ways to cut spending and there is never any revenue. The President has made it very, very clear. They have already passed the President's proposal, which is to make sure people making less than $250,000 a year are not burdened with an extra $2,200 each after the first of the year. That passed in July. The House could take that up. Every Democrat in the House has agreed they will vote for that. We need only 25 or 26 Republicans in the House to make life something that is stable for people making less than $250,000 a year.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, may I ask my friend from Maryland if he has spoken on the Magnitsky portion of this bill?

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. We have not yet gotten to the bill. I believe we are now prepared to go to H.R. 6156. I know the Senator from Connecticut would like to speak for 5 minutes, and I was hoping we could get some time where we could go back and forth and talk about the Magnitsky aspects of that legislation now.

Am I correct, Mr. President, that the bill has not yet been reported or it will be reported now and that perhaps we can enter into a consent agreement as to the next 30 or 40 minutes?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RUSSIA AND MOLDOVA JACKSON-VANIK REPEAL AND SERGEI MAGNITSKY RULE OF LAW ACCOUNTABILITY ACT OF 2012

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consideration of H.R. 6156, which the clerk will report by title.

The assistant bill clerk read as follows:

A bill (H.R. 6156) to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and for other purposes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I also note several of our friends, including Senator LIEBERMAN, who are on the floor. Senator LIEBERMAN also has had a major role in this legislation, and I would ask unanimous consent that he be included in the colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask my friend, Senator CARDIN, I had a statement I wanted to make before the colloquy and I know the Senator has a statement. Since it is his legislation, I would be glad to wait with my remarks until the Senator from Maryland completes his. And how much time, could I ask, of my colleague?

Mr. CARDIN. I think my initial comments would be about 10 minutes.

Mr. MCCAIN. And I would have about 10 minutes, if that is agreeable to my friend from Connecticut—who, obviously, is jobless and homeless. So I ask unanimous consent that the Senator from Maryland make his remarks, followed by mine, and then the Senator from Connecticut.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maryland.

Mr. CARDIN. Mr. President, first, let me thank Senator MCCAIN for not just working this out but for his leadership on this issue. He has provided the moral leadership we need on dealing with human rights issues. He is a cosponsor of the Sergei Magnitsky Accountability Act, and I thank him for that.

Today we close a chapter in the U.S. history on the advancing of human rights with the repeal basically of Jackson-Vanik. It served its purpose. Today, we open a new chapter in U.S. leadership for human rights with the Sergei Magnitsky Rule of Law Accountability Act.

As the Presiding Officer has heard, this involves a lawyer named Sergei Magnitsky who had U.S. interests that he was representing in Russia. He discovered the largest tax fraud in Russia's history. He did what a lawyer should do: He brought it to the attention of the authorities.

As a result of his bringing this corruption in local government to the authorities, he was arrested. He was tortured because they wanted him to recant what he had said. They wanted him to basically not tell the truth. He refused to do that. He needed medical attention; he was denied medical attention; and on November 16, 2009, he lost his life in a Russian prison, being denied the opportunity to get needed health care. He was 37 years old, with a wife and two children. Those who were responsible for his death and those who were responsible for the coverup have never been brought to justice. They have gone unpunished, and in some cases they have even been promoted.

The facts are well known. These are not hidden facts. The international community knows the people who were involved, knows about the coverup, and knows that they have not been held accountable, and this has gained international attention. That is why I filed legislation aimed at the individuals responsible for the Magnitsky tragedy. It says, quite clearly, that those involved would be held accountable by being denied certain international rights.

It also includes those involved in extrajudicial killings, torture, or violations of internationally recognized human rights. The legislation says, Look, we are not going to let you have the fruits of your corruption. We are going to deny you the opportunity to hold your illegal gains in our banking system—which is where they prefer; they don't want to hold rubles, they want to hold dollars—and that we will not let you have a visa, a privilege, to visit our country, to visit your property in our country or your family in this country. It targets the individuals who committed the gross human rights violation, and it recognizes the failure of the host country to deal with those violations.

I want to thank all those who have been involved in the development of this legislation. Senator MCCAIN has been one of the great leaders on these human rights issues. This is not a partisan division. We have strong bipartisan support. I have already acknowledged Senator KYL, who recently spoke. I know Senator WICKER took the floor a little earlier and I thank him, the ranking member on the Helsinki Commission. I want to thank Senator SHAHEEN, the chair of the European Subcommittee of the Senate Foreign Relations Committee for her work, and Senator BOB MENENDEZ on the Foreign Relations Committee. All those individuals were very instrumental in dealing with this. Senator DURBIN has been a real champion on human rights. I want to acknowledge Kyle Parker, staff person from the Helsinki Commission, who was very instrumental in the development of this legislation. I want to also acknowledge Senator LIEBERMAN's work. I know he will be speaking in a few minutes.

It was Senator LIEBERMAN, Senator MCCAIN, and myself who first suggested that we should pass the Magnitsky bill. It is the right thing to do, but we certainly shouldn't let PNTR go without attaching the Magnitsky bill. I thank Senator LIEBERMAN and Senator MCCAIN for raising that connection. It was the right thing to do. First, it allowed us to get this human rights tool enacted. Secondly, I think it gave us the best chance to get the PNTR bill done in the right form. So I thank both of them for their leadership.

In 1974, we passed the Jackson-Vanik law that dealt with the failure of the Soviet Union to allow for the emigration of its citizens, affecting mainly Soviet Jews. It was controversial in its time. People said, Why are we connecting human rights to trade? Why is the United States doing that? After all, trade is so important.

Well, we did it. It made a huge difference, and we were able to get Soviet Jews out of the Soviet Union. We spoke for Western values in our trade legislation. We protected the rights of individuals who refused this.

When I first came to Congress 26 years ago, I joined the congressional caucus for Soviet Jewry. I wore the wrist bands of refuseniks, joined by many of our colleagues. Twenty-five years ago, I marched in Washington, a march for Soviet Jews. We stood for basic rights, and we changed the landscape on this issue. I had a chance to

be with Natan Sharansky and celebrate what he meant to people who loved freedom around the world. We initiated that with Jackson-Vanik. It was a proud chapter in American history.

