fairly clear, or neither party has a need to clarify them; or (5) There are multiple issues to be resolved.

Early neutral evaluation involves using a neutral factfinder, often one with substantive expertise, to evaluate the relative merits of the parties' cases. This process, which can be used early on in a dispute, usually involves an informal presentation to the neutral of the highlights of the parties' cases or positions. The neutral provides a nonbinding evaluation, sometimes in writing, which can give parties a more objective perspective on the strengths and weaknesses of their cases, thereby making further negotiations more likely to be productive. Early neutral evaluation may be an appropriate process when some or all of the following are characteristics of the dispute: (1) The dispute involves technical or factual issues that lend themselves to expert evaluation; (2) The parties disagree significantly about the value of their case; (3) Top decision-makers of one or more parties could be better informed about the real strengths and weaknesses of the case; or (4) The parties are seeking an alternative to extensive discovery.

A minitrial is a structured settlement process in which the disputants agree on a procedure for presenting their cases in highly abbreviated versions (usually no more than a few hours or a few days) to the senior officials for each side with the authority to settle the dispute. This process allows those in senior positions to see first hand how their case and that of other parties play out, and can serve as a basis for more fruitful negotiations. Often, a neutral presides over the hearing, and may subsequently mediate the dispute or help parties evaluate their cases. The procedures for minitrials are developed by agreement among the parties. Minitrials can be useful in cases that have some or all of the following characteristics: (1) Getting important facts and positions before high-level decision-makers for the parties is important; (2) The parties are looking for a substantial level of control over the resolution of the dispute; (3) Some or all of the issues are of a technical nature; or (4) A trial on the merits would be very long and/or complex.

A settlement judge serves essentially as a mediator or neutral evaluator in cases pending before a tribunal. The settlement judge is usually a second judge from the same body as the judge who will ultimately make the decision if the case is not resolved by the parties. In some cases, a settlement judge may give an informal advisory opinion. Settlement judges can be useful in cases that have some or all of the following characteristics: (1) The case is in formal adjudication; or (2) The parties have not been able to negotiate a settlement on their own.

Common to most of the processes discussed above is the use of a neutral third party. NCUA anticipates that most of the time a neutral is used to resolve a dispute with an outside party, the neutral will not be an employee of NCUA. Neutrals are available from other federal agencies, court systems, and private companies. In all cases, the particular neutral will be approved by all parties to the dispute.

The Community Development and Regulatory Improvement Act of 1994 required that NCUA's use of ADR processes: 1) be fair to all interested parties; 2) resolve disputes expeditiously; and 3) be less costly than traditional means of dispute resolution, including litigation. In addition to those objectives, NCUA's goals in using ADR techniques will be to: (1) Free up personnel and other resources; (2) Create opportunities for wider ranges of creative solutions and possible options; (3) Forge better relationships among disputing parties, inside and outside the agency; (4) Improve communication between and within parties; (5) Improve the satisfaction level of disputants with both the process and substantive results of the dispute resolution process; and (6) Improve the reliability of information on which decisions are based.

In furtherance of its commitment to ADR and in response to Executive Order 12988, NCUA will provide its litigation attorneys with training in ADR techniques. NCUA also will provide introductory ADR training to executives, managers, and supervisors so that they understand what ADR is, its potential benefits, and where to go for assistance.

This policy statement is intended only to improve the internal management of NCUA in resolving disputes. It shall not be construed as creating any right or benefit, substantive or procedural, enforceable at law or in equity, by a party against NCUA or its employees. This policy statement shall not be construed to create any right to judicial review involving the compliance or noncompliance of NCUA or its employees with this statement. Nothing in this policy statement shall be construed to obligate NCUA to offer funds to settle any case, to accept a particular settlement or resolution of a dispute, to alter its standards for accepting settlements, to submit to binding arbitration, or to alter any existing delegation of settlement or litigating authority.NCUA will engage in ADR only if it consents to do so.

NCUA hereby announces that during the period from March 13, 1996, to August 13, 1997, it will conduct an ADR pilot project based on the principles and objectives set forth above. Every dispute in which the agency is engaged during that period will be evaluated to determine its appropriateness for ADR. At the end of the period, NCUA will evaluate the project to determine the effectiveness of its ADR program and whether changes need to be made to improve the program.

NCUA welcomes and encourages input on the use of ADR and comment on current and potential uses of ADR from both within and outside the agency.

By the National Credit Union Administration Board on March 13, 1996.

Becky Baker,

Secretary of the Board.

[FR Doc. 96–6704 Filed 3–19–96; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting

AGENCY HOLDING MEETING: National Science Foundation, National Science Board.

DATE AND TIME: March 28, 1996, 8:00 a.m., open session; March 29, 1996, 7:30 a.m., closed session; March 29, 1996, 8:20 a.m., open session.

PLACE: University of California at Davis, Alpha Gamma Rho Hall, Beuhler Center, Old Davis Road, Davis, California 95616.

STATUS: Part of this meeting will be open to the public. Part of this meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Thursday, March 28, 1996

Open Session (8:00 a.m.–5:00 p.m.)
- Subject of Meeting: Science and Engineering Research and Education in the Twenty-First Century
- Session I—Research as a Public Priority
- Session II—The Research University as a Vital Contributor
- Session III—Capitalizing on Investments in Science and Engineering