

sound recording" will not have prejudicial effect. With the inclusion of Section 2(a)(2) in this bill, we ensure that courts will interpret Section 101 exactly as they would have interpreted it if neither Section 1000(a)(9) nor this bill were ever enacted.

Lastly, Section 2(b)(1) gives Section 2(a) retroactive effect. The need to make these sections retroactive stems from the confusion and injustice that would otherwise result. Because these sections will have retroactive effect, there will be only one, uninterrupted law governing the eligibility of sound recordings to qualify as works made for hire—namely the same law that existed prior to the November 29, 1999 enactment of Section 1000(a)(9). If Section 2(a) were not given retroactive effect, then sound records created or contracted for between November 29, 1999 and the date of enactment of this bill could be treated differently than sound recordings created before or after those dates. Such a result would be both confusing for the courts to administer and unfair to those who happened to enter into agreements to author sound recordings after November 29, 1999 and before the date of this bill's enactment.

Unfortunately, there is some question as to whether it is constitutional under the Fifth and Fourteenth Amendments of the U.S. Constitution to give Section 2(a) retroactive effect. If the courts disagree with our conclusion that Congress can constitutionally make these provisions retroactive, we have added a severability clause in Section 2(b)(2) to ensure that the courts will not strike down the whole bill.

In short, we believe passage of this bill is vital to ensure that whatever rights the authors of sound recordings may have had previously are restored, and that such restoration is achieved in a way that does not unfairly impair the rights of others. I urge all my colleagues to support this legislation when it is brought to the House floor for their consideration.

#### A DISASTER FOR SAN DIEGO: DEREGULATION OF ELECTRIC UTILITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise tonight to tell my colleagues about a tragic situation going on in San Diego, California. Like all of my colleagues, I went home at the beginning of August for a work period in our district, but what I found in San Diego was a disaster, and not a natural disaster but a man-made disaster, a disaster made by a few companies who are willing to put the whole quality of life of San Diegoans at risk for their own profit; a disaster that did not affect only a few people, but affected all of the residents of San Diego County, 2½ million people.

□ 1930

What was the basis of this disaster? San Diego is the first area in California to fully deregulate the electrical utility industry, to fully deregulate, which means that San Diegans pay the market price for electricity. The market price is determined by the few genera-

tors of electricity who control the power grid into San Diego.

So what was the result of this deregulation, a deregulation which was supposed to bring competition and lower the cost? It doubled and then tripled the cost of electricity in just 3 months. In just 3 months, if they were a resident in San Diego County, their bill went up from \$45 to \$50 to \$100 one month and \$150 the next month. If they were a small business struggling to get by, their \$800 bill went up to \$1,500 in one month and then went up to \$2,500 the next month.

How could they stay in business with those increases in prices?

Hospitals, libraries, youth centers, schools, the military, all of their budgets thrown into turmoil. And what was the reaction of people? Rebellion. Many people just tore up their bills.

Elected bodies in San Diego County said they are not going to pay the doubled or tripled price, they are going to pay only what they paid the year before, because they knew their costs were not determined by a supply-and-demand function but by price gouging and manipulation of the market.

Rallies were held. Demonstrations took place. Political figures at the city, county, State level tried to begin to solve this problem. The State legislature acted earlier this week by putting a cap on the retail price of electricity, a cap on the retail price. But what the State legislature did was merely put a Band-Aid on a bleeding city. Because that price was just deferred to a later time. It was not refunded. It was deferred. And the people who would have to pay that price were not the folks who gouged San Diegans to begin with, but the actual consumers who were the victims of this price gouging.

We must go beyond what the State of California's legislature did. The Federal Government must act and can act. The wholesale price of electricity can be set by the Federal Energy Regulatory Commission. And this Congress should direct that commission, known as FERC, to in fact roll back the wholesale price of electricity to the price that was paid before deregulation in which people had made profits and good profits at that price; and yet they were charging and are now charging prices double, triple, quadruple, five times what they were before deregulation.

I have a bill, my colleagues, called the Help San Diego Act: Halt Electricity Price Gouging in San Diego and Halt it Now.

The people in San Diego cannot survive the doubled and tripled prices of electricity rates. Small businesses are going under. Seniors are having to make choices between using their air conditioning or paying for their food or medical prescriptions.

