

the "invention factory" in West Orange, New Jersey and the Edison Memorial Tower in Edison, New Jersey, are in need of funding for maintenance and repair. Each year, nine thousand young students visit the West Orange site alone to learn about the great inventor. The proceeds from the sale of these coins will help to preserve irreplaceable records containing Edison's thoughts as well as priceless memorabilia. This bill, at no cost to the government, would provide the funds necessary to protect these and six other historical sites so that generations of school children can continue to visit them.

Mr. President, I introduced similar legislation in the 104th Congress as well as at the beginning of this Congress. I now urge the passage of H.R. 678 so that we may honor the memory of Thomas Alva Edison and celebrate the 125th anniversary of the lightbulb while, at no cost to the government, providing needed funds to important historical sites.

I urge my colleagues to support this legislation.

Mr. McCAIN. I ask unanimous consent the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 678) was considered read a third time and passed.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT ACCOMPANYING S. 2206

Mr. McCAIN. Mr. President, I ask unanimous consent that when the Senate considers the conference report accompanying S. 2206, that the reading be waived and that there be 30 minutes for debate on the conference report with the time equally divided and controlled between Senators JEFFORDS and KENNEDY or their designees, that upon the use or yielding back of time the conference report be adopted, and the motion to reconsider be laid upon the table, without intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT AMENDMENTS

Mr. McCAIN. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 606, S. 2235.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2235) a bill to amend part Q of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage the use of school resource officers.

The Senate proceeded to consider the bill.

Mr. McCAIN. Mr. President, I ask unanimous consent the bill be consid-

ered read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2235) was considered read the third time and passed, as follows:

S. 2235

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SCHOOL RESOURCE OFFICERS.

Part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) is amended—

(1) in section 1701(d)—

(A) by redesignating paragraphs (8) through (10) as paragraphs (9) through (11), respectively; and

(B) by inserting after paragraph (7) the following:

"(8) establish school-based partnerships between local law enforcement agencies and local school systems by using school resource officers who operate in and around elementary and secondary schools to combat school-related crime and disorder problems, gangs, and drug activities;" and

(2) in section 1709—

(A) by redesignating the first 3 undesignated paragraphs as paragraphs (1) through (3), respectively; and

(B) by adding at the end the following:

"(4) 'school resource officer' means a career law enforcement officer, with sworn authority, deployed in community-oriented policing, and assigned by the employing police department or agency to work in collaboration with schools and community-based organizations—

"(A) to address crime and disorder problems, gangs, and drug activities affecting or occurring in or around an elementary or secondary school;

"(B) to develop or expand crime prevention efforts for students;

"(C) to educate likely school-age victims in crime prevention and safety;

"(D) to develop or expand community justice initiatives for students;

"(E) to train students in conflict resolution, restorative justice, and crime awareness;

"(F) to assist in the identification of physical changes in the environment that may reduce crime in or around the school; and

"(G) to assist in developing school policy that addresses crime and to recommend procedural changes."

ALTERNATE DISPUTE RESOLUTION ACT OF 1998

Mr. McCAIN. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 514, H.R. 3528.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3528) to amend title 28 of the United States Code, with respect to the use of alternative dispute resolution processes in the United States district courts, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee

on the Judiciary, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.

H.R. 3528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alternative Dispute Resolution Act of 1998".

SEC. 2. FINDINGS AND DECLARATION OF POLICY.

Congress finds that—

(1) *alternative dispute resolution, when supported by the bench and bar, and utilizing properly trained neutrals in a program adequately administered by the court, has the potential to provide a variety of benefits, including greater satisfaction of the parties, innovative methods of resolving disputes, and greater efficiency in achieving settlements;*

(2) *certain forms of alternative dispute resolution, including mediation, early neutral evaluation, minitrials, and voluntary arbitration, may have potential to reduce the large backlog of cases now pending in some federal courts throughout the United States, thereby allowing the courts to process their remaining cases more efficiently; and*

(3) *the continued growth of Federal appellate court-annexed mediation programs suggests that this form of alternative dispute resolution can be equally effective in resolving disputes in the federal trial courts; therefore, the district courts should consider including mediation in their local alternative dispute resolution programs.*

[SEC. 2.] SEC. 3. ALTERNATIVE DISPUTE RESOLUTION PROCESSES TO BE AUTHORIZED IN ALL DISTRICT COURTS.

