

scourge. I am especially pleased that the resolution calls for all OSCE participating States to ensure effective law enforcement and prosecution of individuals perpetrating anti-Semitic violence, as well as urging the parliaments of all participating States to take concrete legislative action at the national level. In sum, I look forward to working with my colleagues to continue our steadfast efforts to see an end to anti-Semitic violence.

#### RESOLUTION ON ANTI-SEMITIC VIOLENCE IN THE OSCE REGION

1. Recalling that the OSCE was among those organizations which publicly achieved international condemnation of anti-Semitism through the crafting of the 1990 Copenhagen Concluding Document;

2. Noting that all participating States, as stated in the Copenhagen Concluding Document, commit to "unequivocally condemn" anti-Semitism and take effective measures to protect individuals from anti-Semitic violence;

3. Remembering the 1996 Lisbon Concluding Document, which highlights the OSCE's "comprehensive approach" to security, calls for "improvement in the implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms", and urges participating States to address "acute problems", such as anti-Semitism;

4. Reaffirming the 1999 Charter for European Security, committing participating States to "counter such threats to security as violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism";

5. Recognizing that the scourge of anti-Semitism is not unique to any one country, and calls for steadfast perseverance by all participating States;

The OSCE Parliamentary Assembly:

6. Unequivocally condemns the alarming escalation of anti-Semitic violence throughout the OSCE region;

7. Voices deep concern over the recent escalation in anti-Semitic violence, as individuals of the Judaic faith and Jewish cultural properties have suffered attacks in many OSCE participating States;

8. Urges those States which undertake to return confiscated properties to rightful owners, or to provide alternative compensation to such owners, to ensure that their property restitution and compensation programmes are implemented in a nondiscriminatory manner and according to the rule of law;

9. Recognizes the commendable efforts of many post-communist States to redress injustices inflicted by previous regimes based on religious heritage, considering that the interests of justice dictate that more work remains to be done in this regard, particularly with regard to individual and community property restitution compensation;

10. Recognizes the danger of anti-Semitic violence to European security, especially in light of the trend of increasing violence and attacks region wide;

11. Declares that violence against Jews and other manifestations of intolerance will never be justified by international developments or political issues, and that it obstructs democracy, pluralism, and peace;

12. Urges all States to make public statements recognizing violence against Jews and Jewish cultural properties as anti-Semitic, as well as to issue strong, public declarations condemning the depredations;

13. Calls upon participating States to ensure aggressive law enforcement by local and

national authorities, including thorough investigation of anti-Semitic criminal acts, apprehension of perpetrators, initiation of appropriate criminal prosecutions and judicial proceedings;

14. Urges participating States to bolster the importance of combating anti-Semitism by holding a follow-up seminar or human dimension meeting that explores effective measures to prevent anti-Semitism, and to ensure that their laws, regulations, practices and policies conform with relevant OSCE commitments on anti-Semitism; and

15. Encourages all delegates to the Parliamentary Assembly to vocally and unconditionally condemn manifestations of anti-Semitic violence in their respective countries and at all regional and international forums.

#### LETTER OF INTENT

##### AN ACTION PROGRAM: CONFRONTING AND COMBATING ANTI-SEMITISM IN THE OSCE REGION

As members of the German Bundestag and U.S. Congress and participants in the OSCE Parliamentary Assembly, we wish to express our deep concern regarding the significant increase in the number of anti-Semitic incidents in many countries of the OSCE. We condemn anti-Semitism in all its forms. Anti-Semitic bigotry must have no place in our democratic societies and needs to be actively opposed by all 55 participating States of the OSCE, including by members of Parliament. The sorry lessons of the past have demonstrated that the virus of anti-Semitism, when not successfully resisted, will lead to terrible tragedy for the Jewish people, and promote prejudice and intolerance towards other minority groups.

We affirm our commitment to work together closely to fight anti-Semitism and encourage colleagues in our respective legislatures, and in the legislative bodies of other OSCE participating States, to develop a series of specific measures to counter anti-Semitic actions and attitudes. In executing our action plan we will make full use of all appropriate OSCE institutions and instruments. Actions that we intend to pursue are the following:

A. Persuade other Parliaments in OSCE participating States to adopt resolutions condemning anti-Semitism as the U.S. Congress and the German Bundestag have already done.

