

In the Senate of the United States,

October 7 (legislative day, October 2), 1998.

Resolved, That the bill from the House of Representatives (H.R. 3528) entitled “An Act to amend title 28, United States Code, with respect to the use of alternative dispute resolution processes in United States district courts, and for other purposes.”, do pass with the following

AMENDMENTS:

1 **(1)**Page 2, after line 3, insert:

2 **SEC. 2. FINDINGS AND DECLARATION OF POLICY.**

3 *Congress finds that—*

4 *(1) alternative dispute resolution, when sup-*
5 *ported by the bench and bar, and utilizing properly*
6 *trained neutrals in a program adequately adminis-*
7 *tered by the court, has the potential to provide a vari-*
8 *ety of benefits, including greater satisfaction of the*
9 *parties, innovative methods of resolving disputes, and*
10 *greater efficiency in achieving settlements;*

1 (2) *certain forms of alternative dispute resolu-*
2 *tion, including mediation, early neutral evaluation,*
3 *minitrials, and voluntary arbitration, may have po-*
4 *tential to reduce the large backlog of cases now pend-*
5 *ing in some federal courts throughout the United*
6 *States, thereby allowing the courts to process their re-*
7 *maining cases more efficiently; and*

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

15 **(2)**Page 2, line 4, strike out **【SEC. 2】** and insert: **SEC.**
16 **3**

17 **(3)**Page 2, line 21, strike out **【2071(b)】** and insert:
18 *2071(a)*

19 **(4)**Page 3, line 1, strike out **【2071(b)】** and insert:
20 *2071(a)*

21 **(5)**Page 4, line 5, strike out **【SEC. 3】** and insert: **SEC.**
22 **4**

1 **(6)**Page 4, line 13, strike out **【2071(b)】** and insert:

2 *2071(a)*

3 **(7)**Page 5, line 18, strike out **【2071(b)】** and insert:

4 *2071(a)*

5 **(8)**Page 5, line 22, strike out **【SEC. 4】** and insert: **SEC.**

6 **5**

7 **(9)**Page 6, line 21, strike out **【2071(b)】** and insert:

8 *2071(a)*

9 **(10)**Page 7, line 1, strike out **【SEC. 5】** and insert: **SEC.**

10 **6**

11 **(11)**Page 7, line 7, strike out **【subsections (b) and (c)】**

12 and insert: *subsections (a), (b), and (c)*

13 **(12)**Page 7, line 11, after “it” insert: *when the parties*

14 *consent*

15 **(13)**Page 7, line 24, strike out **【2071(b)】** and insert:

16 *2071(a)*

17 **(14)**Page 8, line 9, strike out **【section】** and insert: *chap-*

18 *ter*

19 **(15)**Page 8, line 10, strike out **【action】** and insert: *pro-*

20 *gram*

1 **(16)**Page 8, line 11, strike out **【section 906】** and insert:

2 *title IX*

3 **(17)**Page 8, line 12, strike out **【100–102】** and insert:

4 *100–702*

5 **(18)**Page 8, line 13, strike out **【as in effect prior to the**

6 **date of its repeal】** and insert: *as amended by section 1*

7 *of Public Law 105–53*

8 **(19)**Page 8, line 14, strike out **【SEC. 6】** and insert: **SEC.**

9 **7**

10 **(20)**Page 9, line 16, strike out **【SEC. 7】** and insert: **SEC.**

11 **8**

12 **(21)**Page 10, line 1, strike out **【SEC. 8】** and insert: **SEC.**

13 **9**

14 **(22)**Page 10, line 21, strike out **【2071(b)】** and insert:

15 *2071(a)*

16 **(23)**Page 11, line 22, strike out **【SEC. 9】** and insert:

17 **SEC. 10**

18 **(24)**Page 12, line 10, after “arbitrators” insert: *and other*

19 *neutrals*

20 **(25)**Page 12, line 13, strike out **【SEC. 10】** and insert:

21 **SEC. 11**

1 ~~(26)~~Page 12, line 18, strike out **【SEC. 11】** and insert:

2 **SEC. 12**

Attest:

Secretary.

105TH CONGRESS
2^D SESSION

H. R. 3528

AMENDMENTS