Today we end that chapter, because Jackson-Vanik is no longer relevant to the human rights challenges of our time. But with the passage of the Sergei Magnitsky Accountability Act, we meet the challenges of our time. We meet those individuals who are committing gross human rights violations. This act is a global standard for the advancement of human rights.

Unfortunately, the Magnitsky tragedy is not unique within Russia. We know of other circumstances within the country. We saw the results of last year's elections and the attitude of government toward journalists. We need the protection of the Magnitsky standards for human rights violations within Russia.

But it doesn't end with Russia. Human rights violations are global, and we should have these tools available globally. We need to prevent Russia and other countries from regressing on their commitments to human rights.

I must tell you, when you take a look at the legislation that came out of our two committees, S. 1039, coming out of the Senate Foreign Relations Committee and coming out of the Senate Finance Committee—I serve on both of those committees—it says very clearly that the law would apply to those responsible for extrajudicial killings, torture, or other gross violations of internationally recognized human rights committed against individuals seeking to obtain, exercise, defend, or promote internationally recognized human rights and freedoms, such as the freedom of religion, expression, association, assembly, and the rights to a fair trial and democratic elections anywhere in the world. That was the legislation we reported in two of our committees. And I might tell you, there was overwhelming support that we should make it global. Senator KYL talked about that, and I am sure others will also.

In H.R. 6156, you will see the exact language we have in our Magnitsky bill with one exception: ''Anywhere in the world'' is changed to ''Russia.'' I am disappointed in that, and I join with Senator KYL in that disappointment. I think it would have been much better if we would have incorporated the international standards and global provisions.

I think it is very important Congress pass this bill. I strongly support it. I support the effort to get this to the President as quickly as possible. But there is a clear message here: This bill is our standard. We will be holding countries to this standard. We will look for other opportunities to attach these provisions to other trade bills. We will look for other opportunities to reinstitute the global application of the Magnitsky standards. It is the right thing. The world is on notice. Other countries are following our leadership. We expect other countries will be acting with similar standards.

I might point out, as I did over 2 years ago, there is existing authority within the State Department to deny visas to human rights violators. I think we should make that very clear and we should enact a law that makes it clear. We have to pass the Magnitsky law as relates to Russia. But there is authority, and we expect the administration will follow that authority.

I am hopeful people understand that although the language of the law is not as broad as we would like it to be, many of us consider this to be the international standard, and we will be asking to hold other countries accountable for violators of human rights that that country does not deal with in denying them the right to visit our country or to use our banking system.

One last point. There are some who say, Well, aren't we interfering with the internal affairs of a sovereign country? Nothing could be further from the truth. We have a right—I would say a responsibility—to challenge internationally recognized human rights violations in other countries. It is well established. Both Russia and the United States are members of the Organization for Security and Cooperation in Europe. I had the honor of a senate chair in the Helsinki Commission, our implementing arm. That organization gives us the right to raise human rights problems in other countries. We have used that to advance efforts to stop human trafficking, to deal with antisemiticism, to deal with corruption issues in other countries. We have that right. We have that responsibility. And our actions today are for the Russian people and for its government.

I have heard from so many human rights activists in Russia, from Russian business leaders to ordinary citizens, who tell me Russia can do better, and they urge us to move forward with the Magnitsky Accountability Act.

The United States, by the passage of this bill, will be on the right side of history. It will deepen our relationship with the Russian people. Yes, we are ending a chapter with the repeal of Jackson-Vanik, but we are starting a new chapter on human rights—one which we can be proud of where America once again is establishing a basic principle that we will not tolerate those who violate internationally recognized human rights standards. We will not let them go without being held accountable. And we certainly will not let them have the privileges of our country if they violate internationally recognized human rights standards.

Madam President, I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, it is my pleasure to rise today to speak in favor of H.R. 6156—the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act. This day has been a long time in coming, and the fact that it has now come is thanks to the great work of many of my colleagues, and I want to take a minute to recognize a few of them personally.

First and foremost is the Senator from Maryland. It is not an exaggeration in the least to say that, were it not for Senator CARDIN's leadership on behalf of human rights in Russia and his tireless dedication to memorializing the courageous dissent of one remarkable man—Sergei Magnitsky—we would not be here today. Senator CARDIN is the original author of the Sergei Magnitsky Rule of Law Accountability Act. He passionately educated his colleagues about the need for this legislation, which is why it eventually won 25 bipartisan cosponsors in the Senate. The Senator from Maryland has my deepest respect and gratitude for his efforts on behalf of human rights in Russia. He has established himself as a leading voice in our country on these issues. I have been honored to be his partner in this endeavor from the very beginning as the original lead Republican co-sponsor of the Magnitsky Act. And when this legislation is passed, as I am confident that it will be, Senator CARDIN deserves all the credit in the world for this historic achievement.

I also want to recognize the efforts of the Senator from Montana. I appealed to Senator BAUCUS last year to join the Magnitsky Act together with the repeal of Jackson-Vanik for Russia and Moldova and the extension of Permanent Normal Trade Relations status to both countries. He agreed, and in a letter to me, as well as a few of my colleagues, the Senator from Montana pledged to marry the 2 pieces of legislation together and to do everything in his power to see that the Senate could act on them together. He has been true to his word at every step of the way, and I am pleased to stand here today as an original co-sponsor of the repeal of Jackson-Vanik for Russia and Moldova, as well as the Magnitsky Act.

Finally, the person I want to acknowledge above all is Sergei Magnitsky—whose remarkable life and tragic death is the reason that brings us here today. Sergei Magnitsky was a tax attorney working for an international company, Hermitage Capital, that had invested in Russia. He did not spend his life as a human rights activist or an outspoken critic of the Russian government. He was an ordinary man, but he became an extraordinary champion of justice, fairness and the rule of law in a Russia where those principles have lost nearly all meaning.

What Mr. Magnitsky uncovered was that a collection of Russian government officials and criminals associated with them colluded to defraud the Russian state of $230 million. The Russian government in turn blamed the crime

on Hermitage Capital and threw Mr. Magnitsky in prison in 2008. Mr. Magnitsky was detained for 11 months without trial. Russian officials pressured him to deny what he had uncovered—to lie and recant. But he refused. He was sickened by what his government had done, and he refused to surrender principle to brute power.

