

I look forward to working with my colleagues on both sides of the aisle in advancing this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2087

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EMPLOYER-PROVIDED INDEPENDENT INVESTMENT ADVICE.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

“SEC. 45G. EMPLOYER-PROVIDED INDEPENDENT INVESTMENT ADVICE.

“(a) GENERAL RULE.—For purposes of section 38, the employer-provided independent investment advice credit determined under this section for the taxable year is an amount equal to 40 percent (60 percent in the case any small employer (as defined in section 220(c)(4))) of the qualified independent investment advice services paid for by the taxpayer in such taxable year.

“(b) LIMITATIONS.—For purposes of this section—

“(1) SERVICES TAKEN INTO ACCOUNT PER EMPLOYEE.—The amount of qualified independent investment advice services which may be taken into account for any taxable year with respect to each employee shall not exceed \$50.

“(2) TOTAL CREDIT ALLOWED PER TAXPAYER.—The amount of the employer-provided independent investment advice credit which is allowable under subsection (a) in any taxable year (when added to such credits allowed for all preceding taxable years) may not exceed \$50,000.

“(b) QUALIFIED INDEPENDENT INVESTMENT ADVICE SERVICES.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified independent investment advice services’ means, with respect to any employee, individualized independent investment advice services provided by an independent investment adviser who certifies to the taxpayer that such employee received such services.

“(2) NONDISCRIMINATION.—Independent investment advice services shall not be treated as qualified unless the provision of such services (or the eligibility to receive such services) does not discriminate in favor of employees of the taxpayer who are highly compensated employees (within the meaning of section 414(q)).

“(c) APPLICATION OF RULES.—For purposes of this section, the rules of section 45F(e) shall apply.”.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of the Internal Revenue Code of 1986 is amended by striking “plus” at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting “, plus”, and by adding at the end the following new paragraph:

“(16) the employer-provided independent investment advice credit determined under section 45G(a).”.

(c) DENIAL OF DOUBLE BENEFIT.—Section 280C of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(d) CREDIT FOR EMPLOYER-PROVIDED INDEPENDENT INVESTMENT ADVICE.—No deduction shall be allowed for that portion of the expenses otherwise allowable as a deduction for

the taxable year which is equal to the amount of the credit determined for the taxable year under section 45G(a).”.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 45G. Employer-provided independent investment advice.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses paid or incurred in the taxable years ending after the date of the enactment of this Act.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 234—REITERATING THE SENSE OF THE SENATE THAT RELIGIOUS FREEDOM IS A PRIORITY OF THE UNITED STATES SENATE IN THE BILATERAL RELATIONSHIP WITH THE RUSSIAN FEDERATION, INCLUDING WITHIN THE CONTEXT OF THE JACKSON-VANIK AMENDMENT

Mr. SMITH of Oregon (for himself, Mrs. CLINTON, Mr. HARKIN, Ms. MIKULSKI, Mr. WARNER, Mr. WELLSTONE, Mr. SESSIONS, Mr. BAYH, Mr. HATCH, Mr. MCCONNELL, Mr. DURBIN, Mr. CLELAND, Mr. LIEBERMAN, Mr. ALLEN, Mr. HAGEL, Mr. NELSON of Florida, Mr. REID, Mr. NICKLES, Mr. SCHUMER, Mr. FEINGOLD, Mr. CONRAD, Mr. LEAHY, Mr. GRAHAM, Mrs. FEINSTEIN, Mr. REED, Mr. CORZINE, Mr. WYDEN, and Mr. JOHNSON) submitted the following resolution; which was referred to the Committee on Finance.

S. RES. 234

Whereas religious freedom and minority rights have always been a priority of the United States Congress and the American people;

Whereas the Russian Federation has experienced a miraculous revival of religious life since the Soviet collapse ten years ago, especially with respect to the historically persecuted Russian Jewish community;

Whereas the Russian Government has publicly welcomed the participation of faith communities in national life;

Whereas the Department of State's International Religious Freedom Report (October 2001), submitted to Congress in compliance with Section 102(b) of the International Religious Freedom Act (IRFA) of 1998, details numerous and widespread restrictions upon minority faiths under Russia's 1997 Religion Law;

Whereas Deputy Prime Minister Valentina Matvienko said on 23 October that the Russian government is working on amendments to the Religion Law to further restrict still the activities of foreign religious groups on Russian territory;

Whereas the International Religious Freedom Report also details a series of Russian Government actions during the past year that have interfered with the functioning of Jewish community institutions;

Whereas “Izvestiya” reported on 6 November that no one in Russia's Federal Security Service (FSB) is assigned to handle extremist and racist movements, while nationalist and anti-Semitic extremists continue to spread propaganda and incite violence in incidents across Russia;

