

the fact that criminal laws should be adequate to combat criminal activity. In other situations, some governments have crafted special church-state agreements, or concordats, which exclusively give one religious group powers and rights not available to other communities. By creating tiers or hierarchies, governments run the risk of dispersing privileges and authority in an inequitable fashion, ensuring that other religious groups will never exist on a level playing field, if at all. In a worst case scenario, by officially recognizing "traditional" or "historic" communities, governments can reflect an ambivalence towards minority religious groups. Such ambivalence can, in turn, create an atmosphere in which hostility or violence is perpetrated with impunity. The persistent brutality against Jehovah's Witnesses and evangelical groups in Georgia is an example of State authorities' failure to bring to justice the perpetrators of such violence.

Mr. Speaker, religious registration laws do not operate in a vacuum; other rights, such as freedom of association or freedom of speech, are often enveloped by these provisions. Clamping down on a group's ability to exist not only contravenes numerous, long-standing OSCE commitments, but can effectively remove from society forces that operate for the general welfare. The recent liquidation of the Salvation Army in Moscow is a lucent example. Who will suffer most? The poor and hungry who now benefit from the Salvation Army's ministries of mercy.

Each OSCE participating State has committed to full compliance with the provisions enumerated in the various Helsinki documents. The Bush Administration's commitment to religious freedom has been clearly articulated. In a March 9, 2001 letter, Dr. Condoleezza Rice, National Security Advisor, wrote: "President Bush is deeply committed to promoting the right of individuals around the world to practice freely their religious beliefs." She also expressed her concern about religious discrimination. In a separate letter on March 30th of this year, Vice President DICK CHENEY echoed this commitment when he referred to the promotion of religious freedom as "a defining element of the American character." He went on to declare the Bush Administration's commitment "to advancing the protection of individual religious freedom as an integral part of our foreign policy agenda."

Since the war on terrorism was declared, the President has made clear the distinction between acts of terrorism and religious practice. In his address to the country, Mr. Bush stated: "The enemy of America is not our many Muslim friends. . . . Our enemy is a radical network of terrorists and every government that supports them." He further stated, "The terrorists are traitors to their own faith, trying, in effect, to hijack Islam itself." Accordingly, I believe this administration will not stray from supporting religious freedom during this challenging time.

Out of concern about recent developments and trends in the OSCE region, the Helsinki Commission conducted this briefing to discuss registration roadblocks affecting religious freedom. I was pleased by the panel of experts and practitioners assembled who were kind enough to travel from Europe to share their thoughts and insights, including Dr. Sophie van Bijsterveld, a professor of law in The Netherlands and current Co-Chair of the OSCE Advisory Panel of Experts on Freedom

of Religion or Belief, Dr. Gerhard Robbers, a member of the OSCE Advisory Panel of Experts and professor of law in Germany; Mr. Vassilios Tsirbas, interim executive director and senior legal counsel for the European Centre for Law and Justice in Strasbourg; and Col. Kenneth Baillie, commanding officer for the Salvation Army in Eastern Europe.

Dr. van Bijsterveld made the point that "the assessment of registration from the point of view of religious liberty depends entirely on the function that registration fulfills in the legal system, and the consequences that are attached to registration."

She continued: "A requirement of registration of religious groups as a pre-condition for the lawful exercise of religious freedom is worrisome in the light of international human rights standards. [Needing the government's] permission for a person to exercise his religion in community with others is, indeed, problematic in the light of internationally acknowledged religious liberty standards. Religious liberty should not be made dependent on a prior government clearance. This touches the very essence of religious liberty."

Dr. Robbers noted that registration of religious communities is often a requirement but "it need not be a roadblock to religious freedom. In fact, it can free the way to more positive religious freedom if correctly performed." If utilized, "registration and registration procedures must meet certain standards. Registration must be based on equal treatment of all religious communities. . . . [and] the process of registration must follow due process of law." He further noted that "religious activity in and as community, must be possible even without being registered as religious community." He made clear that the minimum number of members required for registration need not be too many and there should be no minimum period of existence before registration is allowed.

The third panelist, Mr. Tsirbas, opined, "Within this proliferation of the field of human rights, the Helsinki Final Act is a more than promising note. The commitment to respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief for all, without distinction as to race, sex, language or religion, basically summarizes the . . . protection of international and domestic legal documents. Religious liberty stands out as one of those *sine qua non* conditions for an atmosphere of respect for the rights of individuals or whole communities."

Mr. Tsirbas also stated, "If the protection of the individual is considered the cornerstone of our modern legal system, religious freedom should be considered the cornerstone of all other rights. The right itself is one of the most recent to be recognized and protected, yet it embraces and reflects the inevitable outworking through the course of time of the fundamental truths of belief in the worth of a person."

