

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United States Code, and the item relating to that section in the table of contents for chapter 83 of that title, are repealed.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. SEN-BRENNER) 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.

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.

AUTHORIZING ADDITION OF LAND TO SEQUOIA NATIONAL PARK

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4020) to authorize the addition of land to Sequoia National Park, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. ADDITION TO SEQUOIA NATIONAL PARK.

(a) *IN GENERAL.*—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall acquire by donation, purchase with donated or appropriated funds, or exchange, all interest in and to the land described in subsection (b) for addition to Sequoia National Park, California.

(b) *LAND ACQUIRED.*—The land referred to in subsection (a) is the land depicted on the map entitled "Dillonwood", numbered 102/80,044, and dated September 1999.

(c) *ADDITION TO PARK.*—Upon acquisition of the land under subsection (a)—

(1) the Secretary of the Interior shall—

(A) modify the boundaries of Sequoia National Park to include the land within the park; and

(B) administer the land as part of Sequoia National Park in accordance with all applicable laws; and

(2) the Secretary of Agriculture shall modify the boundaries of the Sequoia National Forest to exclude the land from the forest boundaries.

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

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

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

WOLF TRAP NATIONAL PARK FOR THE PERFORMING ARTS

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the bill (H.R. 2049) to rename Wolf Trap Farm Park for the Performing Arts as "Wolf Trap National Park for the Performing Arts," 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 California?

Mr. DAVIS of Virginia. Mr. Speaker, I reserve the right to object.

(Mr. DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to support a bill that has been more than two years in the making. Just several hours ago compromise substitute language was agreed to that will allow the Wolf Trap Farm Park to become Wolf Trap National Park for the Performing Arts.

Despite the relative straight-forwardness of this bill, it has taken my staff more than two years of careful negotiation and innumerable drafts to reach a consensus between the Park Service, the Department of the Interior, the Wolf Trap Foundation and the Resources Committee. I am extremely pleased to say that on this, the final day of the 106th Congress, that consensus has been reached.

As many of my colleagues undoubtedly know, Wolf Trap is one of the premier venues for the performing arts anywhere. Nestled in a beautifully wooded site just outside Vienna, Virginia, Wolf Trap plays host to every conceivable type of performing arts. From Native American folk festivals to Interpretive Dance Recitals, Rock Concerts and Classical Symphony, Wolf Trap is home to all the cultural diversity found in our great nation.

While I am very disappointed that it has taken this long to elevate Wolf Trap to the level of federal recognition it naturally deserves, I am very satisfied that one of the final acts of the 106th Congress will finally accomplish that goal. I would like to thank my fellow Virginians, FRANK WOLF and JIM MORAN for their tireless efforts in this endeavor. Without bipartisan support, I am confident we would be revisiting this again in the 107th.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 2049

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

SECTION 1. RENAMING.

The park in Fairfax County, Virginia, established under Public Law 89-671 (16 U.S.C. 284 et seq.) and known as Wolf Trap Farm Park for the Performing Arts, is hereby renamed "Wolf Trap National Park for the Performing Arts". Any reference to such park in any law, regulation, map, document, paper, or other record of the United States shall be considered to be a reference to the "Wolf Trap National Park for the Performing Arts".

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

Mr. RADANOVICH. 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. RADANOVICH:

Strike out all after the enacting clause and insert:

SECTION 1. RENAMING.

The Act entitled "An Act to provide for the establishment of the Wolf Trap Farm Park in Fairfax County, Virginia, and for other purposes", P.L. 89-671 (16 U.S.C. 284) is amended in the first section and in Section 11(2) by striking "Wolf Trap Farm Park" and inserting "Wolf Trap National Park for the

Performing Arts". Any reference to such park in any law, regulation, map, document, paper, or other record of the United States shall be considered to be a reference to the "Wolf Trap National Park for the Performing Arts".

SEC. 2. USE OF NAME.

The Act entitled "An Act to provide for the establishment of the Wolf Trap Farm Park in Fairfax County, Virginia, and for other purposes", P.L. 89-671 (16 U.S.C. 284) is amended by adding at the end the following:

"SEC. 14. Any reference to the park other than by the name "Wolf Trap National Park for the Performing Arts" shall be prohibited."

SEC. 3. APPLICABILITY OF OTHER LAWS.

Any laws, rules, or regulations that are applicable solely to units of the National Park System that are designated as a "National Park" shall not apply to "Wolf Trap National Park for the Performing Arts" nor to any other units designated as a "National Park for the Performing Arts".

SEC. 4. TECHNICAL CORRECTION.

Section 4(c)(3) of "An Act to provide for the establishment of the Wolf Trap Farm Park in Fairfax County, Virginia, and for other purposes", P.L. 89-671 (16 U.S.C. 284) is amended by striking "Funds" and inserting "funds".

Mr. RADANOVICH (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 California?

There was no objection.

The 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.

HONORING HENRY B. GONZALEZ

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 445) honoring Henry B. Gonzalez, former United States Representative from Texas, and extending the condolences of the Congress on his death, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 445

Whereas Henry B. Gonzalez served his Nation and the people of the 20th District of Texas in San Antonio with honor and distinction for 37 years as a Member of the United States House of Representatives.

Whereas Henry B. Gonzalez became an internationally recognized leader in the fields of banking and housing, having held more than 500 hearings as Chairman of the Committee on Banking and Urban Affairs, and having shepherded more than 70 bills from introduction to enactment into law, including landmark legislation to revamp and