



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158

WASHINGTON, THURSDAY, FEBRUARY 16, 2012

No. 26

Senate

The Senate met at 10 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by the Reverend Dr. Costa G. Christo, senior pastor of the St. George Greek Orthodox Cathedral in Philadelphia, PA.

The guest Chaplain offered the following prayer:

Let us bow our heads in prayer.

Be mindful of and protect, O Lord, these United States of America, our civil authorities, our Armed Forces by land, sea, and air, and all who reside and find shelter and refuge in this country from sea to shining sea, because "blessed is that Nation whose God is the Lord."

During these times of economic instability at home and across the globe, give us hope, restore order to our inner chaos, and strengthen our faith, because You are the God of all possibilities, sound judgment, stability, new beginnings, moderation, prudence, justice, and everlasting love, mercy, peace, and compassion. Enable our Nation—the land of the free and the home of the brave, one nation under God, indivisible, with liberty and justice for all—to be the example par excellence for all civilizations under the heavens.

Furthermore, let our esteemed Senators be Your instruments to bless our Nation and the entire world; for to You belong the kingdom, the power, and the glory, forevermore. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 16, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Following leader remarks, the Senate will be in a period of morning business for 1 hour. The majority will control the first half, the Republicans the second half. Following morning business, the Senate will resume consideration of the surface transportation bill.

Mr. President, we are doing our utmost to work through the matters we still have to do in the Senate. We have pending now a cloture motion on the surface transportation bill. That time will ripen tomorrow morning an hour after we come in. Following that, there is a vote on a person from New York who desires to be a Federal judge.

We will notify all Members when the conference report is scheduled in the House, and we will do it over here as

quickly as we can. We are going to see if things can be expedited, but it appears that we will be in at least for tomorrow. I hope we don't have to be in longer than that, but it all depends on when the House completes the work on the conference report. That is not scheduled yet.

MEASURE PLACED ON THE CALENDAR—S. 2111

Mr. REID. Mr. President, there is a bill at the desk due for a second reading. It is S. 2111.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 2111) to enhance punishment for identity theft and other violations of data privacy and security.

Mr. REID. I object to any further proceedings with respect to this bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

Mr. REID. I ask the Chair to announce the business of the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

Mr. REID. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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The legislative clerk proceeded to call the roll.

Mr. WICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RUSSIAN HUMAN RIGHTS

Mr. WICKER. Mr. President, I expect to be joined in a moment by my colleague and good friend, Senator CARDIN, and he and I and perhaps others will be talking about the deteriorating situation in Russia with regard to human rights and the rule of law.

I came to the floor in November to speak about the deteriorating situation. I spoke about the wrongful imprisonment and tragic death of Russian lawyer Sergei Magnitsky.

Mr. President, let me state that at this point I will be happy to yield to my colleague from Maryland to actually kick off this discussion. I think that was the agreed-upon order, and staff believed I would have a few moments. But I would be glad to defer to my friend.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Mr. President, I ask unanimous consent that there be 30 minutes available for a colloquy controlled by Senator WICKER and myself.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARDIN. I thank the Chair, and I thank Senator WICKER for starting us off on the discussion of what is happening in Russia today.

I rise today, along with some of my colleagues, to bring attention to the growing issue of human rights violations in Russia, typified by the case of Sergei Magnitsky. Just last week, as part of a bilateral Presidential commission, Attorney General Holder met with the the Russian Minister of Justice to discuss the rule of law issues. That same week, Russian officials moved in their criminal prosecution of Sergei Magnitsky. Mr. President, I remind you that Mr. Magnitsky has been dead for more than 2 years.

Last May I joined with Senator MCCAIN, Senator WICKER, and 11 other Senators from both parties to introduce the Sergei Magnitsky Rule of Law Accountability Act. We now have nearly 30 cosponsors, and I urge more to join us and look at ways to move forward on helping halt abuses like this in the future.

After exposing the largest known tax fraud in Russian history, Sergei Magnitsky, a Russian tax lawyer, working for an American firm in Moscow, was falsely arrested for crimes he did not commit and tortured in prison. Six months later, he became seriously ill and was consistently denied medical attention, despite 20 formal requests. Then, on the night of November 16, 2009, he went into critical condition.