Section 651 of title 28, United States Code, is amended to read as follows:

"§651. Authorization of alternative dispute resolution

"(a) DEFINITION.—For purposes of this chapter, an alternative dispute resolution process includes any process or procedure, other than an adjudication by a presiding judge, in which a neutral third party participates to assist in the resolution of issues in controversy, through processes such as early neutral evaluation, mediation, minitrial, and arbitration as provided in sections 654 through 658.

"(b) AUTHORITY.—Each United States district court shall authorize, by local rule adopted under section [2071(b)] 2071(a), the use of alternative dispute resolution processes in all civil actions, including adversary proceedings in bankruptcy, in accordance with this chapter, except that the use of arbitration may be authorized only as provided in section 654. Each United States district court shall devise and implement its own alternative dispute resolution program, by local rule adopted under section [2071(b)] 2071(a), to encourage and promote the use of alternative dispute resolution in its district.

"(c) EXISTING ALTERNATIVE DISPUTE RESOLUTION PROGRAMS.—In those courts where an alternative dispute resolution program is in place on the date of the enactment of the Alternative Dispute Resolution Act of 1998, the court shall examine the effectiveness of that program and adopt such improvements to the program as are consistent with the provisions and purposes of this chapter.

"(d) ADMINISTRATION OF ALTERNATIVE DISPUTE RESOLUTION PROGRAMS.—Each United States district court shall designate an employee, or a judicial officer, who is knowledgeable in alternative dispute resolution practices and processes to implement, administer, oversee, and evaluate the court's

alternative dispute resolution program. Such person may also be responsible for recruiting, screening, and training attorneys to serve as neutrals and arbitrators in the court's alternative dispute resolution program.

"(e) TITLE 9 NOT AFFECTED.—This chapter shall not affect title 9, United States Code.

"(f) PROGRAM SUPPORT.—The Federal Judicial Center and the Administrative Office of the United States Courts are authorized to assist the district courts in the establishment and improvement of alternative dispute resolution programs by identifying particular practices employed in successful programs and providing additional assistance as needed and appropriate."

[SEC. 3.] SEC. 4. JURISDICTION.

Section 652 of title 28, United States Code, is amended to read as follows:

"§652. Jurisdiction

"(a) CONSIDERATION OF ALTERNATIVE DISPUTE RESOLUTION IN APPROPRIATE CASES.—Notwithstanding any provision of law to the contrary and except as provided in subsections (b) and (c), each district court shall, by local rule adopted under section [2071(b)] 2071(a), require that litigants in all civil cases consider the use of an alternative dispute resolution process at an appropriate stage in the litigation. Each district court shall provide litigants in all civil cases with at least one alternative dispute resolution process, including, but not limited to, mediation, early neutral evaluation, minitrial, and arbitration as authorized in sections 654 through 658. Any district court that elects to require the use of alternative dispute resolution in certain cases may do so only with respect to mediation, early neutral evaluation, and, if the parties consent, arbitration.

"(b) ACTIONS EXEMPTED FROM CONSIDERATION OF ALTERNATIVE DISPUTE RESOLUTION.—Each district court may exempt from the requirements of this section specific cases or categories of cases in which use of alternative dispute resolution would not be appropriate. In defining these exemptions, each district court shall consult with members of the bar, including the United States Attorney for that district.

"(c) AUTHORITY OF THE ATTORNEY GENERAL.—Nothing in this section shall alter or conflict with the authority of the Attorney General to conduct litigation on behalf of the United States, with the authority of any Federal agency authorized to conduct litigation in the United States courts, or with any delegation of litigation authority by the Attorney General.

