can act above the law at will. This latest verdict was not only sad for Mikhail Khodorkovsky, Platon Lebedev, and their families, but also for all people, for all of us who seek a more open Russia based on the rule of law.

Prime Minister Vladimir Putin's comments on the case before the verdict was even issued were very troubling indeed. According to the Associated Press, Russia's Prime Minister said that the crimes of the former oil tycoon have been proven—he said this before the verdict was even issued—and that a ''thief should sit in jail.'' Mr. Putin said Khodorkovsky's present punishment is more liberal than the 150-year prison sentence handed down in the United States to financier Bernard Madoff.

Citing the years of advocacy and statements from global leaders, the very respected publication The Economist explained that Putin's comments were ''a humiliating slap in the face of all those foreign dignitaries . . . who had lobbied Dmitry Medvedev, Russia's president, to stop persecuting Mr. Khodorkovsky.'' I agree with the comments contained in the publication The Economist.

In a democracy, courts are independent and the executive branch acts as a separate branch of government with no say in final court decisions. Prime Minister Putin's statement demonstrates that this separation does not exist in Russia.

As if the Khodorkovsky verdict did not make it clear enough that opposition will not be tolerated in Russia, Russian authorities arrested opposition leader and former Deputy Prime Minister Boris Nemtsov on New Year's Eve. This took place during a reportedly peaceful antigovernment rally in Moscow. Approximately 70 others were also arrested. A Moscow court sentenced former Deputy Prime Minister Nemtsov to 50 days in jail for allegedly disobeying police. This arrest was a tremendous disappointment, but it certainly was not a surprise. The Russian Government had recently begun granting permission for semiregular protests. I use the term ''semiregular'' because it was granted only for the last day of months with 31 days.

I met with Mr. Nemtsov last March when he was here in Washington. He came to my office, and we had a very enlightening discussion about the future of Russia. I admired his dedication and commitment to promoting democracy in Russia, and I hope and pray for his safety during the remaining days in a Moscow jail cell.

Sadly, we have learned that not all those who opposed the Russian Government do, in fact, return from Russian jails. Sergei Magnitsky, who was a young Russian anticorruption lawyer employed by an American law firm in Moscow who blew the whistle on the largest tax rebate fraud in Russian history perpetrated by high-level Russian officials, is an example. Magnitsky was arrested shortly after he testified to authorities. He was held in detention for nearly a year without trial, under torturous conditions, and he died in an isolation cell on November 16, 2009, in Russia.

During the 111th Congress, I joined Senators CARDIN and MCCAIN in cosponsoring the Justice for Sergei Magnitsky Act, which would freeze assets and block visas to Russian individuals responsible for Mr. Magnitsky's unfortunate death. In this, the 112th Congress, I will continue to highlight the treatment of opposition figures in Russia and the regrettable erosion of the rule of law.

I urge President Obama and Secretary of State Clinton to make the treatment of opposition figures a central part of our efforts to reset relations with Russia. In order to make progress on other issues, Russia needs to prove it is truly committed to the rule of law and the human rights of all of its citizens, including those who disagree with the government. Without this, our efforts to find common ground on other issues of mutual concern will continue to be undermined.

Mr. President, I yield the floor.

REMEMBERING ELIZABETH RIDGWAY

Mr. DURBIN. Mr. President, I wish to say a few words about Elizabeth Ridgway, an Illinoisan, educator, and hard-working employee of the Library of Congress who recently passed away. Elizabeth died on December 23, 2010, at the young age of 41.

In her role leading the Library's Educational Outreach Division, Elizabeth advocated for America's teachers and worked to provide them with better and expanded resources. In this capacity, she was responsible for administering the Teaching with Primary Sources program. In 2005, I secured authorization language to establish Teaching with Primary Sources to share with students and teachers the educational treasures of the Library of Congress. Many Illinois educators and educational facilities have participated in this program since its inception and, under Elizabeth's guidance, have been instrumental in the expansion of the program.

The numerous programs she directed now reach tens of thousands of teachers nationwide, providing them with important classroom materials, workshops, online and graduate courses, mentoring and grants. Countless students across our nation are benefitting from the Library's collections as a result of Elizabeth's work.

Librarian of Congress James H. Billington said Elizabeth ''was a pioneering humanistic educator of the Internet Age.'' He continued, ''she was admired and beloved by colleagues at all levels of the Library—and by many local librarians and K–12 teachers all over America. . . . We will deeply miss her infectious enthusiasm and selfless dedication.''

