

Mr. Speaker, H.R. 604 would amend the Federal charter for the American Veterans of World War II, Korea and Vietnam, the AMVETS. At the 1998 AMVETS annual convention, the delegates voted to change the name of the American Veterans of World War II, Korea and Vietnam to American Veterans to more accurately reflect the membership of AMVETS.

AMVETS membership now includes not only veterans from those three wars but also anyone who served honorably after 1940 and national guardsmen and reservists. At that convention, the AMVETS also voted to change the structure of their governing body. H.R. 604 contains language to reflect the structure change in the statute.

Also, because AMVETS moved the location of their headquarters from the District of Columbia to Lanham, Maryland, the headquarters and principal place of business section of their charter needs to be changed to indicate that they are now located in Maryland. In order for these changes to be recognized by the Department of Veterans Affairs, the AMVETS Federal charter must be amended.

There were technical errors in the original bill. The committee amendment that we have changed the headquarters location from the Baltimore-Washington area to Maryland because a federally chartered organization must be incorporated in a specific State or the District of Columbia. Additionally, there were errors in the governing body language. That provision has been changed to accurately reflect the structure agreed to by the convention. And so I urge this corrective bill, which is what it is, to be passed.

Mr. SCOTT. Mr. Speaker, I thank the gentleman for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

H.R. 604

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

SECTION 1. AMENDMENTS TO AMVETS CHARTER.

(a) NAME OF ORGANIZATION.—(1) Sections 22701(a) and 22706 of title 36, United States Code, are amended by striking “AMVETS (American Veterans of World War II, Korea, and Vietnam)” and inserting “AMVETS (American Veterans)”.

(2)(A) The heading of chapter 227 of such title is amended to read as follows:

“CHAPTER 227—AMVETS (AMERICAN VETERANS)”.

(B) The item relating to such chapter in the table of chapters at the beginning of subtitle II of such title is amended to read as follows:

“227. AMVETS (AMERICAN VETERANS) 22701”.

(b) GOVERNING BODY.—Section 22704(c)(1) of such title is amended by striking “seven national vice commanders” and all that follows

through “a judge advocate,” and inserting “two national vice commanders, a finance officer, a judge advocate, a deputy judge advocate, a chaplain, a VAVS representative, six national district commanders,”.

(c) HEADQUARTERS AND PRINCIPAL PLACE OF BUSINESS.—Section 22708 of such title is amended—

(1) by striking “the District of Columbia” in the first sentence and inserting “the Washington/Baltimore Metropolitan area”; and

(2) by striking “the District of Columbia” in the second sentence and inserting “that metropolitan area”.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Speaker, I offer a committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute offered by Mr. MCCOLLUM:

Strike out all after the enacting clause and insert:

SECTION 1. AMENDMENTS TO AMVETS CHARTER.

(a) NAME OF ORGANIZATION.—(1) Sections 22701(a) and 22706 of title 36, United States Code, are amended by striking “AMVETS (American Veterans of World War II, Korea, and Vietnam)” and inserting “AMVETS (American Veterans)”.

(2)(A) The heading of chapter 227 of such title is amended to read as follows:

“CHAPTER 227—AMVETS (AMERICAN VETERANS)”.

(B) The item relating to such chapter in the table of chapters at the beginning of subtitle II of such title is amended to read as follows:

“227. AMVETS (AMERICAN VETERANS) 22701”.

(b) GOVERNING BODY.—Section 22704(c)(1) of such title is amended by striking “seven national vice commanders” and all that follows through “a judge advocate,” and inserting “two national vice commanders and six national district commanders, at least one of whom shall be a woman, a finance officer, a judge advocate, a chaplain,”.

(c) HEADQUARTERS AND PRINCIPAL PLACE OF BUSINESS.—Section 22708 of such title is amended—

(1) by striking “the District of Columbia” in the first sentence and inserting “Maryland”; and

(2) by striking “the District of Columbia” in the second sentence and inserting “Maryland”.

Mr. MCCOLLUM (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INTERNET FALSE IDENTIFICATION PREVENTION ACT OF 2000

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2924) to strengthen the enforcement of Federal statutes relating to false identification, and for other purposes, and

ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. SCOTT. Mr. Speaker, reserving the right to object, I yield to the gentleman to explain the purpose of the bill and his proposed amendment.

Mr. MCCOLLUM. I thank the gentleman for yielding.

Mr. Speaker, S. 2924, the Internet False Identification Prevention Act of 2000, which passed the other body by unanimous consent on October 31, 2000, concerns something that is very important to us. Over the last several years, Congress has become increasingly aware of the problem of crime committed by persons who use the identity of others to obtain goods and services. In fact, in 1998 Congress passed the Identity Theft and Assumption Deterrence Act of 1998 to toughen our laws against this type of crime.