I ask my colleagues to look closely at San Diego, a little dot on the southwest corner of our Nation, because we are the poster children for the future.

The rest of the State of California will soon be deregulated. Many of my colleagues in their States have deregulation bills in their legislatures. This House has deregulation bills in front of it. This deregulation cannot work, my colleagues, when a basic commodity is controlled by a few monopoly corporations.

The San Diego example makes it clear the consumer must be protected if this kind of policy is going to be pursued.

Deregulation in California took place without consumer protection. It took place in an atmosphere of monopoly control of a basic commodity. My city was in danger of dying economically. We have stopped it temporarily with State legislative action. But the Federal Government must act now. FERC must roll back the wholesale price of electricity retroactively.

The people, the companies, who forced these unconscionable rates on the citizens of San Diego should pay the price and not the consumers, the victims themselves.

My colleagues, look closely at San Diego. Your city may be next.

#### SLORC REGIME INTENSIFIES CRACKDOWN ON OPPOSITION IN BURMA

The SPEAKER pro tempore (Mr. TANCREDO). Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, yes, I think the people should watch San Diego. It is a pity that the liberal-left coalition that controls the Democratic Party is so allied with extreme environmentalists that for 20 years they have prevented the development of any new energy resources in California. So now the people of San Diego and all of California suffer under this loss because we are having an energy shortage in a State where we should have abundance in energy.

Unfortunately, the only solution that we have being offered seems to be price controls rather than developing new energy sources, which will only make the situation worse.

But tonight I need to talk about what is going on in Burma, which is something of importance now because thousands of lives are at stake in that country.

During the past week, the SLORC regime, which controls Burma with an iron fist, a regime backed by the Communist Chinese, has intensified their crackdown on the opposition in Burma. This is a new round of brutality by the SLORC regime, and it occurred after democracy leader Aung San Suu Kyi was prevented from leaving Rangoon to visit her party's members outside the capital city.

Soldiers surrounded her car. This is a Nobel Prize winner, the person who is the rightful governmental leader of that country because of the elections

her party won. She was forced to sit in a car in the sun for a full week and then forcibly return to the capital.

Aung San Suu Kyi is one of the true heroes of our time. She is now under house arrest. Her house is surrounded by SLORC military forces and secret police, and many diplomats in Rangoon are expressing concern about her health and her well-being.

Yesterday, the British Ambassador to Burma was roughed up by the SLORC goons when he tried to visit Aung San Suu Kyi. The National League for Democracy in Rangoon has had their offices raided and documents confiscated and their members have been arrested and face arbitrary jail sentences.

In the countryside, the SLORC regime continues its brutality and ethnic cleansing against indigenous tribal groups such as the Christian Karens and Karennis, who are seeking emergency refuge in Thailand in growing numbers. The SLORC and Communist Chinese benefit from the narcotics trafficking of the ruthless Wa State Army, which is destabilizing Thailand and spreading the poison of deadly heroin throughout the world.

The United States Congress is not ignorant of the corrupt and brutal practices of the Burmese dictatorship. Their wicked deeds will continue and will continue to be noted here. Their continued repression of democracy is evident.

The United States and the Democratic nations which are doing business with SLORC, and I might add Japan, Australia, Israel, Singapore and others, those of us in the democratic world will not sit by and watch this idly as this type of repression continues forever.

Investment in Burma has already been affected. Tragically, the people of Burma suffer as commerce and trade has dried up. And they are already suffering terrible deprivation in Burma as their gangster regime which controls their country impoverishes what should be a rich land.

This regime, the SLORC regime in Burma, is condemning those people who should be living a prosperous life. They are condemning them to poverty and deprivation and tyranny. A country so rich in natural resources is now one of the poorest in the world without freedom.

Tonight, as we note this is going on in Burma, let us note a champion of human rights. Ginetta Sagan passed from this scene last week. Ginetta Sagan helped me many times in the cause of human rights in Burma and in other countries. Ginetta Sagan first volunteered to fight tyranny as a member of the Resistance against Fascists and Nazis in World War II.

After she was captured then, she was brutally tortured. And after she survived that torture, she helped lay the foundation for the modern human rights movement.