As a result, Mr. Magnitsky was transferred to increasingly more severe and more horrific prison conditions. He was forced to eat unclean food and drink unsanitary water. He was denied basic medical care as his health worsened. In fact, he was placed in increasingly worse conditions until, on November 16, 2009, having served 358 days in prison, Sergei Magnitsky died. He was 37 years old.

What is even more tragic is that the case of Mr. Magnitsky is only one of the most extreme examples of the broad and dramatic deterioration of rule of law in Russia, and its replacement with arbitrary and nearly unchecked state power, which is increasingly concentrated in the hands of one man, President Vladimir Putin.

What is emerging in Russia today can only be described as a culture of impunity—a sense among those who control the levers of power that Russia is theirs for the taking, and the only question left to debate is how government officials and other elites will divide up the wealth, the power, and the spoils. This culture of impunity begins, first and foremost, with President Putin. He sets the tone in the country. And right now, with his return to the presidency, and with many of the actions that the Russian government has taken recently, the signal is being sent across the country, especially to every petty tyrant and aspiring autocrat in the Russian state, that Putin is doing what he wishes. He is using the instruments of the state to crush his critics. He is getting away with it. And you can too.

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 Khordokovsky and his associate Platon Lebedev, who remain locked away but not forgotten. I continue to fear for the health and safety of both men. And I pray for them.

The culture of impunity in Russia can also be seen in Russia's recent elections—the parliamentary election last December and the presidential election in March—which were criticized for their flaws and irregularities by impartial, objective international organizations. It can be seen in the recent NGO law passed by the Russian legislature, which requires any civil society group in Russia that receives international funding to register as a ''foreign agent.'' The vast majority of these civil society groups have nothing to do with politics. Clearly, the intent of this law is nothing less than to demonize, and marginalize, and stigmatize as treasonous whatever independent civil society organizations still remain in Russia.

The culture of impunity in Russia can also be seen in the government's new and growing interpretation of its law against extremism. A law that may once have been designed to address real concerns with terrorism and violent extremism is now being broadened to put pressure on civil society groups and religious minority groups, even including the Jehovah's Witnesses. A Russian court even went so far as to classify as an extremist organization the punk rock band of Russian girls that staged a protest performance this year in Moscow's Christ the Savior Cathedral. Any media outlet in Russia that would dare to broadcast this group's material could now be subject to having their outfit closed down by the Russian state.

This culture of impunity was extended even further last month in Russia's new law against treason. That term has now been defined so broadly that it allows the state to ban websites and impose fines, and likely worse penalties, against Russians who participate in unregistered demonstrations, who fail to register as foreign agents where now required under Russian law, and even to those who are suspected of giving advice to foreigners. Many Russians rightly believe that this new treason law is so expansive that the government can use it to stifle the legitimate rights and freedoms of anyone they deem to be an enemy of the state.

This culture of impunity also extends to the recent decision by the Russian government to terminate the presence and all programming of USAID in Russia. Whatever the stated reason for this decision, there should be no doubt why it was done—to try to further isolate, and marginalize, and emasculate civil society groups in Russia by denying them an ability to work in partnership with the United States, as many of these groups have freely done and wish to continue doing.

Ultimately, this culture of impunity in Russia is why Sergei Magnitsky is dead. That is why, even now, no one has yet been held accountable for his murder. And I suspect no one ever will. What is worse, the Russian government has done the opposite: It has put Sergei Magnitsky, a dead man, on trial, perhaps in an effort to prove that he got what he deserved. They have even required Mr. Magnitsky's mother and family to appear at the trial, which sinks this case to a whole new low. This culture of impunity is why videos are surfacing even now that document the brutal conditions of Russia's prison system, and the systematic abuse and torture to which detainees are subjected there at the hands of midlevel tyrants who want to run their small part of the Russian state just as their president does.

This is why we need to pass the Magnitsky Act. If citizens and civil society groups in Russia do not have a path to justice in Russia, then the international community has a responsibility to show these people that there can still be accountability, that there can still be consequences, for what they are suffering.

The Magnitsky Act does that. And I want to be clear: What is so important about this legislation is that its provisions would not simply apply to those Russian officials responsible for the torture and murder of Sergei Magnitsky; it would also apply to other persons in Russia who commit human rights abuses. In short, this is not just about historical accountability; it is also about preventing future Magnitsky cases. It is about imposing consequences on all human rights violators in Russia.

The allegation that this legislation infringes on Russian sovereignty is nonsense. The Magnistsky Act does not require the Russian government or Russian citizens to do anything they do not wish to do. It cannot force human rights abusers in Russia to stop what they are doing. But if they continue, what this legislation does do is tell those individuals that they cannot bank their money in the United States, that they are not welcome in this country, that they cannot visit this country, and that they will have no access to the U.S. financial system.

Now, I know we have had a debate about whether to make this bill globally applicable—a tool that could be used to apply these same kinds of penalties to human rights abusers anywhere in the world. This is a worthy goal, and I believe we should have such a debate in the next Congress. It is important now, however, that the Magnitsky Act remain focused squarely and exclusively on Russia. That is what Russian democrats and civil society groups tell me they want right now. They want Congress to send their government a message on human rights, and by keeping the Magnitsky Act focused for now on Russia, we can do just that.

Furthermore, the administration can use its own executive authority at this time to apply similar kinds of pressures contained in the Magnitsky Act to human rights abusers in other countries. I, for one, will be watching closely to see if they do, for many other cases are crying out for greater U.S. leadership on behalf of human rights. And if the administration does not take the initiative to apply the leverage at our disposal to these other cases beyond Russia, that is the surest way to ensure that the Congress will act to globalize the Magnitsky Act next year.

There are still many people who look at the Magnitsky Act as anti-Russia. I

disagree. I believe it is pro-Russia. I believe it is pro-Russia because this legislation is about the rule of law, and human rights, and accountability, which are values that Russians hold dear. I believe it is pro-Russia because it does not make all Russians pay for the crimes of a small handful of corrupt officials, and in this way, the Magnitsky Act is an improvement on Jackson-Vanik and an ideal replacement for it. I believe the Magnitsky Act is pro-Russia in the same way that Permanent Normal Trade Relations is also pro-Russia—because both measures are ultimately about strengthening ordinary Russians who long for greater opportunity, greater freedom, and greater protections for their rights under the rule of law.