Lastly, Col. Kenneth Baillie, spokesman for the Salvation Army in Eastern Europe, outlined the experience of registering his organization in Moscow. "In Russia, as of February this year, we are registered nationwide as a centralized religious organization, [however] the city of Moscow is another story. We have been registered as a religious group in Moscow since 1992. In response to the 1997 law, like everyone else, we applied for re-registra-

tion, thinking that it would be merely pro forma. Our application documents were submitted, and a staff person in the city Ministry of Justice said everything was in order, we would have our signed and stamped registration in two days.

"Two days later," Col. Baillie continued, "the same staffer called to say, in a sheepish voice, 'There's a problem.' Well, it is now three years later, and there is still a problem. Someone took an ideological decision to deny us, that is absolutely clear to me, and three years of meetings and documents and media statements and legal briefs are all window-dressing. Behind it all is an arbitrary, discriminatory, and secret decision, and to this day I do not know who made the decision, or why."

Based on the difficult experience of trying to register in Moscow and the Salvation Army's subsequent "liquidation" by a Moscow court, Col. Baillie offered some observations. He noted how "the law's ambiguity gives public officials the power to invent arbitrary constructions of the law." Col. Baillie concluded by stating, "We will not give up," but added he is "understandably skeptical about religious registration law, and particularly the will to uphold what the law says in regard to religious freedom."

Mr. Speaker, this Helsinki Commission briefing offered a clear picture of how the law and practice affecting, registration of religious groups have become critical aspects in the defense of the right to freedom of conscience, religion or belief. No doubt registration requirements can serve as a roadblock which is detrimental to religious freedom. The Commission will continue to monitor this trend among the region's governments which are instituting more stringent registration requirements and will encourage full compliance with the Helsinki commitments to ensure the protection of this fundamental right.

#### TO RECOGNIZE THE ARGYRO LALOS SCHOLARSHIP FUND AT ARIZONA STATE UNIVERSITY, AND THE OUTSTANDING CITIZEN IT HONORS

#### HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2001

Mr. PASTOR. Mr. Speaker, I stand before you today to recognize the Argyro Lalos Scholarship Fund at Arizona State University (ASU), and the outstanding citizen it honors, Ms. Argyro Lalos of Phoenix, Arizona.

Recently, the Lalos family, with the help of 20 contributors, endowed a scholarship fund on behalf of 93-year-old Yia Yia (ya-ya, which is "grandmother" in Greek), as she is affectionately known, to honor her lifelong respect for quality education. Each year, Ms. Lalos will help select a recipient of the award, which is in the amount of \$500, from among the engineering students at ASU that apply. Engineering students are the focus because the Lalos family believes that Yia Yia would have excelled in this field had she been given the opportunity. Applicants are judged on academic standing and essays they write explaining obstacles they have overcome in achieving a higher education.

Her desire to learn was prominent at an early age. Raised in Greece, she was pulled

out of elementary school because of the perceived lack of value in educating young women in that society. Often sneaking to school and borrowing school books, she eventually taught herself how to read, while never receiving a formal education. She continues to be an avid reader of novels and biographies and reads the Greek newspapers daily.

After World War II, Yia Yia came to America with her husband and worked as a seamstress while he worked at a dry cleaning and tailor shop. Achieving an education was stressed in the household and their goal was always to be able to provide their children the opportunity to receive a quality education. Throughout the years, with the money they saved, this goal was accomplished as Yia Yia's children and four grandchildren have all received a higher education.

Having endured World War I, the flu epidemic of 1918, the economic depression of the 1930's, German occupation during World War II, and the Greek Civil War, the only heartache Argyro Lalos holds is over never having received a formal education. However, assisting today's students in overcoming the financial obstacles to higher education is a selfless way to give to others the opportunity she never had and therefore a fitting tribute to the much beloved matriarch of the Lalos family.

#### INTRODUCING THE RETIREMENT ACCOUNT PROTECTION ACT OF 2001

#### HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2001*

Mr. BENTSEN. Mr. Speaker, I am introducing legislation to address one troubling issue raised in the wake of the Enron Corporation's sudden stunning demise—the lockdown of Enron employee 401(k) accounts. The Retirement Account Protection Act of 2001 (RAPA) will bar employers from unilaterally and arbitrarily freezing sales of company stock by an employee from their 401(k) pension plans or other Employee Stock Ownership Plans (ESOPs).

Mr. Speaker, while we accept that lockdowns are often ordered in the routine course of plan management by a business, the simple fact is that they unfairly tie the hands of employees. The sudden collapse of the Enron Corporation illustrates how the impact of a lockdown can damage the retirement security of employees. As part of a routine switch of administrators for its employees' 401(k) program, Enron froze employee retirement accounts, packed with its stock, right as shares plummeted in late October and early November. When all was said and done, Enron Corporation's 401(k) plan lost about \$1 billion in value. Enron employees assert that during the lockdown, they could only watch in horror as the value of their company stock fell from \$30.72 at the close of trading on October 16 to \$11.69 on November 19. The anxiety about their jobs was compounded by their inability to protect their retirement savings from decimation.

