

and consummate public servant, thoroughly understanding that the very essence of good governance was problem-solving and that as an elected official he was entrusted with a responsibility to work across the aisle to accomplish the business of the Nation.

In fact, all one has to do is look to his signature piece of legislation, the Gramm-Rudman-Hollings Balanced Budget Act, to witness that fact. This bipartisan piece of legislation brought under control the Nation's ballooning deficits and directly contributed to the economic prosperity and growth that is so fondly associated with the 1990s. In that light, we can look to Warren with grateful eyes because in bringing to bear his credibility, his intellect, and his experience, he pursued a course that was not necessarily expedient but that was ultimately right. A longtime fiscal visionary, he was a leader whose voice we should heed today.

But that spirit of integrity, decency, and honor was a mainstay of Warren's character, and those principles were ingrained into the unwavering set of beliefs which remained with him throughout his lifetime. They guided him during the Keating 5 investigation, informed him during the Iran-Contra deliberations, and inspired him in seeing through the Supreme Court nomination of his good friend from New Hampshire and exceptional jurist, Supreme Court Justice David Souter. Indeed, they were the ever-present and indispensable tenets that both firmly grounded him in his Granite State roots while also spurring him to the legislative heights that became the capstones of his landmark tenure in public service.

That is why I will forever admire Warren's passionate, unvarnished, and classic straightforward approach, which helped build consensus throughout his time in the U.S. Senate and which served the country so well. While I missed serving with him in the Senate by 1 year, I had the privilege of working with him on bicameral basis as a Member of the U.S. House of Representatives, and during that time and through those experiences, my husband Jock and I were fortunate enough to become friends with Warren. In fact, he had a tremendous affection for Maine, owning a home on beautiful Bailey Island and while we know his heart forever belongs to New Hampshire, we are still proud to consider him an honorary Mainer.

Undoubtedly, though, Warren was a man ahead of his time. From championing the watershed legislation which reduced our deficit, to helping found the bipartisan Concord Coalition, which offers serious solutions for our Nation's significant fiscal challenges, Warren's is a legacy that Jock and I are proud to carry forward by serving on the board of advisors at University of New Hampshire's Warren B. Rudman Center for Justice, Leadership, and Public Policy. And as students across the country continue to learn about

Senator Rudman, we take great pride in knowing that history will remember him as a statesman of the highest caliber who served America and his beloved New Hampshire with unsurpassed distinction.

PROTECT OUR KIDS ACT OF 2012

Mr. KERRY. Mr. President, each year more than 6 million children in the United States are reported as victims of child abuse and neglect. Tragically, more than 1,500 of those children lose their lives most under the age of four. Many of these deaths are preventable and we must fight for those who are too young to defend and speak for themselves.

The United States currently does not have a comprehensive strategy to address child abuse fatalities, or a national standard for classification and reporting of those deaths. This leaves many child abuse fatalities to be underreported, which becomes an additional hindrance in addressing the root causes.

I am pleased to work with Senate Finance Committee Chairman BAUCUS, Senator COLLINS, and a number of advocacy and child welfare experts to introduce the Protect Our Kids Act of 2012. This legislation will establish the Commission to Eliminate Child Abuse and Neglect Fatalities.

The commission will be comprised of a variety of professionals with diverse experience and perspectives. They will be charged with developing a national strategy for reducing child abuse and neglect fatalities, and provide comprehensive recommendations for all levels of government. It will analyze the effectiveness of existing programs designed to prevent or identify maltreatment deaths and learn more about what works and what doesn't. Child abuse fatalities are a national crisis that requires a collective solution. Once the commission completes their work any relevant agency will report to Congress regarding their response to the commission recommendations.

The loss of just one child to abuse is one child too many. I appreciate the work of a number of organizations that have been integral to the development of the legislation and have endorsed it, including the National Coalition to End Child Abuse Deaths, whose members include the National Association of Social Workers, NASW; the National Center for the Review and Prevention of Child Deaths, NCRPCD, National Children's Alliance, NCA; Every Child Matters Education Fund, ECMEF; and the National District Attorney's Association (NDAA).

I look forward to our continued progress in developing a more effective approach to improving child welfare. I thank Chairman BAUCUS and Senator COLLINS for their leadership on this important issue and I ask all of my colleagues to support this important bipartisan legislation.

COAST GUARD AND MARITIME TRANSPORTATION ACT

Mr. VITTER. Mr. President, I rise in support of H.R. 2838, Coast Guard and Maritime Transportation Act of 2012, which we sent to the President late last week. This important bill provides authorization for all of the programs and missions of the United States Coast Guard, along with provisions important to the maritime industry.