Ginetta Sagan was under 5 foot in height, but she was a giant in the fight

for justice and liberty, saving thousands of political prisoners through her efforts in Poland, Vietnam, Chile, and Greece. She died, unfortunately, after a full life, on September 1.

Ginetta Sagan is gone, but the fight for human rights continues and the struggle against gangsters like those who control Burma continues. We have to pick up the torch and carry on where Ginetta left off. Justice and democracy will triumph over evil because we will not falter and Ginetta Sagan will not be forgotten.

Let me just say that Ginetta Sagan and I were active for 20 years. She had enormous energy and love for people. She will be missed. But the tyrants in Burma and elsewhere should not think that this is a loss, because her spirit will continue to inspire others to continue this fight for liberty and justice.

#### ESTATE TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, I yield to the gentleman from San Diego, California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I just briefly want to respond to the gentleman from Orange County, California (Mr. ROHRBACHER). I invite him to visit San Diego.

It is misplaced to blame the San Diego crisis on environmental regulations. Yes, we need more capacity as the environment grows. Yes, we need environmentally sensitive generating capacity. And, yes, we need alternative sources of energy. There is plenty of sun in San Diego. But this crisis is not one of supply and demand.

This crisis had to do with monopoly pricing and manipulation of the market. The price had nothing to do with when the load was at peak or when supply was needed. It had to do with the people who controlled it and what price they could get.

Mr. SHERMAN. Mr. Speaker, reclaiming my time, I want to add my voice to that of the gentleman from California (Mr. ROHRBACHER) in calling for human rights in Myanmar, also known as Burma.

Mr. Speaker, with Senator LIEBERMAN's recent notoriety, the country has learned a few words of Yiddish. And one of the more interesting words is the world chutzpah, best defined as the kind of extreme galling nerve as when someone who has killed their parents asks for mercy because, after all, they are an orphan.

Mr. Speaker, there is something that calls for even more chutzpah than the Menendez brothers asking for a commutation of their sentence because of their status as orphans, and that is when our Republican colleagues come to this floor and accuse the Democrats of waging class warfare when they will bring before this House tomorrow an

override of the President's wise veto of the estate tax repeal.

They will try to ram through this House a bill that provides \$50 billion in tax cuts once it is fully effective. Not one penny, not one penny, for the home health care worker. Not one penny for the fast-food employee. Not one penny for the janitor. Fifty billion dollars and not one penny for those struggling to get by. All of it for the richest 1½ percent of Americans, most of it for the 3,000 richest families in America.

And they will have the chutzpah to come here and say that they want to imperil this economic expansion for the benefits of those lucky few and accuse us of waging class warfare.

Mr. Speaker, I represent a district that is not envious. I do not represent class envy. Malibu is the second richest city in my district. My constituents, more than most others, do pay the estate tax. But they have sent me here to Washington to fight for fiscal responsibility, for Social Security, for Medicare with prescription drug coverage, and for Federal aid to education and to the environment.

They did not send me here to ask for \$50 billion, all of it, all of it for the wealthiest 1½ percent of Americans.

□ 1945

This estate tax does not affect any family or will not affect any family with \$2 million or less to leave to their children. But it will affect the as of yet unborn Bill Gates, Jr.

Mr. Speaker, I think that it is important that our children and grandchildren inherit a government that is debt free rather than a few families are able to inherit millions or even billions of dollars that are tax free.

Mr. Speaker, this \$50 billion of tax relief aimed at those with the most will imperil Social Security, Medicare, and prescription drug coverage; imperil our ability to pay off the national debt, maintain fiscal responsibility and continue our unprecedented economic growth.

There are two other bad aspects of this bill that have not been discussed on this floor. First, in order to keep the cost down to only \$50 billion, the authors of this bill, which should have been vetoed, actually increase the tax of many widows, increase the income tax of widows by denying them a step up in basis for their income tax returns. And, second, this estate tax repeal will cost America's hospitals, universities, and charities billions of dollars. They will come here asking for our help, but with \$50 billion a year less in Federal revenue, we will not be able to help them. This is the unspoken secret. The universities and their development officers will not tell us about it because they do not want to bite the hand that feeds them. But major charitable gifts to universities will bite the dust if we uphold this veto.

Do not vote to override the veto.