

**SEC. 3. SENTENCING COMMISSION GUIDELINES.**

Within 120 days after the date of the enactment of this Act, or within 120 days after the first date on which there is a sufficient number of voting members of the Sentencing Commission to constitute a quorum, whichever is later, the Commission shall promulgate emergency guideline amendments to implement section 2(g) of the No Electronic Theft (NET) Act (28 U.S.C. 994 note) in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

**SEC. 4. EFFECTIVE DATE.**

The amendments made by section 2 shall apply to any action brought on or after the date of the enactment of this Act, regardless of the date on which the alleged activity that is the basis of the action occurred.

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.

**EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES CONDEMNING RECENT HATE CRIMES IN ILLINOIS AND INDIANA**

Mr. COBLE. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the resolution (H. Res. 254) expressing the sense of the House of Representatives condemning recent hate crimes in Illinois and Indiana, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The Clerk read the resolution, as follows:

**H. RES. 254**

Whereas diversity and tolerance are essential principles of an open and free society;

Whereas all people deserve to be safe within their communities, free to live, work and worship without fear of violence and bigotry;

Whereas crimes motivated by hatred against African-Americans, Jews, Asian-Americans, or other groups undermine the fundamental values of our Nation;

Whereas the communities of Skokie, the West Rogers Park neighborhood of Chicago, Northbrook, and Urbana, Illinois, and Bloomington, Indiana, were terrorized by hate crimes over the Fourth of July weekend, a time when our Nation celebrates its commitment to freedom and liberty;

Whereas hate crimes tear at the fabric of American society, leave scars on victims and their families, and weaken our sense of community and purpose;

Whereas Ricky Byrdsong, at age 43, was a loving husband and father, an inspiring community leader, and a former basketball coach at Northwestern University;

Whereas Ricky Byrdsong was a man of deep religious faith who touched the lives of countless people and whose death is mourned by his family, friends, and community, and by the Nation;

Whereas Won-Joon Yoon, at age 26, was the only son in a family of 6, and was soon to become a doctoral student in Economics at Indiana University;

Whereas Won-Joon Yoon was a man who, through his demeanor and firmly-held Chris-

tian beliefs, positively influenced those who knew him, and whose death is mourned by his family, friends, and community, and by the citizens of the United States and Korea; and

Whereas individuals who commit crimes based on hate and bigotry must be held responsible for their actions and must be stopped from spreading violence: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) condemns the senseless violence that occurred in Illinois and Indiana over the Fourth of July weekend;

(2) conveys its deepest sympathy to the victims and their families;

(3) condemns the culture of hate and the hate groups that foster such violent acts;

(4) commends the communities of Illinois and Indiana for uniting to condemn these acts of hate in their neighborhoods;

(5) commends the efforts of Federal, State, and local law enforcement officials; and

(6) reaffirms its commitment to a society that fully respects and protects all people, regardless of race, religion, or ethnicity.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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**SENSE OF CONGRESS THAT CHINESE GOVERNMENT SHOULD STOP PERSECUTION OF FALUN GONG PRACTITIONERS**

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the concurrent resolution (H. Con. Res. 218) expressing the sense of the Congress that the Government of the People's Republic of China should stop its persecution of Falun Gong practitioners, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from New York?

Mr. BROWN of Ohio. Mr. Speaker, reserving the right to object, I yield to the gentleman from New York to explain the bill.

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H. Con. Res. 218, calling on the People's Republic of China to stop persecuting the Falun Gong practitioners which was introduced by the distinguished gentleman from New Jersey (Mr. SMITH), the chairman of the Subcommittee on International Operations and Human Rights. During the past few weeks, the leaders of the People's Republic of China have arrested, jailed, beaten and tortured thousands of peaceful followers of Falun Gong, a religious synthesis of traditional Chinese physical exercises and Buddhist and Taoist teachings. Adherents to this meditation movement have done nothing more than express their humble belief that people should be kind to one another and work on themselves to

change their own lives. They are non-violent and have not adopted any so-called foreign beliefs. They do not promote nor do they use drugs. They are not a cult. They only want to meditate, take their lives into their own hands and attempt to live productive and peaceful lives.

What in the world can be wrong with that? What sort of government finds that so threatening that it would have these good citizens arrested, tortured, dismissed from their job? What sort of government sends peaceful religious practitioners to labor camps and creates such circumstances whereby some of them felt that they had to take their own lives?