Whereas Russia has accepted international obligations, including those specified in the 1990 Copenhagen Document of the Organization for Security and Cooperation in Europe, to allow ethnic and religious minorities “to establish and maintain their own educational, cultural and religious institutions, organizations or associations”;

Whereas 98 Senators wrote to President Vladimir Putin of the Russian Federation on 3 August 2001, recognizing individual instances of progress but expressing concern over the anti-Semitic rhetoric heard at both the national and local levels of Russian society and politics;

Whereas, on 24 October 2001, by Unanimous Consent, the Senate passed Amendment SA 1948 to the Foreign Operations FY 2002 Appropriations Bill (H.R. 2506), instructing that funds for the Government of the Russian Federation be conditioned upon the President's certification to Congress that the Russian Government “has not implemented any statute, executive order, regulation, or other similar government action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party”;

Whereas the Congress passed Title IV of the Trade Act of 1974 (“the Jackson-Vanik Amendment”) “to assure the continued dedication of the United States to fundamental human rights”;

Whereas the Jackson-Vanik Amendment focuses on free emigration as a condition for granting Normal Trade Relations to non-market economies, including authority for the President to waive this restriction upon certifying that a country was permitting free emigration;

Whereas the President stated on 13 November 2001, that Russia has made important strides on emigration and the protection of religious and ethnic minorities, “including Russia's Jewish community. On this issue, Russia is in a fundamentally different place than it was during the Soviet era. President Putin told me that these gains for freedom will be protected and expanded;”

Whereas the President further stated: “Our Foreign Ministers have sealed this understanding in an exchange of letters. Because of this progress, my administration will work with Congress to end the application of Jackson-Vanik Amendment to Russia;”

Whereas the exchange of letters between the Secretary of State and the Minister of Foreign Affairs of Russia underscored Russian and U.S. commitments on human rights and religious freedoms, including restitution of communal properties seized during the Soviet era, the revival of minority communities, and combating xenophobia and anti-Semitism;

Whereas, in meeting with Senate leadership on 13 November 2001, President Putin reiterated his commitment to working with the United States and with the Congress on advancing civil society and human rights in this country;

Whereas the President of the United States issued a “Religious Freedom Day 2002” Proclamation on 16 January 2002, saying, “I encourage all Americans to renew their commitment to protecting the liberties that make our country a beacon of hope for people around the world who seek the free exercise of religious beliefs and other freedoms;”

Whereas the Russian Federation has proven to be a critical ally in the war on international terrorism in which the civilized world is currently engaged; Now, therefore, be it

Resolved by the Senate, That it is the sense of the Senate that—

(1) within the context of productive and constructive relations between the governments and peoples of the United States and the Russian Federation, religious freedom and the protection of minority rights must remain as priority issues on the bilateral agenda of both countries; and

(2) any actions by the United States Government to "graduate" or terminate the application of the Jackson-Vanik Amendment to any individual country must take into account the progress already achieved through the application of the Amendment as well as appropriate assurances regarding the continued commitment of that government to enforcing and upholding the fundamental human rights envisioned in the Amendment; and

(3) the United States Government must demonstrate how, in "graduating" individual countries, the "continued dedication of the United States" to these fundamental rights will be assured.

Mr. SMITH of Oregon. Mr. President, I rise today to submit an important resolution regarding the Jackson-Vanik Amendment and the Russian Federation. I am joined by my colleague Senator CLINTON of New York and 26 other cosponsors in submitting this resolution. This legislation recognizes the progress made by the Russian Federation regarding religious freedom issues and the Jewish community, as well as the impact the Jackson-Vanik Amendment has had even before it was signed into law in 1975.

Over one million Israelis, hundreds of thousands of Americans and countless thousands across the world are living free because of Jackson-Vanik and the American commitment it reflects to religious freedom and freedom of emigration. At the same time, countless Jews and others in Russia live in relative freedom thanks in part to the very Jackson-Vanik Amendment that U.S. and Soviet leaders once decried as a "Cold War relic". Rather than a relic, it is a lesson for us today.

The legacy of Jackson-Vanik goes far beyond its impact on those living freer today. Jackson-Vanik has actualized the notion that human rights are not the province of any country's "domestic internal policy". Since the exchange of letters last November 13 between the U.S. and Russian governments, there can never again be a doubt that religious freedom has earned a prominent place on the U.S.-Russian bilateral agenda.

The achievements of President Bush and his administration in this regard have carried out the spirit of previous administrations. In addition to recent letters from President Bush to the Congressional leadership, the President wrote last November 19 to Harold Paul Luks, Chairman of NCSJ: "The Jewish community has helped write a proud chapter in the history of American foreign relations, but the work is not complete. We need your continued advocacy and support, and my Administration looks forward to working closely with you on these challenges."