One important provision in the bill addresses the tonnage situation of the vessel *Aqueos Acadian*. The system of tonnage measurement, though arcane and complicated, is vital to the operation and economics of any vessel. In the case of the *Aqueos Acadian*, its original configuration in 1973 was certified in Coast Guard documentation to be 274 gross registered tons, GRT, which is the official domestic tonnage measurement. Later, the vessel had an addition of a closed-in shelter deck, which increased its domestic tonnage, as well as its international tonnage, which is measured differently than domestic tonnage under the International Tonnage Convention, ITC, rules. Later still, the modifications that increased the tonnage measurements were removed, and the vessel's official documents were issued by the Coast Guard and ABS to reflect that its GRT had been reduced to 275, almost exactly the original tonnage.

Vessels with greater than 300 GRT have safety and manning requirements much more complicated than vessels at or below 300 GRT. At the time of the certification of the down-sizing modifications, the ITC tonnage was not reduced because the Coast Guard's ability to reduce international tonnage administratively is either extremely arcane or non-existent—even if the vessel's tonnage has in fact been reduced.

When *Aqueos Corporation* in Louisiana purchased the vessel, its official documents reflected that the GRT had been reduced to below 300 GRT. Relying on those Coast Guard and ABS issued documents, the company sought Coast Guard administrative help to reduce the international tonnage commensurate with the GRT. The Coast Guard bill includes language that allows the company to keep operating the vessel under its current documentation and allows time to complete the tonnage-reducing modifications that were not done by the previous owners of the vessel but that the Coast Guard has said must be done. Unfortunately, the ITC tonnage reduction remains incomplete. The provision does not restore the vessel's ITC tonnage to that of the GRT. This second step would afford to the vessel the same result that other vessels in the *Aqueos Acadian's* class have, through a previous legislative grandfather provision, that allows those vessels' GRT and ITC tonnage to be the same. This second step would not give the vessel a competitive advantage relative to other vessels in the *Acadian's* class; rather, without it the company is at a competitive disadvantage with those other

vessels. As time goes by, the vessel is losing out on potentially millions of dollars of domestic and international work.

It is not yet clear whether such an administrative solution can be achieved. I understand the concern addressed by the ITC about vessels having substantially changed size, and I agree that a larger vessel should be regulated at a larger tonnage. Unfortunately, the way that the ITC addresses this situation is to forever assign a vessel a higher tonnage even if tonnage has been actually reduced. This vessel should be recognized to its lower tonnage and should not be forced into a regime that does not recognize its circumstance. I believe we should seek additional legislative language that would correct the international tonnage problem, but in the interim I look forward to continuing to work with the Coast Guard and encourage the agency to develop an administrative solution to this situation.

PASSAGE OF THE RUSSIA AND MOLDOVA JACKSON-VANIK REPEAL ACT

Mr. RISCH. Mr. President, I rise today to recognize Congress for passing an important piece of legislation—the Sergei Magnitsky Rule of Law and Accountability Act incorporated into the Russia and Moldova Jackson-Vanik Repeal Act of 2012. As a member of the Foreign Relations Committee, I must note it is one of the most important pieces of foreign policy legislation dealing with human rights we have taken up in recent years. In particular, I want to commend my colleague, Senator CARDIN, for his work on the Magnitsky Act. Bringing Russia into the World Trade Organization, WTO, is a good thing. The WTO is a rules-based organization that will create a level playing field for U.S. companies that want to export their products to Russia.

As committed as we are to strengthening trade links between the United States and Russia, we must be even more dedicated to promoting the rule of law and protecting the brave Russian individuals and organizations fighting for democracy and human rights. This is why the Magnitsky Act is so important. In the year following Mr. Putin's return to the Presidency, he has built on his repressive record by instituting laws that crack down on freedom of expression, assembly, and association. A new law makes it easier for the state to accuse a person of treason and members of a female rock band have been jailed for criticizing Mr. Putin. These measures are designed to strike back at a rapidly increasing segment of Russian society demanding an end to corruption, oppression, and calling for genuine democratic governance, human rights, and the rule of law.