S. 2924 recognizes that the crime of identity theft has entered the Internet Age and it makes important improvements to our laws against the distribution and use of false identification documents. Our current laws have unfortunately done little to stop a growing Internet market in every imaginable type of false identification. S. 2924 will put a stop to this widespread distribution of false identification, which can be used to commit identity theft, serious financial crimes, and to facilitate the underage purchase of alcohol and tobacco. The new law will make it clear that it is a crime to transfer false identification documents by electronic means, and that those documents can be in the form of computer files, disks or templates. S. 2924 will also close a loophole in current law that permits manufacturers of false identification documents to escape liability.

I am offering an amendment, in consultation with Senator COLLINS, that addresses several concerns that were raised by the intellectual property community after the bill passed the other body. The amendment deletes the section of the bill that had caused those concerns.

Mr. Speaker, Congress must do all it can to fight the growing incidence of identity thefts and the criminals who use the Internet to make it easy to create false identification documents. S. 2924 will make needed changes to current law. I urge my colleagues to support this bill.

Mr. SCOTT. Mr. Speaker, reclaiming my time, based on the explanation of the bill and the amendment, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2924

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 "Internet False Identification Prevention Act of 2000".

SEC. 2. COORDINATING COMMITTEE ON FALSE IDENTIFICATION.

(a) **IN GENERAL.**—The Attorney General and the Secretary of the Treasury shall establish a coordinating committee to ensure, through existing interagency task forces or other means, that the creation and distribution of false identification documents is vigorously investigated and prosecuted.

(b) **MEMBERSHIP.**—The coordinating committee shall consist of the Secret Service, the Federal Bureau of Investigation, the Department of Justice, the Social Security Administration, and the Immigration and Naturalization Service.

(c) **TERM.**—The coordinating committee shall terminate 2 years after the effective date of this Act.

(d) **REPORT.**—

(1) **IN GENERAL.**—The Attorney General and the Secretary of the Treasury, at the end of each year of the existence of the committee, shall report to the Committees on the Judiciary of the Senate and House of Representatives on the activities of the committee.

(2) **CONTENTS.**—The report referred in paragraph (1) shall include—

(A) the total number of indictments and informations, guilty pleas, convictions, and acquittals resulting from the investigation and prosecution of the creation and distribution of false identification documents during the preceding year;

(B) identification of the Federal judicial districts in which the indictments and informations were filed, and in which the subsequent guilty pleas, convictions, and acquittals occurred;

(C) specification of the Federal statutes utilized for prosecution;

(D) a brief factual description of significant investigations and prosecutions; and

(E) specification of the sentence imposed as a result of each guilty plea and conviction.

SEC. 3. FALSE IDENTIFICATION.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking "or" after the semicolon;

(B) by redesignating paragraph (7) as paragraph (8); and

(C) by inserting after paragraph (6) the following:

"(7) knowingly produces or transfers a document-making implement that is designed for use in the production of a false identification document; or";

(2) in subsection (b)(1)(D), by striking "(7)" and inserting "(8)";

(3) in subsection (b)(2)(B), by striking "or (7)" and inserting ", (7), or (8)";

(4) in subsection (c)(3)(A), by inserting ", including the making available of a document by electronic means" after "commerce";

(5) in subsection (d)—

(A) in paragraph (1), by inserting "template, computer file, computer disc," after "impression,";

(B) by redesignating paragraph (6) as paragraph (8);

(C) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

(D) by inserting after paragraph (2) the following:

"(3) the term 'false identification document' means an identification document of a type intended or commonly accepted for the purposes of identification of individuals that—

"(A) is not issued by or under the authority of a governmental entity; and

"(B) appears to be issued by or under the authority of the United States Government, a State, political subdivision of a State, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization"; and

(E) by inserting after paragraph (6), as redesignated (previously paragraph (5)), the following:

"(7) the term 'transfer' includes making available for acquisition or use by others; and"; and

(6) by adding at the end the following:

"(i) **EXCEPTION.**—

"(1) **IN GENERAL.**—Subsection (a)(7) shall not apply to an interactive computer service used by another person to produce or transfer a document making implement in violation of that subsection except—

"(A) to the extent that such service conspires with such other person to violate subsection (a)(7);

"(B) if, with respect to the particular activity at issue, such service has knowingly permitted its computer server or system to be used to engage in, or otherwise aided and abetted, activity that is prohibited by subsection (a)(7), with specific intent of an officer, director, partner, or controlling shareholder of such service that such server or system be used for such purpose; or

"(C) if the material or activity available through such service consists primarily of material or activity that is prohibited by subsection (a)(7).