Clearly, Senate and citizen involvement is not an impediment to U.S. foreign policy. As the President's letter

underscores, such activism is an underpinning of our approach to foreign governments. While this Resolution takes no position on "graduating" Russia from Jackson-Vanik, the test should not be the total elimination of xenophobia or the completion of democratic civil society. Never before has religious activity in Russia been so varied and widespread. And yet the threats to freedom of religion remain. We now have many channels for addressing our deep concerns.

If the legislation to graduate Russia does incorporate these channels and the commitments of the Russian and U.S. governments, then future leaders of Russia will know the context in which the United States Congress has considered the extension of Normal Trade Relations. And if our colleagues join in support of this Resolution, regardless of their position on Russia's graduation, then the sense of the Senate will be an explicit part of the permanent record of this process.

The legacy of Jackson-Vanik vis-à-vis Russia is a proud one, and one that can best be sealed through appropriate legislation and through messages such as the resolution we introduce today. I want to thank the 28 cosponsors of this resolution and ask that all my colleagues join me on this important legislation.

SENATE RESOLUTION 235—EX-PRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE PROTECTION OF AFGHAN REFUGEES, AND FOR OTHER PURPOSES

Mr. WELLSTONE (for himself, Mrs. BOXER, and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 235

Whereas more than 3,500,000 Afghan citizens are currently refugees in Pakistan and Iran, displaced by decades of civil war and conflict, and at least 1,000,000 Afghans are internally displaced within their own country;

Whereas, since the overthrow of the Taliban, thousands have continued to flee Afghanistan or have been displaced inside the country, including ethnic Pashtuns escaping persecution in the north, and others are fearful of returning home due to unstable, violent conditions in various parts of Afghanistan;

Whereas only the creation of a secure, stable Afghanistan that protects the rights of all citizens, including women and ethnic minorities, can provide the conditions in which refugees and displaced persons can safely and voluntarily return to their home communities;

Whereas, until conditions warrant the safe, voluntary return of Afghans, neighboring countries should uphold their international humanitarian and legal obligations to provide refugees with adequate protection and humanitarian assistance, and to uphold the right of refugees to cross international borders in order to seek asylum;

Whereas the Governments of Pakistan and Iran have allowed Afghan refugees to remain in those countries of asylum, despite the enormous economic and social costs this involves;

Whereas the United States and other members of the international community should continue to offer expanded financial and other assistance to internally displaced Afghans and to governments hosting large Afghan refugee populations;

Whereas in November 2000, Iran and Pakistan officially closed their borders to new incoming refugees, and as of February 2002, at least 10,000 Afghans were stranded in camps near the Iran border inside Afghanistan and were blocked from gaining entry into Iran, and several thousand were awaiting entry to Pakistan at the Chaman border crossing;

Whereas authorities of Pakistan and Iran have forcibly returned some Afghans in violation of international legal norms of nonrefoulement, and both governments began repatriating refugees in March 2002, despite the clear dangers many of them face in their home areas;

Whereas Australia, Indonesia, Tajikistan, and Dubai have expressed their desire to begin returning refugees as soon as possible or, in the case of Dubai, have already deported hundreds of Afghans;

Whereas law enforcement authorities in Pakistan have subjected Afghan refugees to physical violence, harassment, extortion, and arbitrary detention because of their undocumented status;

Whereas some refugee camps in the Federally Administered Tribal Areas of Pakistan are located close to the Afghan border in unsafe and unhealthy locations; and

Whereas the United Nations High Commissioner for Refugees (UNHCR) and the interim authority of the Afghan government established in December 2001, are responsible for developing a repatriation program that fully meets international standards, working with governments in the region, when conditions are appropriate: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President and the Secretary of State should—

(1) urge the Government of Pakistan and other governments in the region—

(A) to fully cooperate with the United Nations High Commissioner for Refugees (UNHCR) in providing protection to Afghan refugees; and

(B) to allow open access to refugees by nongovernmental organizations and international agencies offering humanitarian assistance;

(2) call on the governments of Pakistan and Iran to immediately cease any forcible return of Afghan refugees and to take action to end the harassment, detention, and other mistreatment of Afghan refugees;

(3) strongly condemn any actions by Pakistan, Iran, or other governments to prematurely return refugees to Afghanistan against their will;

(4) support the provision of detailed, impartial information about human rights, the presence of landmines, and humanitarian conditions in their areas of origin to all refugees, and especially to women, to ensure that any decision to return is truly voluntary;

(5) fully support repatriation of Afghan refugees only when conditions in Afghanistan allow their voluntary return, in safety and dignity, with full respect for their human rights and an adequate screening process in place to identify those who are still in need of protection; and

(6) establish a resettlement program for Afghans whose needs for protection require resettlement in a third country.

Mr. WELLSTONE. Mr. President, I rise today with my colleagues Senators BOXER and FEINSTEIN to submit a resolution calling for protection and assistance for Afghan refugees, as they