a member, headed by the legislative initiative of the gentleman from Michigan (Mr. CONYERS), the ranking member, captured the ailments, the illness of the election system and tried to put together a legislative initiative that was encompassing, that was embracing, that answered the questions about the many horror stories we heard in November 2000: individuals turned away; intimidation at the polls; people who registered to vote and yet were turned away. It is imperative before we go into the Federal elections that we come together in a consensus and pass election reform.

I do feel that the House conferees have been working together in moving toward final passage, and I believe the other body has the same amount of focus. It is now time to set a time frame for us and not let this legislation die in this session. I do not believe anyone desires it to do so. I believe the American people want to see election reform.

Mr. Speaker, after 9–11 when we have all recommitted ourselves to the values of this Nation, the values of democracy and freedom and equality and the right to speak one's mind, it would be a tribute to again reinforce our values by passing such a legislative initiative as election reform.

Mr. NEY. Mr. Speaker, who has the right to close?

The SPEAKER pro tempore (Mr. PUTNAM). The gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) has the right to close.

Mr. NEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this is an important motion to instruct. I appreciate the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for her insight and her input into this process. All of the speakers that participated tonight have added greatly to the process. This is an important measure. America needs it, and I appreciate this motion to instruct because it will give us an additional push and say this is the sense of the House. I urge all of my colleagues on this side of the aisle to support the motion to instruct.

Mr. Speaker, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have heard some powerful words this evening from my colleagues on how important it is that Congress pass election reform legislation, and pass it quickly. Although it will not affect the November elections, they are approaching and there simply is no time to waste.

As we all know, the most fundamental issue facing all of us during this Congress is restoring the public's faith in democracy. To restore that faith in democracy, we must make sure that every vote cast is counted. We have said repeatedly that we have been attacked because of the jealously of our freedom. We must make that freedom real, and the only way we can do that is to make sure that every vote cast is counted and is cast without intimidation.

The legislation we have passed will take important steps toward protecting the sacred right to vote. It is time that we take action. House and Senate conferees have come so close to a compromise on H.R. 3295 and now they must finish the job. I call upon members of the conference committee to reach agreement before October 1 and submit the legislation to us for final passage. I am in strong support of this motion to instruct.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate on the motion to instruct has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each:

□ 2015

The SPEAKER pro tempore (Mr. PUTNAM). Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. WELDON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. PETERSON of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. HINOJOSA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

JUDICIAL CODE OF CONDUCT PRIVACY CLARIFICATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BIGGERT. Mr. Speaker, I rise today to join my colleague the gentlewoman from New York (Mrs. MALONEY) in introducing the Judicial Code of Conduct Privacy Clarification Act. As the title suggests, this bill would clarify a provision in title V of the Gramm-Leach-Bliley Act that deals with privacy protections for consumers.

Gramm-Leach-Bliley was landmark legislation that for the first time permitted companies to engage in banking, insurance and securities transactions simultaneously. While considering these new freedoms for businesses to operate across lines, Congress also wanted to ensure that consumer privacy would not be placed at risk.

Title V sought to address this issue by giving regulators latitude to enforce privacy provisions among financial institutions. Unfortunately in interpreting the language of the law, some confusion has arisen over what specifically those financial institutions might be. In seeking to clarify the confusion, the Federal Trade Commission concluded that financial institutions include any business that, and I quote, significantly engages in financial activities. What is the definition of ''significantly''? Well, it could be as little as once a year. And what is a financial activity? There are four: debt collecting, financial advisory activities, tax planning preparation and advising, and leasing real or personal property.

Okay, that is fair enough. But in writing its regulations in this way, the Federal Trade Commission appears to have unintentionally swept under its umbrella the one group of professionals that already is governed by the strictest possible confidentiality or privacy

regulations. What group is this? Attorneys.

Attorneys already are bound by a duty of confidentiality enforceable under the laws of all 50 States that prevents misuse of client information and provides a higher degree of privacy than Gramm-Leach-Bliley. For example, lawyers in my home State of Illinois are prohibited from releasing confidential information. Our code reads, ''Except in certain specified circumstances, a lawyer shall not, during or after termination of the professional relationship with the client, use or reveal a confidence or secret of the client known to the lawyer unless the client consents after disclosure.''

And Illinois is no exception. All 50 States have equally restrictive language. In all 50 States, lawyers who violate these laws face disbarment and/or other penalties that are much more onerous than those for a violation of title V under Gramm-Leach-Bliley.

Do attorneys significantly engage in financial activities as defined by the FTC? Yes. Some attorneys do give tax planning advice. Others may handle debt collection cases. Still others may take up cases relating to the other two named financial activities, providing financial advice or leasing real or personal property. Yet in order to comply with the privacy provisions under Gramm-Leach-Bliley, these attorneys now run the risk of violating the client confidentiality restrictions placed on their profession.

Every attorney who engages in any of the four defined financial activities for a noncorporate client must mail to that client a privacy notice, every year for as long as he or she is in business. And what does that privacy notice convey? It informs clients that they may direct their attorney not to share their personal information with other entities, the so-called opt-out provision of Gramm-Leach-Bliley. Yet the attorney-client confidentiality relationship is by nature an opt-in protection. In short, for attorneys, the very act of disclosing a privacy policy can create a confidentiality violation.