I am not under any illusion that the passage of either the Magnitsky Act or PNTR for Russia will ensure the success of rule of law in Russia. Not at all. But while both measures are very different and present very different kinds of benefits to the Russian people—one a material benefit, the other a moral benefit—both of these measures, I firmly believe, are nonetheless beneficial to Russia. Both create high standards to which we and others can hold the Russian government, both on the trade front and on matters of human rights. Both provisions create levers for international accountability where few currently remain in Russia. In other words, the Magnitsky Act and PNTR for Russia can serve as tools that will help to empower ordinary Russians who do not want their lives or their livelihoods to be determined solely by the predatory elites in the Russian state.

Ultimately, passing this legislation will place the United States squarely on the side of the Russian people and the right side of Russian history, which appears to be approaching a crossroads. I remind my colleagues that today is the anniversary of the massive protests that rocked Russia one year ago. As I have said before, I do not believe that the demand for freedom and dignity that have so profoundly shaken the Arab world are unique to that part of the world. I think the effects of these upheavals will be global, because the values and aspirations at their heart are universal. I think this makes Mr. Putin and his cronies very nervous—and it should. The desire for peaceful change and democratic and legal reform can be delayed for a time. They can be delayed, but they cannot be denied. This legislation is a vote in favor of a brighter, better future for the Russian people—a future that they can determine, freely and independently, for themselves.

Finally, I would be remiss if I did not conclude with a word on Moldova, because this legislation would also take the long overdue step of repealing Jackson-Vanik for Moldova and granting it Permanent Normal Trade Relations as well. This should have been done years ago. I have been an advocate for this action for many years. I have continually insisted that the Congress should not be allowed to pass PNTR for Russia without doing the same for Moldova. That was a condition of my co-sponsorship of this legislation, and I am proud that the Senate is now on the verge of clearing the way for normal trade relations between the United States and Moldova. That small country has taken enormous strides toward democratic and economic reform, and toward deeper integration in the European community. Passing this legislation will be a critical vote of confidence in Moldova's political and economic reforms and in support of its democratic future.

For all of these reasons, and for the many more that I have listed with regards to Russia, I urge my colleagues to support this legislation.

Finally, I say to my three colleagues on the floor, there are times when we do a lot of things for the people we represent and a lot of things for the country. I think what we are doing here, which will be rapidly approved and has already been approved by the House and will be made into law, is something we are doing for people in Russia who need our help now, our voice and our commitment. Many of the great and wonderful ideas, promises, and prospects after the fall of the Soviet Union that was the case of Russia have been dashed. Maybe we should take responsibility for not playing a more constructive role in the 1990s when Russia was going through a critical phase.

I promise today, not just to Sergei Magnitsky's widow, but to all people throughout Russia who will be encouraged by this message because, as they were years ago, the legislation we are now repealing, the Jackson-Vanik act, was a call to the people in Russia who were being held under terrible conditions that they would now be able to freely immigrate to a land with promise of a better future. I believe that today this legislation is one of the most important ones that in years to come we can be proud we were a small part of.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, I compliment the Senator from Arizona on the moral clarity of his statement. I think the Senator is absolutely right. The moral clarity here is clear: Those who commit gross violations of internationally recognized human rights are on notice. As the Senator pointed out, this legislation applies beyond the Magnitsky tragedy, it applies to Russia, and it is a standard that we intend to use for other opportunities whether it is trade bills or other legislation.

I hope we will make this statutorily global. We will have that debate at a later point. We will have other opportunities to make it clear that those who violate human rights are internationally recognized, that the clarity here is clear, and that there will be repercussions on the rights of our own country.

We cannot determine how Russia will treat its violators under their laws; they will have to handle that. But we have the moral certainty that we are not going to assist those violators and deny their opportunities to come to America and use our banking system.

Mr. MCCAIN. Madam President, a quick response to my friend from Maryland, and that is we talk a lot about the globalization. Don't think that dictators, brutal rulers, and oligarchies all over the world are not paying attention to this legislation. Our message to them is: Keep it up; you are next.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, before the Senator leaves the floor, I thank him very much for his leadership. He is a stalwart leader in protecting human rights all over the world, but in this case Russia. I think he is right in suggesting that it is a good follow-on to protecting human rights, and certainly in this case Russia.

I thank the Senator very much.

Madam President, I ask unanimous consent that under the time to be controlled on the Democratic side, the following Senators be given the time listed: Senator LEVIN, 15 minutes, and Senator CARDIN, 50 minutes. I understand that he has already used a certain amount of time, so the total will be 50 minutes. Senator DURBIN will be given 10 minutes and Senator LIEBERMAN 10 minutes; further, all time used for debate on the bill earlier today during morning business be counted toward the 5 hours allocated under the unanimous consent agreement.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I yield 10 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend, the chair of the Finance Committee. I thank him for yielding me 10 minutes. While I am expressing gratitude, may I express gratitude to the Senator from Maryland. Talk about moral clarity, which is a term he just used for our friend from Arizona, he showed real moral clarity for this and so many other issues. I thank him for that.

As I begin my final month in the U.S. Senate, it gives me great confidence to know that people such as Senator CARDIN and Senator MCCAIN are going to be here to continue to hold America to the standard that our founding doctrines hold us to, which is to be a beacon of human rights and a protector of those who fight for human rights around the world. So my thanks and compliments to Senator CARDIN.

I rise to join those who are supporting this bill, which is two measures brought together in a mutually productive partnership. The case for granting

PNTR to Russia is clear and straightforward.

Russia became a full member of the World Trade Organization over 3 months ago, and in doing so was bound to pledge to cut tariffs for manufactured imports and open its service sector to foreign competition. In order for American companies to realize these benefits, we must grant permanent normal trade relations, PNTR, to Russia. For this reason the only country that will be disadvantaged if we fail to pass this bill will be our own, and that particularly means our own businesses. Of course, that is why generally American businesses and leading business advocacy groups such as the chamber of commerce, in particular, have supported this legislation so strongly. It is also why the Governors of 14 of our States, including Connecticut, and six former U.S. Trade Representatives have urged the Senate to follow the House and swiftly pass this bill.