"(d) CONFIDENTIALITY PROVISIONS.—Until such time as rules are adopted under chapter 131 of this title providing for the confidentiality of alternative dispute resolution processes under this chapter, each district court shall, by local rule adopted under section 2071(b), provide for the confidentiality of the alternative dispute resolution processes and to prohibit disclosure of confidential dispute resolution communications."

[SEC. 4.] SEC. 5. MEDIATORS AND NEUTRAL EVALUATORS.

Section 653 of title 28, United States Code, is amended to read as follows:

"§653. Neutrals

"(a) PANEL OF NEUTRALS.—Each district court that authorizes the use of alternative dispute resolution processes shall adopt appropriate processes for making neutrals available for use by the parties for each category of process offered. Each district court shall promulgate its own procedures and criteria for the selection of neutrals on its panels.

"(b) QUALIFICATIONS AND TRAINING.—Each person serving as a neutral in an alternative

dispute resolution process should be qualified and trained to serve as a neutral in the appropriate alternative dispute resolution process. For this purpose, the district court may use, among others, magistrate judges who have been trained to serve as neutrals in alternative dispute resolution processes, professional neutrals from the private sector, and persons who have been trained to serve as neutrals in alternative dispute resolution processes. Until such time as rules are adopted under chapter 131 of this title relating to the disqualification of neutrals, each district court shall issue rules under section [2071(b)] 2071(a) relating to the disqualification of neutrals (including, where appropriate, disqualification under section 455 of this title, other applicable law, and professional responsibility standards)."

SEC. 5. ACTIONS REFERRED TO ARBITRATION.

Section 654 of title 28, United States Code, is amended to read as follows:

"§654. Arbitration

"(a) REFERRAL OF ACTIONS TO ARBITRATION.—Notwithstanding any provision of law to the contrary and except as provided in [subsections (b) and (c)] subsections (a), (b), and (c) of section 652 and subsection (d) of this section, a district court may allow the referral to arbitration of any civil action (including any adversary proceeding in bankruptcy) pending before it *when the parties consent*, except that referral to arbitration may not be made where—

"(1) the action is based on an alleged violation of a right secured by the Constitution of the United States;

"(2) jurisdiction is based in whole or in part on section 1343 of this title; or

"(3) the relief sought consists of money damages in an amount greater than \$150,000.

"(b) SAFEGUARDS IN CONSENT CASES.—Until such time as rules are adopted under chapter 131 of this title relating to procedures described in this subsection, the district court shall, by local rule adopted under section [2071(b)] 2071(a), establish procedures to ensure that any civil action in which arbitration by consent is allowed under subsection (a)—

"(1) consent to arbitration is freely and knowingly obtained; and

"(2) no party or attorney is prejudiced for refusing to participate in arbitration.

"(c) PRESUMPTIONS.—For purposes of subsection (a)(3), a district court may presume damages are not in excess of \$150,000 unless counsel certifies that damages exceed such amount.

"(d) EXISTING PROGRAMS.—Nothing in this [section] chapter is deemed to affect any action in which arbitration is conducted pursuant to section 906 of the Judicial Improvements and Access to Justice Act (Public Law 100-102), as in effect prior to the date of its repeal."

[SEC. 6.] SEC. 7. ARBITRATORS.

Section 655 of title 28, United States Code, is amended to read as follows:

"§655. Arbitrators

"(a) POWERS OF ARBITRATORS.—An arbitrator to whom an action is referred under section 654 shall have the power, within the judicial district of the district court which referred the action to arbitration—

"(1) to conduct arbitration hearings;

"(2) to administer oaths and affirmations; and

"(3) to make awards.