"(2) **DEFINITION.**—In this subsection, the term 'interactive computer service' means an interactive computer service as that term is defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)), including a service, system, or access software provider that—

"(A) provides an information location tool to refer or link users to an online location, including a directory, index, or hypertext link; or

"(B) is engaged in the transmission, storage, retrieval, hosting, formatting, or translation of a communication made by another person without selection or alteration of the content of the communication, other than that done in good faith to prevent or avoid a violation of the law.".

SEC. 4. REPEAL.

Section 1738 of title 18, United States Code, is repealed.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

AMENDMENT IN THE NATURE OF A SUBSTITUTE
OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. MCCOLLUM:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet False Identification Prevention Act of 2000".

SEC. 2. COORDINATING COMMITTEE ON FALSE IDENTIFICATION.

(a) **IN GENERAL.**—The Attorney General and the Secretary of the Treasury shall establish a coordinating committee to ensure, through existing interagency task forces or other means, that the creation and distribution of false identifica-

tion documents (as defined in section 1028(d)(3) of title 18, United States Code, as added by section 3(2) of this Act) is vigorously investigated and prosecuted.

(b) **MEMBERSHIP.**—The coordinating committee shall consist of the Director of the United States Secret Service, the Director of the Federal Bureau of Investigation, the Attorney General, the Commissioner of Social Security, and the Commissioner of Immigration and Naturalization, or their respective designees.

(c) **TERM.**—The coordinating committee shall terminate 2 years after the effective date of this Act.

(d) **REPORT.**—

(1) **IN GENERAL.**—The Attorney General and the Secretary of the Treasury, at the end of each year of the existence of the committee, shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the activities of the committee.

(2) **CONTENTS.**—The report referred in paragraph (1) shall include—

(A) the total number of indictments and informations, guilty pleas, convictions, and acquittals resulting from the investigation and prosecution of the creation and distribution of false identification documents during the preceding year;

(B) identification of the Federal judicial districts in which the indictments and informations were filed, and in which the subsequent guilty pleas, convictions, and acquittals occurred;

(C) specification of the Federal statutes utilized for prosecution;

(D) a brief factual description of significant investigations and prosecutions;

(E) specification of the sentence imposed as a result of each guilty plea and conviction; and

(F) recommendations, if any, for legislative changes that could facilitate more effective investigation and prosecution of the creation and distribution of false identification documents.

SEC. 3. FALSE IDENTIFICATION.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (c)(3)(A), by inserting ", including the transfer of a document by electronic means" after "commerce"; and

(2) in subsection (d)—

(A) in paragraph (1), by inserting "template, computer file, computer disc," after "impression,";

(B) in paragraph (5), by striking "and" after the semicolon;

(C) by redesignating paragraph (6) as paragraph (8);

(D) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

(E) by inserting after paragraph (2) the following:

"(3) the term 'false identification document' means a document of a type intended or commonly accepted for the purposes of identification of individuals that—

"(A) is not issued by or under the authority of a governmental entity; and

"(B) appears to be issued by or under the authority of the United States Government, a State, a political subdivision of a State, a foreign government, a political subdivision of a foreign government, or an international governmental or quasi-governmental organization"; and

(F) by inserting after paragraph (6), as redesignated, the following:

"(7) the term 'transfer' includes selecting an identification document, false identification document, or document-making implement and placing or directing the placement of such identification document, false identification document, or document-making implement on an online location where it is available to others; and".

SEC. 4. REPEAL.

Section 1738 of title 18, United States Code, and the item relating to that section in the table of contents for chapter 83 of that title, are repealed.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

Mr. MCCOLLUM (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MULTIDISTRICT LITIGATION ACT OF 2000

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 5562) to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. SCOTT. Mr. Speaker, reserving the right to object, I yield to the gentleman to explain the bill and his proposed amendment.

Mr. MCCOLLUM. I thank the gentleman for yielding.

Mr. Speaker, the bill that is under consideration is derived from the base text of section 2 of H.R. 2112, which the House passed by voice vote under suspension of the rules on September 13, 1999. I should therefore note that the relevant legislative history of H.R. 2112, section 2, as set forth in House Report 106-276, serves as a legislative history for H.R. 5562.

H.R. 5562 responds to a 1998 Supreme Court decision pertaining to multidistrict litigation, the so-called Lexecon case. The bill would simply amend the multidistrict litigation statute by explicitly allowing a transferee court to retain jurisdiction over referred cases for trial for the purposes of determining liability and punitive damages, or to refer them to other districts as it sees fit. Compensatory damages would still be determined by the State or Federal referral courts pursuant to compromise language developed by the gentleman from Wisconsin (Mr. SENBRENNER) and the gentleman from California (Mr. BERMAN). The legislation is wholly consistent with past judicial practice of nearly 30 years under the multidistrict litigation statute.

