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 modem, 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-huyn, 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,

Mr. BECERRA, together with my colleague, Mr. BOEHLERT from New York in reintroducing a bill intended to clarify the tax treatment of certain environmental escrow accounts. This bill was first introduced in the 107th Congress.

The provisions in the bill would encourage prompt and efficient settlements with the Environmental Protection Agency (''EPA'') for the clean-up of hazardous waste sites. Currently, there is some uncertainty in the tax treatment of certain ''settlement funds'' that are, in effect, controlled by the EPA, in their role of resolving claims under Comprehensive Environmental Response, Compensation and Liability Act of 1980 (''CERCLA''). This uncertainty may prevent taxpayers from entering into prompt settlements with the EPA for the cleanup of Superfund hazardous waste sites and reduce the ultimate amount to funds available for cleanup of such sites.

The EPA has recognized this problem and has recently written to the Department of the Treasury expressing support for clarification that these ''funds will, for Federal income tax purposes, be treated as beneficially owned by the United States government and therefore not subject to Federal income tax if certain conditions are met.'' I include in the record, a copy of the EPA letter dated February 7, 2003

Our bill follows the recommendations of the EPA on this important issue. Under our bill, if certain conditions are met, the EPA (U.S. government) will be considered the beneficial owner of funds set aside in an environmental settlement fund account. These conditions include the fund being: (1) established pursuant to a consent decree; (2) created for the receipt of settlement payments for the sole purpose of resolving claims under CERCLA; (3) controlled (in terms of expenditures of contributions and earnings thereon) by the government or an agency or instrumentality thereof; and (4) upon termination, disbursed to the government or an agency or instrumentality thereof (e.g., the EPA). If such conditions are met, the EPA will be considered the beneficial owner of the escrow account for tax purposes and the account will not be considered a grantor trust for purposes of Sections 468B, and 671–677 of the Internal Revenue Code. These escrow accounts, which are established under court consent decrees, are a necessary tool to enable the EPA to carry out its responsibilities and resolve or satisfy claims under CERCLA. Under these types of consent decrees, the EPA should be considered the owner of such funds for Federal tax purposes.

Due to the current uncertainty as to the proper Federal income tax treatment of such government-controlled funds, taxpayers may be hesitant to promptly resolve their claims under CERCLA by contributing to the settlement funds. One of the underlying purposes of CERCLA is to ensure prompt and efficient cleanup of Superfund hazardous waste sites. This goal is being frustrated by the existing uncertainty in the tax laws. The bill resolves these uncertainties and expedites the cleanup of Superfund hazardous waste sites by treating these escrow accounts as being beneficially owned by the U.S. government and not subject to tax.

We urge our colleagues to join us in cosponsoring this legislation.

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, February 7, 2003.

MS. PAMELA F. OLSON,
Assistant Secretary—Tax Policy, Department of the Treasury, Washington, DC

DEAR MS. OLSON: I am writing to express support by the Environmental Protection Agency (''EPA'') for clarification of the tax treatment of certain environmental cleanup ''settlement funds'' under IRC section 468B. The clarification would provide that such funds will, for Federal income tax purposes, be treated as beneficially owned by the U.S. government and therefore not subject to Federal income tax if certain conditions are met. As General Counsel to the agency, I am not offering an opinion on the legal issue or any other fiscal or tax policy aspects to this proposal. We defer to the Treasury Department on these issues. However, after consultation with our office of Enforcement and Compliance Assurance, I offer this letter to provide our views based on the environmental issues involved, that I hope will assist you in your review of this issue.

The cleanup of Superfund hazardous waste sites is sometimes funded by environmental ''settlement funds'' or escrow accounts. These escrow accounts are established in consent decrees between the EPA and the settling parties under the jurisdiction of a federal district court. They are a tool to enable the EPA to carry out its responsibilities and resolve its claims against private parties under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (''CERCLA'').