I offer my deepest condolences to Elizabeth's family, colleagues, and friends. My thoughts are with all of you. Established by her family since her untimely passing, the Elizabeth Ridgway Education Fund at the Library will help continue her legacy. The lives that she has touched, and the teachers and students who her work has empowered, will be a lasting tribute to her life and her love of education. She inspired many with her dedication and leadership, and I have every confidence that others will continue the work Elizabeth loved so much.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, in the closing days of the 111th Congress, a brief flurry of activity led to the confirmation of 19 long-pending judicial nominations. Regrettably, the stalemate that had prevented the Senate from confirming a single nomination between September 13 and December 16 resumed when Senate Republicans denied action on 19 other well-qualified, consensus judicial nominations reported by the Senate Judiciary Committee. Ultimately, these nominations were returned to the President, including 15 nominations that received unanimous or near unanimous support in the committee. I suspect that when the President renominates these qualified individuals, they will be confirmed with overwhelming bipartisan support. The only question will be why we were unable to take action on them sooner.

In his ''Year-End Report on the Federal Judiciary,'' Chief Justice Roberts rightly called attention to the problem facing many overburdened district and circuit courts across the country. The rise in judicial vacancies, which topped 110 in 2010, and an increasing number of judicial emergencies is of great concern to all Americans who seek justice from our courts.

Unfortunately, the unprecedented obstruction of judicial nominations seen in the last Congress, and the dramatic departure from the Senate's longstanding tradition of regularly considering consensus, noncontroversial nominations, marked a new chapter in what Chief Justice Roberts calls the ''persistent problem'' of filling judicial vacancies. A New York Times editorial from January 4, 2011, refers to Senate Republicans' ''refusal to give prompt consideration to noncontroversial nominees'' a ''terrible precedent.'' I agree, and I will ask that the Times' editorial be printed in the RECORD.

Nearly all of the mere 60 district and circuit court nominations the Senate was allowed to consider last year were confirmed with the overwhelming, bipartisan support of the Senate. Yet nearly a third of these nominations—19—were held up for more than 100 days, only to be confirmed unanimously. As the Times editorializes, ''apart from partisan gamesmanship, there was no reason that Republicans

held up these nominations for months only to unanimously approve nearly all of them in the waning days of the lame duck session.'' Among these nominations was that of Kimberly Mueller, nominated to fill a vacancy in the Eastern District of California. Chief Justice Roberts cited this confirmation as one of the most sorely needed. Yet for more than 7 months, the Senate was prevented from considering the nomination to fill this vacancy. Judge Mueller's nomination was unanimously reported by the Judiciary Committee in May; her nomination was unanimously confirmed on December 16. No Senator objected to her qualifications, her record, or her fitness to serve. This sort of delay is the real crisis facing the Federal judiciary.

Lifetime appointments to the Federal bench should not be granted without due consideration. No Senator, Democrat or Republican, should simply rubberstamp the nominations of any President. In the first Congress of the Bush administration, the Democratic majority worked to confirm 100 judicial nominations, turning the page on the Republicans' pocket-filibusters of the 1990s. We proceeded with regular consideration of noncontroversial, consensus nominations, most of which received unanimous support in the Senate. We confirmed 20 nominations during the lameduck session in 2002, including two controversial circuit court nominations which were favorably reported by the Senate Judiciary Committee in the lameduck session. Senate Republicans' decision in December to object to consideration of 19 judicial nominations favorably reported by the Judiciary Committee—including 15 nominations with overwhelming bipartisan support—has established a new low with regard to judicial nominations. They set back the progress we have tried to make in confirming judges.

I suspect that President Obama will renominate these qualified individuals. I hope to work with the Judiciary Committee's new ranking Republican, Senator GRASSLEY, to promptly consider and report these nominations to the full Senate. I hope that Senator GRASSLEY will work with me to ensure the timely confirmation of these and other noncontroversial, consensus nominations, which will help reduce vacancies and address the judicial crisis.

The American people turn to our courts for justice. Likewise, the Senate must return to the time-honored traditions of the Senate, and work together to secure the confirmation of the President's judicial nominations. Judicial vacancies hinder the Federal judiciary's ability to fulfill its constitutional role. Working together, we can restore the judicial confirmation process.

Mr. President, I ask unanimous consent to have printed in the RECORD the New York Times Article to which I referred.

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

[From the New York Times, Jan. 3, 2011]

THE MISSING JUDGES

The annual report on the federal judiciary by the chief justice of the United States is not a place you would normally go for political agitation. But that is just what Chief Justice John Roberts Jr. offered by using a portion of his year-end review to deplore the ''acute difficulties'' created for the justice system by the Senate's slowness in approving President Obama's nominees for federal judgeships.