I also note that this legislation will grant permanent normal trade relations to the country of Moldova, a country that has demonstrated tremendous democratic progress over the past two decades. Deepening our economic ties with Moldova is good for American business and will help keep Moldova on the path of democracy as well as development. So PNTR for Russia and Moldova is necessary and good for the United States.

For me, and I hope many others—eloquently expressed by Senator CARDIN and Senator MCCAIN—the case for this bill is sealed because of its incorporation of separate legislation, the Magnitsky Rule of Law and Accountability Act, of which I am privileged to be a cosponsor.

I must say that as I look back over the 24 years in the Senate, which I have been doing a lot lately, there are not too many pieces of legislation that I have been prouder to be associated with than the Magnitsky Act.

As many of you know, this legislation is named for a 37-year-old Russian tax lawyer named Sergei Magnitsky whose tragic murder 3 years ago is among the most horrible examples of corruption and thuggishness that continues to afflict Russia. Mr. Magnitsky is rightfully the namesake of this legislation. It will impose a visa ban and asset freeze not only against those officials whom we have good reason to believe are responsible for his murder, but also against Russian officials responsible for any and all human rights abuses that are too regularly taking place in that country.

Senator MCCAIN, Senator CARDIN, and I have had the privilege of meeting with Russian dissidents, political activists, and human rights leaders over the years. What they have told me and my colleagues over and over is that there is one thing above all others we can do here in the United States to help support the cause of human rights and the rule of law in Russia, and that is to pass the Magnitsky Act.

So today I join my colleagues who support this legislation and say to those in Russia who are striving courageously to secure their fundamental freedoms—the same rights to life, liberty, and the pursuit of happiness that our Founders said in our declaration were the endowment of our Creator to every human being—that we have not and will not forget them and their cause. We know and will remember their names. We will stand in solidarity with them and in support of them until they achieve their goal, which is a goal we share. That goal is the spread of democracy and a democratic Russia that respects the rule of law, protects human rights, and is free of corruption.

I want to echo what my friends said a moment ago. I was thinking about it. I am not sure anybody has mentioned the name of Natan Sharansky, a famous Russian dissident of an earlier time, a refusenik placed in a Russian gulag and who served so much time in solitary confinement. I have had the honor to get to know him. If you read his books, there is a very moving series of sections where he talks about the fact that when Jackson-Vanik passed and they learned about it, they would communicate with each other in the most primitive ways when news came in, and what an inspiration it was. In some sense it kept not just hope alive but kept them alive, that the U.S. Congress had adopted this law which would impose penalties on the Soviet Union unless it allowed people to freely emigrate. Disproportionately at that time it was dealing with Jews.

It was also stated that they wanted to leave because they were so oppressed in the Soviet Union. It was actually stated in global terms at that time. Maybe sometime we will come back and address that.

I remember what Sharansky said about the day while in solitary confinement somebody was able to convey to him by tapping pipes that President Reagan had called Russia—and the Soviet Union, really—the evil empire. And knowing that the leader of the free world—the most powerful person in the world—would call out this oppressive government that had locked him up for no reason other than he had advocated for human rights, he said this would sustain his hope.

In some small way I hope the passage of this Magnitsky Act will do the same for those who are fighting for the many people whose freedom of expression has already been compromised by the government in Russia and for the people whose businesses have been essentially taken by the government.

I think one of the great disappointments over the last quarter century is the hope that we had after the fall of the Berlin wall and the collapse of the Soviet Union, that this great country of Russia, this great people whose history and culture is so proud and so strong, would finally be able to be free of tyranny. Well, they are freer than they were during Soviet times. I guess that is some small consolation. But increasingly the central government and President Putin have compromised human rights.

Incidentally, going to the other part of this bill, the PNTR part for free trade, there are a lot of businesses in the United States and elsewhere in the world that will be hesitant to invest as much as they would otherwise invest in Russia so long as the Russian Government is as autocratic, irrational, suppressive, repressive, and corrupt as this Russian Government is. So in all these respects, I would say that the Magnitsky Act is a worthy successor to Jackson-Vanik, which was such a crusading human rights measure in its own day and, may I add, bears the name of a truly great Senator, Henry M. ''Scoop'' Jackson, a personal role model to me and others. Today the Jackson-Vanik amendment no longer makes sense because there is free emigration from Russia; therefore, we are right to lift it. But it is equally right that we replace it with a law that will address the primary human rights facing Russia today. May I say in repealing Jackson-Vanik, we actually honor his proud legacy and keep it alive.

Just over a year ago, when the Russian people responded to a fraudulent parliamentary election by taking peacefully to the streets, the Kremlin responded with thuggish brutality. Instead of at least respecting the legitimate demands of his people or listening to them, President Putin falsely accused the United States of creating this opposition in Russia and began a campaign of stifling dissent that continues to escalate to this day. Independent media outlets have been targeted, including American broadcasting services. Journalists and opposition activists have been harassed and arrested and put in jail, and the Russian Duma has passed a law that grants sweeping power to authorities to close Web sites and limit freedom of expression, and another law passed by the Duma expands the definition of treason so broadly that human rights groups believe it could be used to punish anyone who questions the government.

Meanwhile, the nongovernmental organization community has come under increasing attack. Our own Agency for International Development has been evicted from Russia recently, and Russian NGOs are now required by law to register as foreign agents if they receive any money from abroad or engage in political activity.

This is a sorry state of affairs, and it is very important that we heed Senator CARDIN's call to act as best we can to speak out against it and to do something that the dissidents of Russia have told us will really affect the elite class, the leadership class in Russia, which is to seize their assets if they are human rights violators and to prohibit them from freedom of travel. When we pass this, as I am confident we will—this is one of the days when I am sure

everybody in the Senate feels grateful we are here because what we do here matters. Sometimes we wonder, I think, in the gridlock and partisanship and complexity of politics in our country these days. But as I have traveled around the world over the last 24 years, I have been struck by how many places democracy has taken root where few predicted it was possible, and the voices of Members of Congress or Congress as a body have encouraged the dissidents to show the courage they needed to achieve what they wanted. From Indonesia to Chile, from East Germany to South Korea, authoritarian regimes have been supplanted by flourishing free societies in just about every corner of the Earth. We in the United States and everybody in the world are a lot better off for it.