While the escrow accounts are funded by the settling parties (defendants), some of these consent decrees require that the EPA approve expenditures of such funds (including the payment of costs and reimbursements), and provide that any remaining funds after termination will be paid to the EPA.

We have been briefed by some taxpayers' representatives that, under current law, there is uncertainty as to the proper Federal income tax treatment of such government-controlled funds. One of the underlying purposes of CERCLA is to ensure prompt and efficient cleanup of Superfund hazardous waste sites. Uncertainty in the tax treatment of certain ''settlement funds'' may prevent taxpayers from entering into prompt settlements with the EPA for the cleanup of Superfund hazardous waste sites.

We would support appropriation conditions to ensure that escrow accounts are properly structured and safeguarded, such as conditions requiring that the funds are: (1) established pursuant to a consent decree; (2) created for the receipt of settlement payments for the sole purpose of resolving claims under CERCLA; (3) controlled (in terms of expenditures of contributions and earnings thereon) by the federal government; (4) upon termination, disbursed to the government (e.g., the EPA); and (5) structured so that the government may be treated as beneficial owner for these purpose only, and not for other purposes such that the government has responsibility or liability for activities of the accounts or at their managers.

Thank you for considering our views of the environmental consequences of this issue.

Sincerely,

ROBERT E. FABRICAN,
General Counsel.

A SPEECH BY THE HONORABLE SEAN O'KEEFE, ADMINISTRATOR OF NASA

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. SKELTON. Mr. Speaker, let me take this means to bring the words of NASA's Administrator Sean O'Keefe to the attention of the Members of the House. Speaking at the National Cathedral in a memorial service February 6, 2003, for the crew of STS–107, Mr. O'Keefe provided us with words of comfort that should be shared with all.

SEAN O'KEEFE: To be an astronaut is to accept a lofty calling. The seven daring souls who we grieve for today represented the best of the human spirit. They did their chosen calling proud and they had a special grace. Today we pay tribute to the Columbia astronauts for what they did for us in carrying on the great tradition of the select few we call astronauts.

For over 40 years these remarkable men and women who we've all come to know proudly wearing their orange space suits and blue flight jackets have played one of history's most unique diplomatic roles, acting in peace for all mankind, they serve as our good will ambassadors to the universe.

Every time we send humans into space, our astronauts look up to the starry firmament seeking to extend our horizons throughout the vast expanse of God's creation. Our explorers go forward into the unknown with hope and faith. As Commander Rick Husband said, ''There is no way that you can look at the stars, at the Earth, at the moon, and not come to realize there is a God out there who has a plan and who has laid out the universe.''

In this magnificent cathedral, a portion of the lunar surface brought back to Earth by moonwalkers Neil Armstrong and Buzz Aldrin is encased in a precious stain glass window. As we worship today in celebration of seven wonderful lives, this glorious window reminds us that the exploration of space will go on propelled by the human urge to strive, to seek, to find, and not yield, and by our common faith in our Creator.

Our astronauts also have another role. By pursuing research to improve people's lives and expand our understanding of the natural world, these brave individuals help pioneer the future in ways undreamed by our ancestors. This was the noble work that joyfully motivated our seven courageous Columbia crew when they ascended to the heavens three weeks ago.

Now some day due to our astronauts dedicated space research, we may find better means of fighting cancer, of life-saving drugs, helping our parents and grandparents stay healthy throughout their lives. We will always thank the crew of Columbia STS–107 mission for their passionate commitment to this cause.

Now, of course our astronauts count on all the talented men and women of the NASA family represented here today. To help advance these ambitious research objectives, they're amazing people. Public servants who make up the NASA family. Everyday our scientists, engineers, safety and support folks come to work at all of our centers, thankful for the opportunity to engage in such exciting meaningful work on behalf of the American people, It is through their efforts that we are making tangible progress in our quest to improve aviation safety and efficiency, promote medical discoveries, probe more