But instead of being treated in a hospital, he was put in an isolation cell, chained to a bed, beaten by eight prison guards with rubber batons for 1 hour and 18 minutes until he was dead. Sergei Magnitsky was 37 years old and left behind a wife, two children, and a dependent mother.

While the facts surrounding his arrest, detention, and death have been independently verified and accepted at the highest levels of Russian Government, those implicated in his death and the corruption he exposed remain unpunished, in positions of authority, and some have even been decorated and promoted. Following Magnitsky's death, they have continued to target others, including American business interests in Moscow.

These officials have been credibly linked to similar crimes and have ties to the Russian mafia, international arms trafficking, and even drug cartels. The money they stole from the Russian budget was laundered through a network of banks, including two in the United States. Calls for an investigation have fallen on deaf ears.

In an Orwellian turn of events, the law enforcement officers accused by Magnitsky and those complicit in his murder are moving to try him for the very tax crimes they committed. Think of the irony. He exposed corruption in Russia. As a result, he was arrested, imprisoned, tortured, and killed. Now those who perpetrated the crime on him are charging him, after his death, with the crimes they committed.

We cannot be silent. One of the most articulate voices in the Senate on this issue has been Senator WICKER, who is the leading Republican on the Helsinki Commission, and I applaud him for his efforts not only in bringing the Magnitsky abuse to public attention and what is happening in Russia, but in many other areas where human rights violations have occurred.

I will be glad to allow my colleague some time on this issue, Mr. President.

Mr. WICKER. I thank my colleague from Maryland. And yes, indeed, there are other cases of human rights violations, not the least of which I have highlighted time and again on this Senate floor—being the cases of Mikhail Khodorkovsky and Platon Lebedev. Each is an appalling story such as the one Senator CARDIN pointed out with regard to Mr. Magnitsky, a story about the corruption within the Russian Government itself. My colleagues and I will continue to speak out about these cases in the hope that attention will inspire change.

I look forward to the day when the focus of a floor statement can be about the progress we have made with Russia. This is something to which my colleague and I dearly look forward. We look forward to the day when Russia begins to uphold democracy, human rights, and the rule of law.

Unfortunately, today is not the day. In recent months, an overwhelming number of headlines out of Russia

focus on the Russian spring. Opposition groups, citizens, and, in many cases, the mainstream media have reacted to moves by the Russian regime they view as no longer acceptable.

On September 24 of last year, President Medvedev struck a deal that would clear the way for his predecessor, Vladimir Putin, to run next month for a third Presidential term. As the Wall Street Journal noted in an opinion piece last December:

Even the most thick-skinned citizens saw that turning the Presidency into the object of a private swap made a mockery of the Constitution.

Russia's fraudulent parliamentary elections in December further deepened the political crisis and affirmed the erosion of democracy. Secretary Clinton—our Secretary of State—called them neither free nor fair. So this is a bipartisan denunciation of the process.

Observers have claimed that 12 to 15 percent of the votes were falsified in favor of the United Russia Party. According to most analysts, improvement is not expected in the upcoming Presidential election this March.

But these corrupt actions have not been ignored. On December 10, more than 60,000 Russians took to the streets of Moscow in protest. Similarly, on February 4, some 120,000 citizens from across the political spectrum braved below-zero weather during a prodemocracy march in central Moscow. Their demands were clear: Release political prisoners such as Khodorkovsky and Lebedev. Allow opposition parties to register. Hold free and fair elections. And pledge not to give a single vote to Putin on March 4. Similar rallies were held in small towns across Russia.

We can be glad for the call for reform and we are glad it is growing louder. According to a February poll by Russia's independent Levada Center, 43 percent of Russians now support prodemocracy protests. Additional protests are already scheduled for later this month.

Specifically let me once again underscore the horrific facts about Sergei Magnitsky, because they need to be heard, and perhaps some of our colleagues were not listening the first time.

In the midst of this public outcry and demand for democratic process, the news out of Russia with regard to Mr. Magnitsky is almost unbelievable. Last week, it was revealed that the police in Russia plan to retry the tax evasion case of the late Sergei Magnitsky. As many of my colleagues are aware, Mr. Magnitsky is already dead. He died in Russian detention more than 2 years ago. He was a lawyer and a partner in an American-owned law firm based in Moscow. He was married, with two children, as my friend has said. His clients included the Hermitage Fund, which is the largest foreign portfolio investor in Russia.

Through his investigative work on behalf of Hermitage, Mr. Magnitsky