B. Energize governments and other elected officials at all levels in OSCE participating States to condemn forcefully and publicly anti-Semitic acts, when they occur.

C. Encourage all OSCE countries to enact appropriate criminal legislation to punish anti-Semitic acts and ensure that such laws are vigorously enforced.

D. Call upon governments in OSCE participating States, if they have not already done so, to adhere to international instruments which, by addressing the problem of discrimination, may counter anti-Semitic attitudes and actions.

E. Promote educational efforts throughout the OSCE region to counter anti-Semitic stereotypes and attitudes among younger people and help identify the necessary resources to accomplish this goal. Encourage teachers, social workers and members of the clergy to focus on anti-Semitic attitudes and behavior of younger people and support the development of curricula for teacher training.

F. Consider what concrete actions may be possible within the OSCE to discourage the proliferation of anti-Semitic, neo-Nazi and other racist material over the Internet, while preserving the right to freedom of expression.

G. Encourage religious leaders in OSCE participating States to work more closely

together and consider the past experiences of certain religious institutions in dealing with the experience of the Holocaust.

H. Create an OSCE parliamentarian-based "Coalition of the Willing" to address anti-Semitic propaganda that appears to be increasing rapidly in a number of OSCE partner countries. Explore the possibility of using the OSCE's partnership with the southern and eastern Mediterranean countries for promoting this goal. We pledge to meet again in conjunction with the February 2003 Winter Session of the OSCE Parliamentary Assembly in Vienna to evaluate progress and seek the active support and cooperation of our parliamentary colleagues from other countries. On this occasion, we will also determine how we can best utilize the July 2003 Rotterdam Annual Session of the OSCE Parliamentary Assembly to further our common goal of combating anti-Semitism throughout the OSCE region.

Signed in Washington, D.C. on December 10, 2002.

CHRISTOPHER H. SMITH,  
*Member of Congress.*  
GERT WEISSKIRCHEN,  
*Member, German Bundestag.*

#### INTRODUCTION OF THE PRIVACY PROTECTION CLARIFICATION ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mrs. MALONEY. Mr. Speaker, I rise today in support of legislation that I am reintroducing with my colleague, Representative JUDY BIGGERT of Illinois, the Privacy Protection Clarification Act. This legislation resolves the 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 (GLBA). The Biggert-Maloney legislation recognizes that the practice of law and the business of financial services are wholly different and that GLBA should be clarified to recognize this distinction.

With passage of GLBA in 1999, Congress took an important 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.

Unfortunately, GLBA 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 GLBA 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 GLBA." 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 GLBA were a response to specific cases where consumers' private, personal financial information was mined without their consent in an effort to

market products. Where Title V is an appropriate response to such 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 could not understand why they were getting privacy notices from their lawyers when information they share with their lawyers is presumed to be confidential. I fear this could have a chilling effect on the willingness of 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.

The recently filed amicus brief at the U.S. District Court of the District of Columbia by 19 state and local bar associations further lays out some of the ways that the Act conflicts with the practice of law, the rights of clients and the duties of attorneys. The brief was drafted by the former President of the American Law Institute, Professor Geoffrey Hazard.

To quote from the amicus brief: "Not only does the GLBA provide less broad and less beneficial privacy protection than do existing state ethics rules governing lawyers, there are contradictions and discrepancies in the concepts of confidentiality and in the responsibilities of the 'service providers' under GLBA as applied to practicing lawyers. These disconnections make clear that the application of both privacy regimes to lawyers is unworkable. . . ." The stringent enforceable codes of professional conduct that attorneys are under contain opt-in requirements tailored to the profession. Their clients must affirmatively agree to the attorney revealing any personal information about that client.

I join Representative BIGGERT in introducing this legislation today, because it is my intention to target this limited area where the interpretation of GLBA can be improved by a legislative fix. The FTC's standing interpretation of Title V of the Act is causing confusion that is detrimental 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 look forward to continuing to work to safeguard the privacy of my constituents during this Congress. This legislation is limited and strictly targeted. As for the larger privacy issues—the American public deserves more privacy protections, not fewer. When this body passed the GLBA provisions, we never considered its impact upon the practice of law because we had not intended it to apply to lawyers. Now that we see the confusion, expense and conflict that this act has wrought upon the legal community, we must act to clarify our original intent.