The Sergei Magnitsky Rule of Law and Accountability Act is named after a man who witnessed the deep-seated

rot that is a major part of Russia's governance today and decided to expose it to the public. For those who might be unfamiliar with the case, Mr. Magnitsky was an accountant with Hermitage Capitol Management, which had publicly disclosed several instances of alleged Russian Government and corporate corruption related to state-run industries. The company's founder, Bill Browder, was expelled from Russia by government bureaucrats who viewed him as a threat. In 2007, Russian authorities raided Hermitage's offices and subsequently accused the firm of tax evasion and owing hundreds of millions of dollars in back taxes. Mr. Magnitsky investigated these charges and discovered that it was the police who had provided seized tax records to Russian criminal elements who then falsified documents and received a \$230 million rebate from the Russian treasury—the largest in Russian history.

What is shocking is that when Mr. Magnitsky went to the Russian Government with the evidence he uncovered in 2008, he was the one arrested and jailed. He was held 11 months without trial, became sick, and was denied medical treatment and visits by his family. Mr. Magnitsky was held in horrible conditions. According to his diary, Russian authorities reputedly pressured him to recant his accusations and instead accuse Hermitage of financial crimes. On November 16, 2009, Mr. Magnitsky died in Russian custody. According to the head of the Moscow Helsinki Group, Ludmila Alekseeva, Magnitsky had died from beatings and torture carried out by several officers of Russia's Ministry of Interior. Some people also point to the deliberate denial of medical care for his illnesses as a contributing factor to his death. In standing up for truth, justice, and the rule of law, Mr. Magnitsky gave the Russian people his life. To date, not one senior government official has been held responsible for his death. Instead, in a gesture of mockery, last February the Russian police resubmitted a criminal case against Mr. Magnitsky, making him the first Russian citizen to be tried after his death.

The Magnitsky Act takes a measured and targeted approach to identifying and dealing with those who are responsible for egregious human rights and antidemocratic activities throughout Russia. This bill allows the Secretary of State to identify and compile a list of people responsible for the death of Magnitsky, engaged in its coverup, or having financially benefited from his death. The bill offers significant sanctions on those identified by the State Department. They are to be denied visas to the United States, have any assets in U.S. jurisdiction frozen, and prevented from using the U.S. banking system.

For the record, as a cosponsor of this bill, I want to be absolutely crystal clear on one particular point. While the

death of Mr. Magnitsky is tragic, this bill is not reserved just for those complicit in his death. This legislation not only applies to those involved in the death of Mr. Magnitsky, but it also applies to those involved in, as the bill states, “extrajudicial killings, torture, or other gross violations of human rights committed against individuals seeking to expose illegal activity carried out by officials of the Government of the Russian Federation; or to obtain, exercise, defend, or promote internationally recognized human rights and freedoms, such as the freedoms of religion, expression, association, and assembly and the rights to a fair trial and democratic elections, anywhere in the world.” Further, anyone assisting those involved in the abuses described in the legislation can, and should, be targeted.

During Senate debate my colleagues, Senator MCCAIN and Senator WICKER, spoke eloquently about the ability to hold human rights abusers accountable and in particular cited the cases of Mikhail Khodorkovsky and Planton Lebedev—other recognized political prisoners. To quote my friend from Arizona discussing the situation in Russia today:

This culture of impunity in Russia has been growing worse and worse over many years. It has been deepened by the increased surveillance and harassment of members of opposition and civil society groups . . . by the continued violent attacks on brave journalists who dare to publish the truth about official corruption and other state crimes in Russia today . . . and of course, by the continued detention of numerous political prisoners, not least Mikhail Khodorkovsky and his associate Planton Lebedev, who remain locked away but not forgotten.

The cases of Mr. Khodorkovsky and Mr. Lebedev, both jailed because of Mr. Putin's sanctioned theft and destruction of the oil company, Yukos Oil, headed by Mr. Khodorkovsky, falls squarely within the parameters of this legislation.

Mr. Khodorkovsky, a businessman, was falsely accused of tax evasion and jailed in 2003 after engaging in politics and forcing a discussion of corruption in Russia. His close friend and business partner, Planton Lebedev, was also jailed as part of the theft of Yukos Oil. Both are widely considered political prisoners—in 2011 Amnesty International declared them political prisoners—and there have been numerous House and Senate resolutions that have highlighted Mr. Khodorkovsky's and Mr. Lebedev's cases.

But they are not the only ones. Mr. Khodorkovsky and Mr. Lebedev remain jailed but at least are still alive. One of the most horrific stories in the entire Yukos affair is the case of Vasily Alexanyan. While the Kremlin's dismantling of Yukos was well underway after Mr. Khodorkovsky's arrest in 2003, Mr. Alexanyan, a Harvard Law School graduate and former Yukos general counsel, stepped up in March 2006 to assume the position of executive vice president of Yukos. At the time