Under RAPA, employers would have to petition the Secretary of Labor for permission to order an administrative lockdown or freeze of employee defined contribution plans. The Secretary would apply a three-part test and the

lockdown would be permitted if the Secretary found it to be administratively feasible, in the interests of the plan and its participants and, most importantly, "protective of the rights of participants and beneficiaries of the plan." Presently, freezes or lockdowns of employee transactions in the Employer stock plans are routinely ordered for administrative reasons such as switches in benefit administrators or during transition times associated with corporate mergers. My bill also orders the appropriate regulators to study the advisability of imposing a cap on company stock purchases by employees for their defined contribution plans, in the wake of Enron's demise and the devastation of thousands of retirement accounts. There are serious questions about the prudence of imposing diversification requirements on employee investments.

Under RAPA, employers who are granted an exemption by the Secretary of Labor could then order a lockdown or freeze of account activity, but not before giving employees adequate notice. Under my bill, current employees, former employees and pension plan beneficiaries would receive written notice of the lockdown at least ninety days prior to the effective date. The importance of providing timely, adequate written notice to all effected parties, regardless of whether they still are employed, cannot be overstated. Former Enron employees who were plan participants, but no longer had access to Enron's internal e-mail network, report that the first time they received notice of the lockdown was when they tried to sell their company stock.

Mr. Speaker, the Employee Retirement Income Security Act (ERISA) has done a good job of protecting the interests of plan participants and beneficiaries, particularly with respect to defined benefit plans. But, since enactment of the ERISA in 1974, the nation's landscape has changed substantially. Though the number of employer-sponsored pension plans have steadily increased, proportionately fewer employers offer traditional defined benefit plans and, instead, offer defined contribution plans such as 401(k) or ESOPs. The growth in defined contribution plans has resulted in a shift of responsibility, from the employer to the employee, with respect to how the funds should be invested. Mr. Speaker, my bill seeks to amend ERISA to ensure that employees continue to have the right to oversee their investments without interference by their employer.

Under RAPA, employers would no longer have the unfettered discretion to undertake such actions. While there is nothing that the Congress can do to guarantee against downturns in the value of company stock, we can ensure that employees retain the same right that any investor has to take whatever actions they deem necessary to protect their retirement savings, including selling company stock.

#### RECOGNITION OF MRS. CORA HIDALGO HOLLAND'S DEATH

#### HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2001*

Ms. SOLIS. Mr. Speaker, I rise to recognize Mrs. Cora Hidalgo Holland, my dear friend Mi-

chael Aldaco's aunt, who was a victim of the terrorist attacks on September 11, 2001.

Mrs. Hidalgo Holland led an exemplary life that touched many people's lives. She exercised a subtle kind of leadership and made numerous contributions to her community. Throughout her life of service she became a role model to many. She was very active in her community, helping young, severely "at-risk" mothers, Spanish-speaking teenagers, who were largely on their own. Mrs. Hidalgo Holland taught them the basics of parenting and basics of child-rearing and about nutrition, hygiene and intellectual development. She also volunteered at a center that collected and provided free groceries to needy families.

Mrs. Hidalgo Holland played an integral role in her family. She showed her unbounded love to those dearest to her because family was of utmost importance to her. Thus, she contributed greatly to their development and happiness. She will be missed by those who loved her dearly for the many blessings she brought. Although her death brought much pain, it served to bring her family closer and to realize the fragility of life and the importance of voicing our love for those we love.

I am saddened by the loss of such a fine member of our community. I extend my sincerest condolence to Mrs. Hidalgo Holland's family, as we all mourn the loss of a role model and an exceptional person.

#### EXPRESSING THANKS TO THE GOVERNMENT PRINTING OFFICE

#### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2001*

Mr. HOYER. Mr. Speaker, with my strong support the House recently approved resolutions expressing gratitude to the General Accounting Office for accommodating the House during the recent closure of the House office buildings, and honoring the Capitol Police for their commitment to security at the Capitol in the wake of the September 11 attacks. I wish to bring to the House's attention yet another legislative-branch agency that has gone the extra mile to support the Congress in this period of crisis: the Government Printing Office.

We would be remiss in overlooking the GPO's many contributions of the last three months. When the presence of anthrax necessitated the closure of House and Senate office buildings in October and November, GPO was ready to lend a hand. GPO provided conference room and office space for personnel from the Office of the Clerk of the House and the Senate's Office of Legislative Counsel to continue their important operations. For the Capitol Police, GPO made available the loading docks in its North Capitol Street warehouse for use in screening deliveries to Capitol Hill. Each day, up to 70 trucks destined for the Capitol complex pass through this operation, and it has been an enormous help to us.

GPO has provided other help since September 11. For example, when the Equal Employment Opportunity Commission's regional office was destroyed in the collapse of the World Trade Center complex, GPO established a secure, password-protected area on their web site, so displaced EEOC employees