"(b) STANDARDS FOR CERTIFICATION.—Each district court that authorizes arbitration shall establish standards for the certification of arbitrators and shall certify arbitrators to perform services in accordance with such standards and this chapter. The standards shall include provisions requiring that any arbitrator—

"(1) shall take the oath or affirmation described in section 453; and

"(2) shall be subject to the disqualification rules under section 455.

"(c) IMMUNITY.—All individuals serving as arbitrators in an alternative dispute resolution program under this chapter are performing quasi-judicial functions and are entitled to the immunities and protections that the law accords to persons serving in such capacity."

[SEC. 7.] SEC. 8. SUBPOENAS.

Section 656 of title 28, United States Code, is amended to read as follows:

"§656. Subpoenas

"Rule 45 of the Federal Rules of Civil Procedure (relating to subpoenas) applies to subpoenas for the attendance of witnesses and the production of documentary evidence at an arbitration hearing under this chapter."

[SEC. 8.] SEC. 9. ARBITRATION AWARD AND JUDGMENT.

Section 657 of title 28, United States Code, is amended to read as follows:

"§657. Arbitration award and judgment

"(a) FILING AND EFFECT OF ARBITRATION AWARD.—An arbitration award made by an arbitrator under this chapter, along with proof of service of such award on the other party by the prevailing party or by the plaintiff, shall be filed promptly after the arbitration hearing is concluded with the clerk of the district court that referred the case to arbitration. Such award shall be entered as the judgment of the court after the time has expired for requesting a trial de novo. The judgment so entered shall be subject to the same provisions of law and shall have the same force and effect as a judgment of the court in a civil action, except that the judgment shall not be subject to review in any other court by appeal or otherwise.

"(b) SEALING OF ARBITRATION AWARD.—The district court shall provide, by local rule adopted under section [2071(b)] 2071(a), that the contents of any arbitration award made under this chapter shall not be made known to any judge who might be assigned to the case until the district court has entered final judgment in the action or the action has otherwise terminated.

"(c) TRIAL DE NOVO OF ARBITRATION AWARDS.—

"(1) TIME FOR FILING DEMAND.—Within 30 days after the filing of an arbitration award with a district court under subsection (a), any party may file a written demand for a trial de novo in the district court.

"(2) ACTION RESTORED TO COURT DOCKET.—Upon a demand for a trial de novo, the action shall be restored to the docket of the court and treated for all purposes as if it had not been referred to arbitration.

"(3) EXCLUSION OF EVIDENCE OF ARBITRATION.—The court shall not admit at the trial de novo any evidence that there has been an arbitration proceeding, the nature or amount of any award, or any other matter concerning the conduct of the arbitration proceeding, unless—

"(A) the evidence would otherwise be admissible in the court under the Federal Rules of Evidence; or

"(B) the parties have otherwise stipulated."

[SEC. 9.] SEC. 10. COMPENSATION OF ARBITRATORS AND NEUTRALS.

Section 658 of title 28, United States Code, is amended to read as follows:

"§658. Compensation of arbitrators and neutrals

"(a) COMPENSATION.—The district court shall, subject to regulations approved by the Judicial Conference of the United States, establish the amount of compensation, if any, that each arbitrator or neutral shall receive

for services rendered in each case under this chapter.

"(b) TRANSPORTATION ALLOWANCES.—Under regulations prescribed by the Director of the Administrative Office of the United States Courts, a district court may reimburse arbitrators for actual transportation expenses necessarily incurred in the performance of duties under this chapter."

[SEC. 10.] SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out chapter 44 of title 28, United States Code, as amended by this Act.

[SEC. 11.] SEC. 12. CONFORMING AMENDMENTS.

(a) LIMITATION ON MONEY DAMAGES.—Section 901 of the Judicial Improvements and Access to Justice Act (28 U.S.C. 652 note), is amended by striking subsection (c).

(b) OTHER CONFORMING AMENDMENTS.—(1) The chapter heading for chapter 44 of title 28, United States Code, is amended to read as follows:

"CHAPTER 44—ALTERNATIVE DISPUTE RESOLUTION".