The answer to those questions is that the government of the People's Republic of China is doing just that. The same government that earlier this week threatened the State of Israel if its leaders had the audacity to meet with its holiness, the Dalai Lama. It is the same government that the Clinton administration so desperately wanted to be accepted as a member of the WTO. And it is the very same government that the State Department continues to promote military exchanges with.

Mr. Speaker, the government of China is led by those who do not share our beliefs in what is right and what is wrong. They have an agenda that is not moral. They have a purpose that is not peaceful. By their repression of Falun Gong, they demonstrate that they will use any means and methods to promote their effort to stay in power.

The repression of religion in China is a serious threat to all that civilized people hold dear. If our government and other democracies around the world continue business as usual with such a regime, we will have only ourselves to blame for the ultimate consequences.

Accordingly, I urge my colleagues to support H. Con. Res. 218.

Mr. BROWN of Ohio. Mr. Speaker, further reserving the right to object, I rise in strong support of this resolution which was introduced by my colleague on the Committee on International Relations and chairman of the Subcommittee on International Operations and Human Rights the gentleman from New Jersey (Mr. SMITH) and congratulate him on his good work.

Most Americans, and, for that matter, most Members of Congress probably had not heard of Falun Gong until last summer when the Chinese dictatorship banned and started throwing thousands of people in jail for practicing it. It is hardly surprising people that Chinese is systematically arresting, torturing and even killing its own citizens for wanting to practice their faith, which is what Falun Gong is. This is the same gang of dictators, after all, that persecutes Christians, Muslims and Buddhists and winks at forced abortions.

But even though this latest purge is completely in character, it is a perfect

illustration why we need to radically alter our relations with that dictatorship. Because when Beijing decided to make practicing Falun Gong a capital offense, which is exactly what the rubber-stamp Chinese congress did before the visit to Beijing of our trade representative Charlene Barshefsky, we are seeing that life in the People's Republic is not much different from 10 years ago when the People's Liberation Army turned its tanks and machine guns on the people in Tiananmen Square who wanted nothing less than the very same political liberty that lets us stand here tonight and debate this resolution.

As I speak there are thousands of men and women in China who are being beaten and killed for choosing to believe in ideals we take for granted in this country, whether it is our faith in God, our right to vote or simply wanting to belong to Falun Gong. As we consider, Mr. Speaker, permanent NTR next year to China, let us remember what the Communist Chinese are doing to the Falun Gong.

Mr. Speaker, further reserving the right to object. I yield to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank the gentleman for yielding.

Mr. Speaker, 2 weeks ago I introduced H. Con. Res. 218 which already has more than 70 bipartisan cosponsors, including the chairman of the full committee the gentleman from New York (Mr. GILMAN); the gentlewoman from California (Ms. PELOSI); the gentleman from Virginia (Mr. WOLF); the gentleman from California (Mr. LANTOS); the gentleman from Ohio (Mr. BROWN); the gentleman from Pennsylvania (Mr. PITTS) and many others, condemning the crackdown of the Falun Gong spiritual movement by the government of the People's Republic of China. As we all know by now, the Chinese dictatorship has long been brutal in its suppression of religious practice that is not state-controlled. Tibetan Buddhists, Catholics loyal to the Pope, Uighur Muslims in Xinjiang Province and Protestant House Church members have all borne the brunt of a systematic and brutal persecution by the Chinese government which often includes torture. In recent months, the Chinese government has embarked on a new campaign, an attempt, in its own words, to smash Falun Gong, a peaceful and nonviolent form of spiritual practice.

A meditative spirituality that blends elements of Buddhism and Taoism, Falun Gong has millions of adherents in China and elsewhere. Since the group was banned in July of this year, thousands of ordinary citizens from all over China have been jailed for refusing to give up their practice. There have been many credible reports of torture and inhumane treatment of detained practitioners, including a report that a 42-year-old woman was tortured to death by Chinese thugs. Numerous practitioners, Mr. Speaker, have been

sentenced to labor camps without trial and thousands have lost their jobs or have been expelled from schools.

