Property and the Committee on the Judiciary support H.R. 3456 in a bipartisan manner, and I urge its adoption today.

If I may, Mr. Speaker, at this time I have one more bill and possibly two more bills that are very brief, but I would be remiss as we conclude the first session of the 106th Congress if I did not convey my personal expressions of thanks to the distinguished gentleman from California (Mr. Berman), the ranking member of the subcommittee; to each Democrat and Republican member of the subcommittee; to our very fine chairman, the gentleman from Illinois (Mr. Hyde); and to the staff on both the Democrat and Republican side for the accomplishments.

And pardon our immodesty, but I think we have realized accomplishments during this first session.

Mr. Berman. Mr. Speaker, continuing my reservation of objection, first let me just respond to the last comment of my friend.

As he knows, and I have discussed this privately. He and I was a real pleasure to be his ranking member this past year. We did get a lot done. We did it, I think, on a bipartisan basis on almost every single issue we faced and accomplished quite a bit, probably not as much as the Transportation and Infrastructure committee, but a substantial work product, much of which was in the legislation that passed as part of the non-omnibus appropriations bill.

I also want to express my appreciation to the staff of both the subcommittees and the full committees and to the gentleman from Illinois (Mr. Hyde) and the gentleman from Michigan (Mr. Conyers) as well for all their support.

On this particular legislation which is an important bill, it comes under our obligations under the intellectual property provisions of Article 1 of the Constitution to reassert the efficacy of our laws in protecting copyright. Toward that, earlier this year the Committee on the Judiciary in both Houses resolved to address several concerns which we have been brought to our attention regarding the deterrence of copyright infringement and penalties for such infringement in those instances when it is not fair.

While I support the bill that we propose today, it is not the only issue. There are two key features in the legislation. First, it provides an inflation adjustment for copyright statutory damages. It has been well over a decade since we last adjusted statutory damages for inflation. Our purpose must be to provide meaningful disincentives for infringement, and to accomplish that, the cost of infringement must substantially exceed the cost of the compliance so that those who use or distribute intellectual property have incentive to comply with the law.

Secondly, passage of this bill is important to expedite the Sentencing Commission’s adoption of a revised Intellectual Property sentencing guidelines. The newly confirmed Sentencing Commissioners will have 120 days to revise the Intellectual Property guideline to increase the deterrence.

In 1997, when we adopted the NET Theft Deterrence and Copyright Damages Act, we directed the Sentencing Commission to increase criminal penalties for Intellectual Property crimes. The current IP sentencing guidelines include perverse incentives that allow perpetrators to avoid significant prison terms. U.S. Attorneys refuse to bring copyright or trademark criminal cases because of the current weak guidelines. This bill will rectify that situation.

The new Commissioners will be required to focus on this important problem immediately. The increasing threat of intellectual property theft both in the on-line and off-line world will thus be fought with all available weapons.

Mr. Speaker, I continue my reservation of objection, and I yield to the gentleman from North Carolina (Mr. Coble).

Mr. Coble. Mr. Speaker, I thank the gentleman for yielding.

While I was praising all my colleagues on the Judiciary and on the subcommittee, and of course, intellectual property, inevitably omissions are inevitable and I inadvertently failed to mention the distinguished gentleman from Michigan (Mr. Conyers), the ranking member of the full committee.

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

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

There was none.

The Clerk read the bill, as follows:

H.R. 3456

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 “Digital Theft Deterrence and Copyright Damages Improvement Act of 1999”.

SEC. 2. STATUTORY DAMAGES ENHANCEMENT.

Section 504(c) of title 17, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “$500” and inserting “$750”; and

(B) by striking “$300,000” and inserting “$300,000”; and

(2) in paragraph (2), by striking “$100,000” and inserting “$150,000”.

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(a) 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 first date on which the Commission promulgates guidelines pursuant to this section, 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, 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 reads the title of the resolution.

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

There was none.

The Clerk reads 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 love, 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 American society;

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 Christian 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;

Whereas individuals who commit crimes based on hate and bigotry must be held responsible for their actions and must be responsible for their actions and must be
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.

[30787]

SENATE OF CONGRESS—HOUSE

November 18, 1999

CONGRESSIONAL RECORD—HOUSE

stopped from spreading violence: Now, there-fore, be it

Resolved, That the House of Representa-tives—

(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.

The SENSE OF CONGRESS THAT CHI-NESE 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 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 by Gilbert A. Mende