Unfortunately, that can't be said of Russia, and that is why this Magnitsky act is so important to adopt. Despite the democratic setbacks in Russia I have just described and the repressive acts by its government, I remain confident that the future of these great people does not belong to those who would impose upon them a system of tyranny, of corruption, of abuse with impunity. The future of Russia belongs to Russians who believe they have the right to decide their destiny for themselves, to the Russian people who are sick of corruption and who demand the rule of law—fairness, justice under law. In short, it belongs to people like the late Segei Magnitsky, whose name will be immortalized when we pass this legislation.

In supporting this legislation, I say to my colleagues, we stand with them in their noble cause. That is why I hope and I am confident that we will all join together, Democrats and Republicans and an occasional Independent, and pass this legislation overwhelmingly.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Madam President, I rise today in support of the legislation before us and in support of the comments my Independent colleague from Connecticut just made which had to do with the Magnitsky provision, which I also support. I heard my colleague from Arizona, Senator MCCAIN, talking about it passionately earlier. It is an important part of this legislation. But with regard to the trade part of the legislation, I would like to say that I think this is also a great opportunity for us. I see my colleague from Maryland here who, along with Senator MCCAIN, has taken the lead on the Magnitsky provision encouraging better human rights in Russia, and I think we will see over time that this will have an impact globally.

With regard to the trade side of this debate we are having today, I hope we all recognize that one of the great, untapped opportunities for our economy and for adding jobs is to expand exports. We have a great, untapped potential here because America still is not exporting at the level it should be. We do face stubbornly high unemployment. We do have stagnant growth rates. We are looking at some tough economic numbers even as we head toward the fiscal cliff which could make it even worse. So we need to do all we can to ensure that our workers and our farmers have access to the 95 percent of consumers who live outside of our borders. That adds jobs. When companies consider whether they are going to get into the export business or not, which again creates opportunity here, they want to know if they are going to be treated with certainty, predictability, and fairness in the marketplace. Exporters need to know that if a country doesn't play by the rules, then that country will then face consequences. Those consequences really are what the World Trade Organization is all about. That is why this discussion is so important, because by today or tomorrow, voting to authorize permanent normal trade relations with Russia, we then can take advantage of the World Trade Organization rules as they relate to Russia and to our trade with them.

Russia joined the WTO on August 22, and the United States was a big part of that accession. We worked with Russia for 18 years to ensure that they were willing to go along with certain fairness provisions on trade to be able to enter the WTO, and we need to be sure now that we can take advantage of those provisions. Without passing this legislation, America and our farmers and our workers could get left behind. By joining it, Russia did agree to abide by a certain set of common rules, and when they break those rules, other countries can then take them to court—the World Trade Organization—and help hold their feet to the fire.

It means Russia will be required to better protect intellectual property rights, which is a major concern for U.S. companies. It means Russia must treat fairly the highly technical services sector where the United States has a great opportunity, including telecommunications, insurance, energy services, and retail services. There we have a lot of competitive advantages and we are looking for a level playing field. It means they have to give rules-based treatment to our agricultural exports so they are not trumped by internal Russian agricultural politics. It means Russia has to improve its transparency and the rulemaking process so regulations are not taking place without an adequate comment period and input from job creators, including American companies that want to do business in Russia. These were all concessions that were secured, again, over this 18-year period by the United States and other countries, but primarily the United States took a role here—Republican and Democratic administrations alike—in ensuring that as Russia entered the WTO, we had the opportunity to have a fair trading system with them.

By the way, I was part of that as U.S. Trade Representative negotiating with my Russian counterpart. Secretary JOHANNS—then Secretary, now colleague from Nebraska—was part of that as U.S. Agriculture Secretary. Others here in the Congress have been part of that as members of the Finance Committee.

So currently we have these trade rules that apply to the rest of the world but not to us because Russia is part of the WTO but we haven't granted this important PNTR status. So of the more than 150 countries in the World Trade Organization, we are the only ones that are outside of this agreement at this point. American exporters will only receive those benefits with total certainty if we pass this bill to provide these normal trade relations with Russia. If we fail to do so, we really hold back American workers and businesses from growing in the Russian marketplace, which, by the way, has 140 million consumers. Our European and Asian competitors would have that reliability and certainty that we would lack. When Russia doesn't play by the rules, our competitors around the globe would be able to take them to the world trade court, but we wouldn't. If we think about it, in a way we are shooting ourselves in the foot if we don't move forward with permanent normal trade relations with Russia.

Russia is now the ninth largest economy. Unfortunately, we are underperforming in the Russian market. The United States, the world's greatest exporter, now only accounts for less than 5 percent of Russia's imports. Our competitors in Europe have a 40-percent share of the Russian market. China holds a 16-percent share of that market. So, again, it is a growth economy; it is an economy where we have tremendous opportunities.

I know Chairman BAUCUS talked about this earlier today. I watched him on C–SPAN where he talked about the opportunities in this market and about the need for us to help our exporters here in the United States by opening this potential market for our workers and our farmers. We can do much better if we pass this PNTR bill.

This is certainly true in my home State of Ohio. Ohio already exports about $200 billion a year in goods to Russia, and we want to retain those sales and add even more. This bill impacts a number of businesses with a large Ohio footprint.

Caterpillar, the world's leading manufacturer of construction and mining equipment, is one of them. Caterpillar employs nearly 1,000 Ohioans, including in the Miami Valley in Clayton, and is a great example of the certainty the PNTR bill will bring. With Russia's entrance into the WTO, tariffs on American-made Caterpillar trucks exported to Russia will fall from 15 percent to 5 percent. That allows Caterpillar to be much more competitive in the Russian market. For Caterpillar's off-highway trucks, the tariff reductions exceed

$100,000 per truck. That is a real difference. It is a substantial margin. But if we don't pass this bill, we have no idea how Russia will treat our U.S. exports and we will have no way to hold them accountable.

Other Ohio businesses that will benefit include Procter & Gamble, which sells more than 50 brands in Russia, including detergents, shampoos, and diapers. They have the leading market share, by the way, in 75 percent of the categories in which they compete.

Eaton, which is a company in the Cleveland area and has thousands of employees in northeast Ohio, exports industrial clutches and brakes to Russia and looks forward, again, to the certainty this bill will bring when working with our customers in Russia. They need that certainty.