This legislation obviously promotes judicial administrative efficiency without compromising the rights of litigants and their counsel to due process and appropriate compensation. It is strongly endorsed by the Administrative Office of the U.S. Courts. I urge my colleagues to support it as well.

As a final point, Mr. Speaker, I will shortly offer a technical amendment to the bill based on an observation by counsel for the ranking member. H.R. 5562 as introduced inadvertently references a nonexistent subsection of title 28 of the U.S. Code. The amendment simply strikes this reference.

I might add that this is the last bill that I will get to manage or comment on in this body while I am a Member of Congress. I have enjoyed again working with the gentleman from Virginia (Mr. SCOTT). It has been a great privilege to be a Member of the House, and it has been a great privilege to have been chairman of the Subcommittee on Crime of the Committee on the Judiciary during this Congress. And during the last 20 years it has been a great honor to be here.

Mr. SCOTT. Mr. Speaker, under my reservation, I would want to express my appreciation as I did the last time we were here with what we thought was the last piece of legislation that we would be considering. The gentleman and I have worked together on the Subcommittee on Crime. I have enjoyed that work. We worked in a bipartisan way. Even when we did not agree, we were able to constructively work and try to come to as much consensus as we could. I wish the gentleman from Florida well in the future. Again, I want to express my appreciation for the way we were able to work together.

Mr. BERMAN. Mr. Speaker, I wish to express my support for H.R. 5562.

H.R. 5562 consists of Section 2 of H.R. 2112, which the House passed by voice vote under suspension of the rules on September 13, 1999. Previously, on July 27, 1999 and also by a voice vote, the Committee on the Judiciary favorably reported H.R. 2112, including language identical to H.R. 5562. On June 16, 1999, the House Judiciary Subcommittee on Courts and Intellectual Property held a hearing on H.R. 2112, and Section 2, on which H.R. 5562 is based, was fully vetted and discussed. Therefore, in essence, the House has already fully considered H.R. 5562, found it non-controversial, and passed it.

H.R. 5562 has a very narrow purpose and effect—it would overturn the 1998 decision of the U.S. Supreme Court in *Lexecon v. Milberg Weiss*. The Lexecon decision held that a multidistrict litigation transferred to a federal court for pretrial proceedings under Section 1407 of the Judicial Code cannot be retained by that court for trial purposes under Section 1404(a). In so holding, the Lexecon decision upset decades of practice by the Multidistrict Litigation Panel and federal district courts. The Lexecon decision also increases the cost and complexity of such multidistrict litigations by requiring courts other than the transferee court, which has overseen discovery and other pretrial proceedings, to conduct the trial.

H.R. 5562 overturns the Lexecon decision in a carefully calibrated manner. While H.R. 5562

allows a transferee court to retain a case for trial on liability issues and, when appropriate, on punitive damages, it creates a presumption that the trial of compensatory damages will be remanded to the transferor court. In so doing, H.R. 5562 is careful to overturn the Lexecon decision without expanding the power previously exercised by transferee courts. More importantly, the presumption regarding the trial of compensatory damages ensures that plaintiffs will not be unduly burdened in pursuit of their claims.

Mr. SCOTT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5562

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 "Multidistrict Litigation Act of 2000".

SEC. 2. MULTIDISTRICT LITIGATION.

Section 1407 of title 28, United States Code, is amended—

(1) in the third sentence of subsection (a), by inserting "or ordered transferred to the transferee or other district under subsection (i)" after "terminated"; and

(2) by adding at the end the following new subsection:

"(i)(1) Subject to paragraph (2) and except as provided in subsection (j), any action transferred under this section by the panel may be transferred for trial purposes, by the judge or judges of the transferee district to whom the action was assigned, to the transferee or other district in the interest of justice and for the convenience of the parties and witnesses.

"(2) Any action transferred for trial purposes under paragraph (1) shall be remanded by the panel for the determination of compensatory damages to the district court from which it was transferred, unless the court to which the action has been transferred for trial purposes also finds, for the convenience of the parties and witnesses and in the interests of justice, that the action should be retained for the determination of compensatory damages."

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply to any civil action pending on or brought on or after the date of the enactment of this Act.

AMENDMENT OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MCCOLLUM:

Page 2, lines 7 and 8, strike "and except as provided in subsection (j)".

Mr. MCCOLLUM (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. MCCOLLUM).

The amendment was agreed to.