It was not the intent of Congress to regulate attorney-client relations. Our intent was to regulate the growing use and sale of consumers' personal information for marketing, profiling and other commercial purposes by bona fide financial institutions. At the end of the day, our bill will make the intention of the Gramm-Leach-Bliley Act crystal clear. The scope of the law was not intended to include law firms and sole practicing lawyers.

I urge my colleagues to support this legislation.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in support of legislation that I am introducing with my colleague JUDY BIGGERT of Illinois, the Judicial Code of Conduct Privacy Clarification Act. This legislation resolves the continuing controversy as to whether attorneys at law, who are subject to strict codes of professional conduct, should be subject to the privacy section of the Gramm-Leach-Bliley Act. The Biggert-Maloney legislation recognizes that the practice of law and the business of financial services are wholly different and that Gramm-Leach-Bliley should be clarified to recognize this distinction.

Protecting personal privacy should be one of the highest priorities of Congress. Whether online, over the phone or in person, I believe that individuals should be allowed the maximum control over information they supply to financial services and other companies.

With passage of Gramm-Leach-Bliley in 1999, Congress took a small first step in ensuring that consumer privacy is protected as financial institutions continue to merge and as the economy grows increasingly digital. As a member of the then-Banking Committee, I was proud to play a role in requiring that financial services companies supply their customers with privacy policies and allow customers the right to opt-out of information sharing with third-parties. These were groundbreaking provisions that future Congresses should work to expand.

Unfortunately, since enactment, Gramm-Leach-Bliley has caused significant confusion for the legal community. On February 11, 2002, I joined 12 of my bipartisan colleagues on the Financial Services Committee in writing to the Federal Trade Commission (FTC) to ask that it grant attorneys an exemption to the Gramm-Leach-Bliley privacy provisions. As we wrote at the time, ''Attorneys are already bound by a duty of confidentiality, enforceable under the laws of all 50 states, that prevents misuse of client information and provides a higher degree of privacy protection than Gramm-Leach-Bliley.'' After a thorough review, the FTC determined that it does not presently have the authority to grant the exemption we requested.

The privacy protections in Title V of Gramm-Leach-Bliley were a response to specific cases where consumers' private, personal financial information was mined without their consent in an effort to market them products. Where Title V is an appropriate response to such egregious cases, it is inappropriate to apply it to most lawyers whose clients already expect that all their disclosures are confidential, covered by State codes of ethics and attorney-client privilege.

For example, the Legal Aid Society of New York City had to translate its privacy notice into many different languages to serve its ethnically diverse clientele. It also had to devote an inordinate amount of time to dealing with confused clients who couldn't understand why they were getting privacy notices from their lawyers when everything they tell their lawyers is presumed to be confidential. I fear this could have a chilling effect on the willingness of these individuals to share critical information with their attorneys. The confusion these privacy notices are causing in New York is unnecessary given that there is express language forbidding the sharing of client information in the New York State Ethics Code for lawyers.

I join Representative BIGGERT in introducing this legislation today because it is my intention to target this limited area where the interpretation of Gramm-Leach-Bliley can be improved by a legislative fix. The FTC's standing interpretation of Title V of the Act is causing confusion that is determined to the attorney-client relationship. It is appropriate for Congress to intervene. I have met with numerous constituents from New York City on this issue and am convinced that attorneys should not fall under the existing language. I do understand that it is late in the congressional session and I invite interested parties to work with me to improve the legislation in the coming year.

I look forward to continuing to work to safeguard the privacy of my constituents in the coming Congress. I emphatically do not support any rollback of the progress that has been made on privacy. This legislation is limited and strictly targeted. As for the larger privacy issues—the American public deserves more privacy protections, not fewer.

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

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IRAQ AND THE WAR ON TERRORISM

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

Mr. GRUCCI. Mr. Speaker, on September 20, 2001, before a joint session of Congress, President Bush declared, and I quote, our war on terror begins with al Qaeda but it does not end there. It will not end until every terrorist group of global reach has been found, stopped and defeated. This principle rallied the world to support the war on terrorism. Today, we must remind ourselves of this principle as America considers action against Iraq. We must remember that the actions of Saddam Hussein are nothing short of terrorism. Until he is removed from a position of power and influence, Americans will not be safe and the war on terrorism will not be won.

On September 16, 2002, Iraq delivered a letter to the United Nations allowing U.N. weapons inspectors unconditional access to Iraq. While the recent letter from Iraq may be received as good news by some, it is important to place this action in the appropriate historical perspective.

A quick reminder of 1998 when Saddam Hussein forced weapons inspectors out of Iraq is enough to understand that the latest move is nothing more than theatrics that will only give Iraq additional time to stockpile and hide weapons of mass destruction to avoid detection.

In May of 1991, Iraq accepted United Nations resolution 687, giving inspectors unconditional access to Iraq. In the years that followed, Iraq contradicted their unconditional pledge to support resolution 687 with the following actions:

June of 1991, Iraqi personnel prevent inspectors from approaching by firing warning shots.

October of 1991, Iraq refuses to accept United Nations resolution 715 calling for additional unconditional access for inspectors.