GE Aviation in Ohio employs about 9,000 people in Cincinnati and has a great opportunity to compete as Russia acquires over 1,000 new civilian aircraft over the next decade.

Ohio's cattlemen strongly support this legislation. Russia has made some important concessions in the negotiations that will help meet the growing demand for U.S. beef in Russia. Russia is currently the fifth largest export market for U.S. beef. According to the USDA, over 48,000 head of U.S. live cattle were sold to Russia just this year. In 2011 Ohio exported over 3,000 cattle to Russia, and we expect that number to rise dramatically.

The bill also contains some items the Russian Government opposes, including the human rights provisions which were discussed earlier here on the floor, inspired by the treatment of Russian lawyer Sergei Magnitsky. Senators CARDIN, MCCAIN, and others have put the spotlight on the corruption and the lack of transparency in Russia. These provisions will clamp down on human rights abusers, denying them visas and putting them on notice that their corruption won't be tolerated by freedom-loving countries such as the United States. The House passed this bill last month on the anniversary of Magnitsky's death, and it is time the Senate does the same.

We also have some provisions in this legislation that will ensure that our trade negotiators keep Russia's feet to the fire in implementing all the various commitments Russia has made, particularly with regard to agriculture. Russia has not always played by the rules. It has been a point of friction between our countries. We need to be sure they do the heavy lifting back home to bring their laws into compliance, including their pervasive use over time of non-science-based standards to discriminate against our U.S. agricultural exports.

I also wish to note my strong concern with Russia's involvement on another front; that is, their involvement in the continuing Syrian conflict. As a member of the Senate Armed Services Committee, I have watched the Syrian situation with alarm, particularly as we have seen it unfolding this week. Russia has been anything but an ally in this case with the support of the Asad regime. They vetoed three U.N. Security Council resolutions aimed at imposing tough sanctions on the Asad regime. When Russia isn't using their veto power to support their Syrian friends, they are arming the Asad dictatorship with over $1 billion, we are told, in weaponry, including attack helicopters, that they are using to continue their terror against their own citizens in Syria.

Let me be clear. While I fully oppose Russia's actions in Syria, this bill is no gift to Russia. In fact, this bill has teeth. It brings Russia into a rules-based system. It is good for America and our economy and our jobs, and I think it strikes a critical balance by giving critical assistance to American companies that want to export their products to Russia's growing middle class, supporting good-paying jobs here at home, while forcing Russia to play by the rules and, again, providing binding penalties if they fail to live up to these international standards.

While I am pleased we are finally moving forward on this bill, I am also disappointed we haven't made more progress over the last 4 years on trade. We didn't make opening new export markets a high priority in the President's first term. I am hoping that will change over the next 4 years because helping U.S. job creators export shouldn't be a partisan issue. Over 100 bilateral trade agreements are being negotiated today as we speak here on the floor. The United States is a party to none of them. We are a party to one multilateral trade agreement which I support, but we need to get back and engage in these bilateral agreements and open markets for our products. We have been sitting on our hands on the side lines in an increasingly global and dynamic economy. This is the first administration actually since FDR not to ask for the ability to negotiate export agreements and bring them to Congress under expedited procedures, which is now called trade promotion authority. And this is something unique. This administration has yet to even ask for it over the last 4 years.

Last year, we finally passed the Korea, Colombia, and Panama export agreements. Hopefully, our bipartisan actions today to boost exports to Russia will signal a new chapter for us to engage as a Congress and with the administration in a much more ambitious and proactive trade policy.

I am pleased this bipartisan bill received such broad support from Republicans and Democrats in the House, getting 365 votes, and I urge my colleagues on both sides of the aisle to now support this legislation before us.

Mr. HATCH. Madam President, I rise to highlight an important provision in the PNTR legislation that requires the United States Trade Representative and the State Department to provide an annual report to Congress on the steps they are taking to advocate for American investors in Yukos Oil, the Russian oil company that was effectively expropriated by the Russian Federation in 2007. The annual report would also include a report on the status of the petition filed by American investors in Yukos to request that the State Department formally ''espouse'' the debt—meaning to make compensation for American investors a matter of bilateral negotiations between the United States and Russia.

More than 40 bipartisan Members of the House and Senate have written letters to Secretary Clinton in favor of the State Department taking up the cause of American investors. The State Department has been closely watching international tribunals adjudicating the claims of non-American international investors in Yukos to help guide its own decision-making. On July 25, 2012, an international tribunal established pursuant to the Spain-Russia bilateral investment treaty ordered the Russian government to compensate a group of Spanish investors for the losses they suffered from the expropriation of Yukos. Likewise, an investor from the United Kingdom prevailed in a similar proceeding in September 2010. These rulings would appear to indicate that there is merit to the claims of the American investors.

When a government abuses its tax and regulatory authority to nationalize the property of foreign investors, it is required to provide compensation to those investors. To date, none of the American owners of Yukos has received any compensation.

I insisted that the Russia PNTR bill incorporate new trade tools and I hope that these will be used to assist in the satisfactory resolution of the claims of American investors in the Yukos case, as well as to assist other American businesses and investors who may struggle with Russian corruption and rule of law issues.

Ms. SNOWE. Madam President, I rise to both support the bill we are considering today but also to discuss the implications of Russia's accession to the World Trade Organization, WTO. I was proud to be part of a unanimous vote for this measure coming out of the Finance Committee and I expect tomorrow we will see a similarly strong showing of support for this significant trade measure. It is not often these days that we see such bipartisan agreement and I welcome it and encourage its expansion into other key areas.

Russia was formally invited to join the WTO on December 16, 2011, and its entry into the WTO became official and effective this past August. There are more than 150 countries in the WTO, and with Russia's entry, now each of those countries have gained an improvement in trade conditions with Russia in the form of lower tariff barriers, easier access to markets and credit, and a variety of less tangible but certainly meaningful benefits including greater transparency and more

enforceable mechanisms for securing property and other rights. We are promised that all WTO member countries will enjoy these privileges in their trading with Russia, but so far we are not among them: if the Congress does not take the opportunity to enact the bill before us, then we are only harming ourselves, as American businesses will be at a serious disadvantage relative to other nations' enterprises in terms of their ability to access the Russian markets. This is not merely theoretical, as my own home State of Maine exported $13.9 million worth of goods to Russia in 2011 alone.