The Chinese government has also enacted laws criminalizing Falun Gong. This past Friday after a single, 7-hour closed hearing, China handed down the first sentences against Falun Gong practitioners. Three men and one woman received sentences ranging from 2 to 12 years for "using an evil cult to obstruct the law." It is feared that those were only the first of what will become many trials aimed at stamping out the practice of Falun Gong. According to press reports, China will begin a new series of approximately 300 trials starting on Sunday with the trial of a 63-year-old retired schoolteacher kicking that off. This is an absolute outrage. Thankfully the House, I hope, will soon go on record condemning it.

The fact that this rash of trials follows so closely on the heels of the Beijing visit of U.N. Secretary-General Kofi Annan demonstrates the failure of his visit to advance the cause of human rights in China. I could not believe my eyes, Mr. Speaker, reading yesterday's press reports of the Secretary-General's remarks on Tuesday. Mr. Annan stated that the Chinese foreign minister had given him "a better understanding of some of the issues involved" in the Falun Gong crackdown. He also parroted the Chinese official line, stating that, and I quote, "In dealing with this issue, the fundamental rights of citizens will be respected, and some of the actions they are taking are for the protection of individuals."

Certainly Mr. Annan cannot be ignorant of the credible reports to the contrary that have been pouring out of China in recent weeks. I fear that the Secretary-General's failure to empathize with and to speak out on behalf of these oppressed people and his willingness to give the Chinese oppressors the benefit of an unjustified doubt has only emboldened them in their efforts to crush Falun Gong.

The suppression of Falun Gong in China has been brutal, it has been systematic, and it continues as we meet here tonight. Two days ago, during the Secretary-General's visit, the authorities arrested 20 more people who were practitioners of Falun Gong who were meditating in Tiananmen Square. The police used force against the group, reportedly kicking and jumping on the peaceful protesters before removing them from the square in a van.

In response to this further suppression of fundamental human rights by the Beijing dictatorship, H. Con. Res. 218 expresses the sense of the Congress that the government of the PRC should stop persecuting Falun Gong practitioners and other religious believers and expresses our belief that the U.S. Government should use every appropriate forum to urge the PRC to release all detained Falun Gong practitioners; allow those practitioners to

pursue their beliefs in accordance with the Chinese constitution; and to abide by the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights.

Given this Chamber's commitment to freedom of conscience and the undisguised severity of the persecution against Falun Gong, I strongly urge support of this resolution.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. Further reserving the right to object, I yield to the gentleman from Nebraska.

Mr. BEREUTER. I thank the gentleman for yielding.

Mr. Speaker, I wanted to report to my colleagues that this resolution introduced by the distinguished gentleman from New Jersey (Mr. SMITH) with many other cosponsors was reported to the Subcommittee on Asia and the Pacific only lately because it was introduced on November 2. We took a look at it, made very slight rhetorical changes, cleared it with the gentleman from California (Mr. LANTOS) and the gentleman from Connecticut (Mr. GEJDENSON) on the minority side who were also cosponsors along with the gentleman from New York (Mr. GILMAN) and other distinguished members of the Congress, including some on our committee, the Committee on International Relations, and we thought it was entirely appropriate that it was reported to the floor.

The gentleman from New Jersey has highlighted some of the concerns that obviously we have with the way the Falun Gong is being treated in China. It only hurts their credibility. I think it speaks unfortunately to their legitimacy. I would hope that this is a message that they will take to heart. I urge support of the resolution.

Mr. BROWN of Ohio. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 218

Whereas Falun Gong is a peaceful and non-violent form of religious belief and practice with millions of adherents in China and elsewhere;

Whereas the Government of the People's Republic of China has forbidden Falun Gong practitioners to practice their faith;

Whereas this prohibition violates China's own Constitution as well as the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights;

Whereas thousands of ordinary citizens from all over China have been jailed for refusing to give up their practice of Falun Gong and for appealing to the government for protection of their constitutional rights;

Whereas there are many credible reports of torture and other cruel, degrading and inhuman treatment of detained Falun Gong practitioners, including a report that a 42-year-old woman, Zhao Jinhua, was tortured to death by Chinese government officials;

Whereas the People's Republic of China has enacted new criminal legislation that the

government's official newspaper hailed as a "powerful new weapon to smash evil cultist organizations, especially Falun Gong";

Whereas some of the detained Falun Gong members have been charged with political offenses, such as violations of China's vague "official state secrets" law, and under the new legislation Falun Gong practitioners will be chargeable with such offenses as murder, fraud, and endangering national security;

Whereas other Falun Gong members have been sentenced to labor camps, apparently under administrative procedures allowing such sentences without trial;