Justice Roberts is right to be concerned that mounting federal court vacancies are creating crushing caseloads in some jurisdictions and hampering courts' ability to fulfill their vital role. Given his office, we understand why he did not point a partisan finger in his report. But he diluted his message a bit by suggesting that blame for this undermining of the judicial branch rests evenly with both parties. The main culprit is an unprecedented level of Republican obstructionism.

Democrats sought to block a handful of President George W. Bush's controversial nominees for circuit court seats, but were open about stating their objections, and promptly allowed up or down votes on other nominees once approved by the Judiciary Committee.

In the last Congress, Republicans typically refused to publicly explain their opposition to individual nominees and their prolonged blockade of candidates who had cleared the committee either unanimously or with just a couple of negative votes. Between Congress's return from its August recess and the start of the lame duck session, Senate Republicans consented to vote on just a single judicial nomination.

Before adjourning, Senate Republicans allowed action on 19 well-qualified nominees—some of whom had been left in limbo for nearly a year after clearing the Judiciary Committee. That was welcome progress. But apart from partisan gamesmanship, there was no reason that Republicans held up these nominations for months only to unanimously approve nearly all of them in the waning days of the lame duck session.

Partisan obstruction was also the only plausible reason that Republicans declined to allow confirmation of 15 other nominees who were considered noncontroversial and were cleared by the committee after the November election. Those nominations have been returned to the president, ensuring further delays in filling seats when those individuals are renominated and a newly reconstituted Judiciary Committee must hold new hearings.

Four other nominees approved by the committee by a party-line vote were also denied Senate consideration. That list includes Goodwin Liu, a well-qualified law professor and legal scholar whose main problem for Republicans, it seems, is his potential to fill a future Supreme Court vacancy.

The dismal net result, laments Senator Patrick Leahy, the Judiciary Committee chairman, is that the Senate confirmed just 60 district and circuit court judges—the smallest number of judges for the first two years of a presidency in more than three decades.

The Republicans' refusal to give prompt consideration to noncontroversial nominees sets a terrible precedent. It gives Democrats something to consider as they weigh possible rules changes in the Senate to curb the autopilot filibusters and secret holds that mindlessly delay essential business, like the confirmation of federal judicial nominees.

MEDICARE

Mr. GRASSLEY. Mr. President, as we begin the 112th Congress I want to discuss one of my continuing concerns with the Medicare Program. For the last 10 years, I have served most recently as ranking member and previously as the chairman of the Senate Committee on Finance, which has jurisdiction over Medicare. During this time I have led efforts to reform the Medicare payment system and realign incentives in Medicare to promote higher quality and more efficient care. Today, I would like to address one of the flaws in the Medicare payment system: the inaccuracy of the Medicare geographic adjustment factors used for physician practice expense and the adverse impact they have on rural Medicare beneficiaries' access to care. This flaw has for many years resulted in unfairly low payments to high quality areas like my own home State of Iowa and many other rural States.

Medicare payment varies from one area to another based on the geographic adjustments known as the geographic practice cost indices or GPCIs. These geographic adjustments are intended to equalize physician payment by reflecting differences in physician's practice costs. But they do not accurately represent those costs in Iowa or other rural States. They have failed to do the job. They penalize rather than equalize Medicare reimbursement in rural States and discourage physicians from practicing in areas like New Mexico, Arkansas, Missouri, and Iowa because of their unfairly low Medicare rates. Iowa is widely recognized as providing some of the highest quality care in the country yet Iowa physicians receive some of the lowest Medicare reimbursement in the country due to these inequitable geographic disparities.

I introduced legislation to correct these unwarranted geographic payment disparities in the 110th Congress, the Medicare Physician Payment Equity Act of 2008. In the 111th Congress, I introduced the Medicare Rural Health Access Improvement Act of 2009. And when the Senate Finance Committee conducted its markup of health reform legislation in the fall of 2009, I offered an amendment to reform the practice expense geographic adjustment, PE GPCI, that has caused unduly low payments in rural areas due to the inaccurate data and methodology that is used. My amendment provided more equity and accuracy in calculating this adjustment, and it provided a national solution to the problem. It was accepted unanimously by the Senate Finance Committee, and it was included in the Senate health reform bill, the Patient Protection and Affordable Care Act, PPACA, that was enacted last year.

The goal of my amendment was to assure that the statutory mandate of the Social Security Act is met and that the most recent and relevant data is used for these geographic adjusters. The language of section 3102(b) is very