(2) The table of contents for chapter 44 of title 28, United States Code, is amended to read as follows:

"Sec.

"651. Authorization of alternative dispute resolution.

"652. Jurisdiction.

"653. Neutrals.

"654. Arbitration.

"655. Arbitrators.

"656. Subpoenas.

"657. Arbitration award and judgment.

"658. Compensation of arbitrators and neutrals."

(3) The item relating to chapter 44 in the table of chapters for Part III of title 28, United States Code, is amended to read as follows:

"44. Alternative Dispute Resolution ... 651".

AMENDMENT NO. 3784

(Purpose: To make technical modifications regarding the use of alternative dispute resolution processes in United States district courts, and for other purposes)

Mr. MCCAIN. Mr. President, Senators GRASSLEY and DURBIN have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. GRASSLEY, for himself, and Mr. DURBIN, proposes an amendment numbered 3784.

The amendment follows:

Page 6, line 17, strike "2071(b)" and substitute "2071(a)".

Page 8, line 1, strike "SEC. 5" and substitute "SEC. 6".

Page 9, line 12, strike "action" and substitute "program".

Page 9, line 13, strike "section 906" and substitute "Title IX".

Page 9, lines 14 and 15, strike "100-102" and substitute "100-702".

Page 9, line 15, strike "as in effect prior to the date of its repeal" and substitute "as amended by Section 1 of Public Law 105-53".

Page 13, line 10, after "arbitrators" insert "and other neutrals".

Mr. MCCAIN. I ask unanimous consent the amendment be agreed to, the committee amendments be agreed to, the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and any statements appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3784) was agreed to.

The committee amendments were agreed to.

The bill (H.R. 3528) was considered read the third time and passed.

AUTHORIZING THE PRINTING OF THE "TESTIMONY FROM THE HEARINGS OF THE TASK FORCE ON ECONOMIC SANCTIONS"

Mr. MCCAIN. I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 289 submitted earlier by Senator MCCONNELL.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 289) authorizing the printing of the "testimony from the hearings of the task force on economic sanctions."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCAIN. I ask unanimous consent the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 289) was agreed to, as follows:

S. RES. 289

Resolved, that the "Testimony from the Hearings of the Task Force on Economic Sanctions", be printed as a Senate document, and that there be printed 300 additional copies of such document for the use of the Task Force on Economic Sanctions at a cost not to exceed \$16,311.

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. MCCAIN. I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 290, submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 290) to authorize representation by Senate Legal Counsel.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution concerns a pro se civil case brought against the CIA and other defendants by a state prisoner. Last month, the plaintiff served a subpoena for documents upon Senator JOHN F. KERRY, apparently because of the Senator's former role as Chairman of the Subcommittee on Terrorism, Narcotics and International Operations of the Foreign Relations Committee. After Senator KERRY objected to the sub-

poena and advised the plaintiff that the documents he sought were privileged by the Speech or Debate Clause, the plaintiff filed a motion asking the court to compel Senator KERRY to produce the documents. Accordingly, this resolution would authorize the Senate Legal Counsel to represent Senator KERRY in connection with this subpoena and to respond to the motion to compel.

Mr. MCCAIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 290) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 290

Whereas, Senator John F. Kerry has received a subpoena for documents in the case of *Tyree v. Central Intelligence Agency, et al.*, Case No. 98-CV-11829, now pending in the United States District Court for the District of Massachusetts;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to represent Members of the Senate with respect to any subpoena, order, or request for documents relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Kerry in connection with the subpoena served upon him in the case of *Tyree v. Central Intelligence Agency, et al.*

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. MCCAIN. I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 291, submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 291) to authorize representation by Senate Legal Counsel.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution concerns a civil action commenced in the United States District Court for the District of Columbia on September 14, 1998, by the District of Columbia and a group of approximately fifty residents of the District. The action seeks a declaratory judgment that residents of the District of Columbia have a constitutional right to vote in elections