

(3) Ex parte communications regarding solely matters of agency procedure or practice are not prohibited by this section.

[Doc. No. 27783, 61 FR 54004, Oct. 16, 1996. Re-designated at Amdt. 16-1, 78 FR 56148, Sept. 12, 2013]

**§ 16.303 Procedures for handling ex parte communications.**

A decisional employee who receives or who makes or knowingly causes to be made a communication prohibited by § 16.303 shall place in the public record of the proceeding:

- (a) All such written communications;
- (b) Memoranda stating the substance of all such oral communications; and
- (c) All written responses, and memoranda stating the substance of all oral responses, to the materials described in paragraphs (a) and (b) of this section.

[Doc. No. 27783, 61 FR 54004, Oct. 16, 1996. Re-designated at Amdt. 16-1, 78 FR 56148, Sept. 12, 2013]

**§ 16.305 Requirement to show cause and imposition of sanction.**

(a) Upon receipt of a communication knowingly made or knowingly caused to be made by a party in violation of § 16.303, the Associate Administrator or his designee or the hearing officer may, to the extent consistent with the interests of justice and the policy of the underlying statutes, require the party to show cause why his or her claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation.

(b) The Associate Administrator may, to the extent consistent with the interests of justice and the policy of the underlying statutes administered by the FAA, consider a violation of this subpart sufficient grounds for a decision adverse to a party who has knowingly committed such violation or knowingly caused such violation to occur.

[Doc. No. 27783, 61 FR 54004, Oct. 16, 1996. Re-designated at Amdt. 16-1, 78 FR 56148, Sept. 12, 2013]

**PART 17—PROCEDURES FOR PROTESTS AND CONTRACT DISPUTES**

**Subpart A—General**

- Sec.
- 17.1 Applicability.
  - 17.3 Definitions.
  - 17.5 Delegation of authority.
  - 17.7 Filing and computation of time.
  - 17.9 Protective orders.

**Subpart B—Protests**

- 17.11 Matters not subject to protest.
- 17.13 Dispute resolution process for protests.
- 17.15 Filing a protest.
- 17.17 Initial protest procedures.
- 17.19 Motions practice and dismissal or summary decision of protests.
- 17.21 Adjudicative Process for protests.
- 17.23 Protest remedies.

**Subpart C—Contract Disputes**

- 17.25 Dispute resolution process for contract disputes.
- 17.27 Filing a contract dispute.
- 17.29 Informal resolution period.
- 17.31 Dismissal or summary decision of contract disputes.
- 17.33 Adjudicative Process for contract disputes.

**Subpart D—Alternative Dispute Resolution**

- 17.35 Use of alternative dispute resolution.
- 17.37 Election of alternative dispute resolution process.
- 17.39 Confidentiality of ADR.

**Subpart E—Finality and Review**

- 17.41 Final orders.
- 17.43 Judicial review.
- 17.45 Conforming amendments.
- 17.47 Reconsideration.

**Subpart F—Other Matters**

- 17.49 Sanctions.
- 17.51 Decorum and professional conduct.
- 17.53 Orders and subpoenas for testimony and document production.
- 17.55 Standing orders of the OIRA director.

**Subpart G—Pre-Disputes**

- 17.57 Dispute resolution process for Pre-disputes.
- 17.59 Filing a Pre-dispute.
- 17.61 Use of alternative dispute resolution.

APPENDIX A TO PART 17—ALTERNATIVE DISPUTE RESOLUTION (ADR)