# IN HONOR OF NELLIE POU, RECIPIENT OF THE HISPANIC AMERICAN GOOD SCOUT AWARD

## HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Assemblywoman Nellie Pou of New Jersey who was honored on February 7th at the Hispanic American Good Scout Award Dinner at the Robert Treat Hotel in Newark, New Jersey.

Currently deputy speaker of the New Jersey Legislature, Ms. Pou has led an impressive career and has quickly emerged as a leader in the New Jersey Assembly. She is the first woman and first Hispanic to represent the 35th Assembly District of New Jersey, and was named assistant minority leader after only three years in office. An active member of the legislature, Ms. Pou has authored a number of successful bills that reflect her commitment to health advocacy, child safety, and disabled and senior citizens. She has focused her efforts to improve education by reducing class-size and has secured funding to ensure the continuation of critical school programs across the state.

Assemblywoman Pou played a leading role in ensuring the 2000 Census was accurately reported and that New Jersey would not be underrepresented in the amount of federal aid it received. She was also a strong advocate for redrawing the legislative districts to fairly represent census results.

Ms. Pou holds an impressive record of service in government and working for the state of New Jersey. Before serving in the Assembly, Ms. Pou worked for more than 22 years in county and municipal government, and served as director of the Paterson Department of Human Services for 12 years.

Since being elected to the Assembly in 1997, she has served on two critical committees, the Assembly Budget Committee and the Assembly Appropriations Committee, which together oversee the development of the annual state budget. Ms. Pou has also served on the Assembly Housing Committee and the Task Force on School Facilities Construction Oversight. She is a member of the Women's Democratic Caucus, the Assembly Advisory Council on Women, and the New Jersey Task Force on Child Abuse and Neglect.

Currently serving her third term in office, Assemblywoman Pou is vice chair of the Assembly Appropriations Committee and a member of the Assembly Health and Human Services Committee, in addition to her appointment as deputy speaker.

Assemblywoman Pou is the mother of two children, Edwin and Taina.

Today, I ask my colleagues to join me in honoring Nellie Pou for her outstanding leadership and service to her district and the state of New Jersey.

# INTRODUCING UNITED STATES-KOREA NORMALIZATION RESOLUTION OF 2003

## HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce the United States-Korea Normalization Resolution of 2003.

Sixty years ago American troops fought in a United Nations "police action" on the Korean Peninsula. More than 50,000 Americans lost their lives. Sixty years later, some 37,000 U.S. troops remain in South Korea, facing a North Korean army of nearly a million persons. After 60 years, we can no longer afford this commitment.

The U.S. defense guarantee of South Korea costs more than \$3 billion per year in direct costs and approximately \$12 billion per year in total costs. Total U.S. aid to South Korea has exceeded \$14 billion since the war.

But South Korea of today is not the Korea of 1950. Today's South Korea is a modern, industrialized, economic powerhouse; it has a gross domestic product more than 40 times that of communist North Korea. It has a military more than 700,000 persons strong. Nor is it at all clear that the continued U.S. military presence is necessary—or desired.

Not long ago, incoming South Korean President Roh Moo-hyun, recognizing that the current tension is primarily between the United States and North Korea, actually offered to serve as a mediator between the two countries. It is an astonishing move considering that it is the United States that provides South Korea a security guarantee against the North. Additionally, it is becoming more obvious every day that with the man on the South Korean street, the United States military presence in their country is not desired and in fact viewed as a threat.

We cannot afford to continue guaranteeing South Korea's borders when we cannot defend our own borders and when our military is stretched to the breaking point. We cannot continue subsidizing South Korea's military when it is clear that South Korea has the wherewithal to pay its own way. We cannot afford to keep our troops in South Korea when it is increasingly clear that they are actually having a destabilizing effect and may be hindering a North-South rapprochement.

That is why I am introducing the United States-Korea Normalization Resolution, which expresses the sense of Congress that, 60 years after the Korean War, the U.S. security guarantee to South Korea should end, as should the stationing of American troops in South Korea.

I hope my colleagues will join me by supporting and co-sponsoring this legislation.

# A BILL TO CLARIFY THE TAX TREATMENT OF CERTAIN ENVIRONMENTAL ESCROW ACCOUNTS

## HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. HOUGHTON. Mr. Speaker, I am pleased to join my colleague from California,