

(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

struggle to find their way home and rebuild their lives amid so much uncertainty.

Today more than 3.5 million Afghan citizens are refugees in Pakistan and Iran, having been displaced by decades of civil war and conflict. Since the overthrow of the Taliban, thousands have continued to flee Afghanistan, including ethnic Pashtuns escaping persecution in the North. Many have been subjected to physical violence, harassment, extortion, and arbitrary detention because of their undocumented status.

Unfortunately, many also now live under the threat of repatriation to Afghanistan against their will. In clear violation of international legal norms, authorities in Pakistan and Iran have forcibly returned some Afghans and have stated a desire to begin a large scale repatriation effort of Afghan refugees, despite the clear dangers many of them would face in Afghanistan.

Like most observers, I believe that the United Nations High Commissioner for Refugees, UNHCR, is well-prepared for a massive repatriation of refugees to Afghanistan this spring and also to assist large numbers of internally displaced Afghans return to their farms and homes. That said, it is imperative that UNHCR and other U.N. agencies, donors, and the international security force work closely together to make the repatriation program as successful as possible.

According to UNHCR, each day, more and more Afghans come forward to participate in the voluntary return programs. Since the start of the joint Afghan Government and UNHCR assisted return program on March 1, more than 200,000 Afghans have repatriated from Pakistan. However, these efforts have been and likely will continue to be hampered by a number of factors. The peaceful transition to normalcy requires a certain set of conditions for success. The main factors influencing the number of Afghan refugees and displaced who return home are security, economic opportunity, and economic ties in countries of asylum.

As our G.I.'s in Afghanistan know all too well, many areas in Afghanistan are still very dangerous. Military operations will undoubtedly continue in southeastern Afghanistan and elsewhere. In other areas, renewed strife among bandits, warlords and the government are likely to continue to break out. Accordingly, security is perhaps the greatest challenge for the young Afghan nation, as well as for those charged with the task of relief and repatriation.

While these fears make return to Afghanistan a daunting prospect, Afghan refugees are also experiencing increasingly hostile treatment in Iran and Pakistan and pressure to leave. Mistreatment at the hands of Pakistani or Iranian law enforcement authorities and violence in refugee camps are just some of the problems Afghan refugees face on a daily basis.

Refugees interviewed by Human Rights Watch in Pakistan described the human toll caused by that government's treatment of the refugee population: With borders closed, most refugees had to resort to dangerous and unofficial routes into Pakistan. Refugees were beaten at unofficial checkpoints when they could not afford to pay extortionate bribes. At official crossing points, families were beaten back, or languished in squalor without food, water or latrines, hoping to be let in. Once inside Pakistan, refugees were subjected to harassment and detention, while others endured beatings by Pakistani police when lining up for food in camps.

According to Human Rights Watch, Iran also has been an egregious offender of international humanitarian law. Its border closure policies run directly contrary to international standards, most fundamentally because they interfere with the right to seek asylum. By closing its borders, conducting systematic and large scale push-backs, and by insisting on the establishment of camps for displaced persons inside Afghanistan, the Government of Iran has violated its obligations under numerous international conventions.

Today, I join with human rights and refugee organizations to strongly urge the governments of Pakistan and Iran to identify those refugees who continue to be in need of protection, to provide them with documentation and legal status, and to end persistent abuses of the rights of refugees in both countries. The governments of Pakistan and Iran as well as UNHCR must ensure that Afghan refugees have access to full and objective information about conditions inside Afghanistan before deciding whether or not to return. Moreover, refugees should not be forced to return prematurely because of insecurity or lack of assistance in neighboring countries.

Economic opportunity also will determine whether or not refugees and internally displaced persons, IDPs, return to their homes or villages. Jobs and economic opportunities for Afghans wishing to return home are sparse. In addition, many long-term Afghan refugees are earning a livelihood in their countries of asylum and their willingness to return home has not yet been determined. Despite these uncertainties, most refugees surveyed want to go home.

A successful return program also will require long-term economic development assistance to help returnees and their communities become economically self-sufficient. Many of the returnees will be going back to the poorest, drought-impacted, and strife-ridden areas of Afghanistan. Longer-term development aid should be factored into the services available for returnees and their communities from the outset to help ensure that they become economically self-sufficient and self-sustaining.

I will continue to call on the United States and other donor governments to

provide adequate funding to the Afghan Interim Authority's Ministry for the Return of Refugees, and for the voluntary return of refugees under conditions of safety and with full respect for their human rights. The key to success in any repatriation is voluntariness. Iran and Pakistan must respect this mandate.

While the governments of Pakistan, Iran, and others have consistently allowed Afghan refugees to remain in those countries despite the enormous economic and social costs this involves, and Pakistan must be commended for its extraordinary efforts in the campaign against terrorism over the last 6 months, Iran and Pakistan should not now turn their backs on these vulnerable people. They must fully cooperate with the UNHCR in providing protection to Afghan refugees. They must allow open access to refugees by nongovernmental organizations and international agencies offering humanitarian assistance. They must also immediately cease any forcible return of Afghan refugees and take action to end their harassment, detention, and other mistreatment.

To address these concerns, a significant refugee repatriation agreement was signed last week in Geneva by the governments of Iran, Afghanistan and the UNHCR. I am confident that the Tripartite Agreement, which lays down the main legal and operational framework for the voluntary return of Afghan refugees in Iran, will address many of these concerns.

I ask that the Senate show unanimous support for Afghanistan in its time of greatest need. This resolution highlights the uncertain and dangerous situation faced by Afghan refugees and calls upon the President to urge countries in the region to abide by well-established norms of international refugee and humanitarian law. A vote for this resolution is a vote for the millions of displaced Afghans, and a test case of our willingness to secure Afghanistan's peace.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3085. Mr. CRAPO (for himself and Mr. MILLER) submitted an amendment intended to be proposed to amendment SA 2989 proposed by Mrs. FEINSTEIN (for herself, Ms. CANTWELL, Mr. WYDEN, Mrs. BOXER, Mr. LEAHY, Mr. DURBIN, Mr. FITZGERALD, and Mr. CORZINE) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table.

SA 3086. Mrs. LINCOLN (for herself and Mr. HUTCHINSON) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3087. Mr. DORGAN (for himself and Mr. MURKOWSKI) proposed an amendment to amendment SA 2917 proposed by Mr.