

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

the company was being forced through a state-orchestrated bankruptcy process. Alexanyan's attempts to protect the company's rights in this process ran up against the hostility of government authorities. Mr. Alexanyan was jailed on April 6, 2006. He was held in horrible conditions during his pretrial detention in a freezing cell and subjected to torture. The authorities knew he had HIV and a compromised immune system. They attempted to make him give testimony against Mr. Khodorkovsky and Mr. Lebedev and others at Yukos in exchange for better treatment and medicine. He refused. The European Court of Human Rights repeatedly issued interim measures to the Russian authorities requesting medical care be provided to Alexanyan. The authorities did not comply, leaving Alexanyan without antiretroviral treatment for almost 2 years. Because of this state-sponsored torture, he died when he was just 39 years old.

More than 50 criminal cases against Yukos executives, employees, and others associated with Khodorkovsky or Yukos have been filed by Russian authorities. The strategy of Russian investigators has involved investigating or prosecuting business partners, juniors, or even bystanders to obtain statements or court rulings that would produce "evidence" and establish the "facts" they needed for their trumped up charges against Mr. Khodorkovsky and others connected with Yukos.

There is no question the continuing incarceration of Mr. Khodorkovsky and Mr. Lebedev is a human rights abuse. The European Court for Human Rights ruled that violations of Mr. Khodorkovsky's fundamental human rights did occur in connection with his arrest and detention between 2003 and 2005—including degrading prison conditions, inhuman and degrading conditions in the courtroom throughout his first trial, detention unjustified by compelling reasons outweighing the presumption of liberty, and unfair hearings reviewing his detention. The court has raised similar concerns with Mr. Lebedev.

Other cases are also clear cut, such as Anna Politkovskaya, the renowned journalist and Kremlin critic, who was shot dead while entering her apartment building on October 7, 2006. Ms. Politkovskaya rose to prominence for her in-depth coverage of the war in Chechnya, exposing incidents of state-sponsored torture, mass executions, kidnappings, and war crimes. Four individuals initially accused of killing Ms. Politkovskaya were found not guilty, and no light has been shed on the true architect of her murder. Her case would be captured by this legislation if those responsible can be identified.

Let's not forget that we are demanding Russia abide by the international agreements that it has ratified and live up to the expectations of the organizations it has joined. The Russian Federation is a member of the United Na-

tions, the Organization for Security and Co-operation in Europe, and the Council of Europe. It is also a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights, the UN Convention against Corruption, and the European Convention on Human Rights.

This legislation is narrowly targeted to hold accountable specific persons for the most heinous of crimes and represents a core U.S. foreign policy value. It is also consistent with targeted sanctions the United States has imposed on other countries with major human rights concerns.

This also strengthens the President's National Security Strategy announced last May, PSD-10, by "closing gaps" in our legal system so our country does not inadvertently become a haven for human rights violators. He enumerated grounds for denying admission to the United States, and this legislation complements his initiative by providing a statutory, legal guidelines for the administration.

This bill enjoys enormous bipartisan and bicameral support with a 365 to 43 vote in the House of Representatives and 92 votes in the Senate. In short, there is consensus for this bill and an understanding of the types of cases that fall within the Magnitsky Act's parameters. In Russia, the Magnitsky Act will serve as a deterrent to those engaged in oppression and provide a shield to millions of Russian activists determined to secure greater human rights and establish the rule of law. This bill gives hope to Russian civil society and to echo my friend from Arizona's eloquent comment to Mr. Khodorkovsky and Mr. Lebedev that "they are not forgotten." Those in Russia who are oppressed, intimidated, or suffering because they are seeking democracy, truth and justice should know they are not forgotten and your spirit and determination inspire us.

The fact that certain Russian Government officials have lashed out against this law speaks to the powerful tool it can be in support of democracy and human rights in Russia. It is not enough to pass this law—the United States must now publically hold those accountable for persecuting Mr. Khodorkovsky, Mr. Lebedev, and so many others in Russia. I look forward to working with my colleagues and the administration to do so.

#### IMPROPER PAYMENTS ELIMINATION AND RECOVERY IMPROVEMENT ACT

Mr. CARPER. Mr. President, this week, the Senate passed the Improper Payments Elimination and Recovery Improvement Act of 2012. The IPERA Improvement Act or H.R. 4053. Earlier this month, the House passed the same legislation, which builds on the Improper Payments Elimination and Recovery Act of 2010 (IPERA) by taking

additional steps to identify and prevent improper payments by Federal agencies. I look forward to seeing the President sign into law this important, bipartisan legislation.

The Improper Payments Elimination and Recovery Improvement Act of 2012 goes beyond IPERA's goals for curbing agencies' improper payments with three main concepts, including provisions that: expand requirements and strengthen estimates for agencies' improper payments; mandate the establishment of a government-wide "Do Not Pay" program; and prevent payments to deceased individuals. As my colleagues know, improper payments are payments made in error, such as payments made to the wrong person or in the wrong amount. These kinds of preventable mistake unfortunately result in billions of lost taxpayer dollars every year.

Although we have made great strides in curbing improper payments in the past year, we still have a ways to go to improve transparency and make agencies and agency leadership more accountable for better protecting the taxpayer dollars we entrust to them. At a time of record deficits, we need to be getting the most out of every dollar and cannot afford to waste more than a hundred billion annually. I will continue to work with my colleagues in Congress and the Administration to see that these measures are enacted, and properly and efficiently implemented.

The bipartisan legislation requires several important steps to curb Federal Government waste and fraud.

First, the bill requires agencies to strengthen the estimation of improper payments. The legislation requires improved and more consistent reporting of improper payment estimates by Federal agencies, based on recommendations from the Department of Defense inspector general and the Government Accountability Office. The legislation, for example, would prevent agencies from relying only on voluntary disclosure of improper payments by contractors, as well as require agencies to produce documentation to prove a payment was correct.

Second, the bill mandates the establishment of a government wide "Do Not Pay" program. Too often, Federal agencies make improper payments to individuals that could easily be identified as ineligible if payments were more routinely screened against Federal databases. Unfortunately, Federal agencies are not doing this basic eligibility screening before payments are made. Through the initiative, before an agency could award a contract or grant, the agency would have to cross check against the "Do Not Pay" database, which will include a central comprehensive database of individuals, contractors, and others who may be ineligible to receive Federal funds, such as companies that are no longer allowed to do work with the Federal Government because of a fraud conviction or similar reason.