Whereas Chinese authorities in recent months have reportedly confiscated, burned, or otherwise destroyed millions of Falun Gong books and tapes;

Whereas thousands of Falun Gong practitioners in China have lost their jobs and students have been expelled from schools for refusing to give up their beliefs; and

Whereas the brutal crackdown by the Chinese Government on Falun Gong is in direct violation of the fundamental human rights to freedom of religious belief and practice, expression, and assembly: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That it is the sense of the Congress that—

(1) the Government of the People's Republic of China should stop persecuting Falun Gong practitioners and other religious believers;

(2) the Government of the United States should use every appropriate public and private forum, including but not limited to the United Nations Human Rights Commission, to urge the Government of the People's Republic of China—

(A) to release from detention all Falun Gong practitioners and put an immediate end to the practices of torture and other cruel, inhuman and degrading treatment against them and other prisoners of conscience;

(B) to allow Falun Gong practitioners to pursue their religious beliefs in accordance with article 36 of the Constitution of the People's Republic of China; and

(C) to abide by the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights.

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GILMAN

Mr. GILMAN. 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. GILMAN:

Strike out all after the resolving clause and insert:

That it is the sense of the Congress that—

(1) the Government of the People's Republic of China should stop persecuting Falun Gong practitioners; and

(2) the Government of the United States should use every appropriate public and private forum, including but not limited to the United Nations Human Rights Commission, to urge the Government of the People's Republic of China—

(A) to release from detention all Falun Gong practitioners and put an immediate end to the practices of torture and other cruel, inhuman and degrading treatment against them and other prisoners of conscience;

(B) to allow Falun Gong practitioners to pursue their personal beliefs in accordance with article 36 of the Constitution of the People's Republic of China; and

(C) to abide by the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights.

Mr. GILMAN (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 New York?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from New York (Mr. GILMAN).

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

The SPEAKER pro tempore. The question is on the concurrent resolution, as amended.

The concurrent resolution, as amended, was agreed to.

#### AMENDMENT TO THE PREAMBLE OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. Gilman:

Insert a complete new preamble as follows:

Whereas Falun Gong is a peaceful and non-violent form of personal belief and practice with millions of adherents in China and elsewhere;

Whereas the Government of the People's Republic of China has forbidden Falun Gong practitioners to practice their beliefs;

Whereas this prohibition violates China's own Constitution as well as the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights;

Whereas thousands of ordinary citizens from all over China have been jailed for refusing to give up their practice of Falun Gong and for appealing to the government for protection of their constitutional rights;

Whereas there are many credible reports of torture and other cruel, degrading and inhuman treatment of detained Falun Gong practitioners;

Whereas the People's Republic of China has enacted new criminal legislation that the government's official newspaper hailed as a "powerful new weapon to smash evil cultist organizations, especially Falun Gong";

Whereas some of the detained Falun Gong members have been charged with political offenses, such as violations of China's vague "official state secrets" law, and under the new legislation Falun Gong practitioners will be chargeable with such offenses as murder, fraud, and endangering national security;

Whereas other Falun Gong members have been sentenced to labor camps, apparently under administrative procedures allowing such sentences without trial;

Whereas Chinese authorities in recent months have reportedly confiscated, burned, or otherwise destroyed millions of Falun Gong books and tapes;

Whereas thousands of Falun Gong practitioners in China have lost their jobs and students have been expelled from schools for refusing to give up their beliefs; and

Whereas the brutal crackdown by the Chinese Government on Falun Gong is in direct violation of the fundamental human rights to freedom of personal belief and practice, expression, and assembly;

Mr. GILMAN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment to the preamble

be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from New York (Mr. GILMAN).

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the matter just considered.

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

There was no objection.

#### MERVYN MALCOLM DYMALLY POST OFFICE BUILDING

Mr. OSE. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the bill (H.R. 642) to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the "Mervyn Malcolm Dymally Post Office Building", 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?

There was no objection.

The Clerk read the bill, as follows:

H.R. 642

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

#### SECTION 1. REDESIGNATION.

The Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, shall be known and designated as the "Mervyn Malcolm Dymally Post Office Building".

#### SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Mervyn Malcolm Dymally Post Office Building".

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.

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#### NATIONAL CHILDREN'S MEMORIAL DAY

Mr. OSE. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the resolution (H. Res. 376) expressing the sense