To recognize Russia's entry into the WTO and gain the advantages for American interests that such recognition brings, we must now consider the granting of Permanent Normal Trade Relations or PNTR with Russia. The United States provides PNTR to nearly all nations, but routinely has denied PNTR to communist or non-market countries. Specifically, this restriction has reflected our desire as a Nation that all peoples should be allowed to move freely in and out of their own countries—and the restriction is a reaction to the regimes that do not allow the free movement and emigration of their citizens. America memorialized this freedom-of-emigration concept in the Jackson-Vanik amendment, in large part as a response to the then-Soviet Union's consistent and often harsh limitations on the free movement of its people. The Soviet Union is no more, and now we must repeal Jackson-Vanik before PNTR can be granted. The bill before us accomplishes this significant objective.

But we cannot simply applaud this vote without also accounting for some very troubling issues that remain with Russia. This year and the recent past for Russia have been clouded by a disturbingly long list of concerns about just how modern and democratic Russia may truly be. There are very serious questions regarding the integrity of Russia's electoral process, its support for brutal regimes such as in Syria, its abuse of human rights within its own borders and with its neighbors, its new promise of a massive arms and nuclear warhead build-up, and its near-flagrant disregard for intellectual property rights. We are told that entry into the WTO establishes Russia's willingness to abide by a rules-based system, but reports of corruption throughout Russia seem to belie its ability or willingness to follow the rules it set for itself—so we must ask, how can we trust them to follow the rules when working with others? I am saddened at the thought that, by taking action to provide PNTR to Russia, we are potentially condoning if not rewarding outright the manifold abuses that Russia continues to perpetrate under the guise of, but seemingly in defiance of, the concept of an open and lawful democracy.

It is with that firmly in mind that I applaud our colleague Senator CARDIN, along with Senator MCCAIN, for identifying one way to deal with at least some of our serious concerns about Russia. I am speaking of the Sergei Magnitsky Rule of Law Accountability Act of 2011, or S. 1039. This bill recognizes the tremendous courage that Mr. Magnitsky showed in seeking to expose corruption and fraud in Russia, for which he paid the ultimate price. He was imprisoned and allegedly tortured in an attempt to make him recant the charges he was making, charges that turned out to be accurate, and he died in the hands of his jailers. The legislation would impose visa and asset forfeiture restrictions on those responsible for these foul deeds, and it could set a new standard for addressing future human rights abuses in Russia. I am proud to see this measure included in the bill we are voting on today and its inclusion was critical to my support and, I am sure, that of many of my colleagues. I believe its inclusion helps make this bill a holistic approach that does not punish honest American interests while also not rewarding questionable actors within Russia.

Mr. President, thank you and my colleagues for this vital vote. I look forward to today's debate.

Mrs. FEINSTEIN. Madam President, today I wish to express my support for legislation granting permanent normal trade relations, PNTR, to Russia.

We need to act now so that our exporters can take advantage of Russia's accession to the World Trade Organization, WTO, in August.

The House voted to approve PNTR for Russia on November 16th on a 365–43 vote. The Senate Finance Committee approved its version of the bill on a 24–0 vote in July.

The legislation enjoys widespread support among manufacturers, service providers, and farmers.

It has been endorsed by, among others, the U.S. Chamber of Commerce, the National Association of Manufacturers, and the American Farm Bureau.

As a part of joining the WTO, Russia negotiated agreements with each member, including the United States, making commitments to eliminate non-tariff barriers, protect intellectual property, liberalize key sectors such as services, and improve its business climate.

For example, Russia agreed to: lower tariffs on industrial products from an average rate of 10 percent to 7 percent; not raise tariffs on 90 percent of agricultural products and keep them at 15 percent or lower; join the WTO Information Technology Agreement and eliminate tariffs on major IT products within 3 years; abide by WTO rules on enforcement of intellectual property rights; and remove limitations on foreign equity in telecommunications companies, insurance companies, banks, and wholesale and retail enterprises.

These commitments will be subject to the WTO's dispute settlement process and help promote greater transparency and a more stable business environment for foreign investors.

Since the United States is a member of the WTO, this agreement includes only concessions by Russia. The United States will not lower a single tariff, provide any market access benefits, or make any changes to U.S. trade law.

Under WTO rules, however, in order for the United States to take advantage of Russia's commitments, it must enact permanent normal trade relations for Russia.

Currently, Russia enjoys normal trade relations, NTR, status—the status enjoyed by a trading partner that faces the most favorable U.S. tariffs in exchange for similar benefits for U.S. exports.

This status must be renewed on an annual basis due to a provision enacted in the Trade Act of 1974—the so-called ''Jackson-Vanik'' amendment—in response to concerns about Jewish emigration from the former Soviet Union.

That law conditions normal trade relations status on a country allowing its citizens to emigrate freely.

Russia has consistently met the requirements of Jackson-Vanik since the fall of the Soviet Union and its NTR status has been renewed annually without debate since 1994.

Yet, WTO rules mandate that its members provide each other with unconditional or ''permanent'' normal trade relations. That is, we have to treat each member equally, extending them the most favorable U.S. tariffs in exchange for similar benefits without restrictions.

Otherwise, they are under no obligation to extend the same favorable treatment to U.S. exports.

Since the United States only grants Russia conditional or annual normal trade relations status, the United States is not in compliance with these rules and Russia can refuse to extend the market access commitments it made to join the WTO to U.S. exports.

This is putting our exports at a competitive disadvantage because every other WTO member—155 in total—has permanent normal trade relations with Russia and has been receiving the benefits of Russian membership in the WTO since August.

So while we delay, our manufacturers, service providers, farmers, and workers are losing out on a fast-growing market.

Russia has a gross domestic product of $2.2 trillion, the sixth largest in the world. Its economy is expected to grow by 4 percent annually through 2015, according to the International Trade Administration.

U.S.-Russia trade grew by 37.9 percent in 2011 and total U.S.-Russia trade stood at $42.9 billion.

This mutually beneficial relationship will continue to grow by enacting this legislation.

Let me repeat: for those who may be concerned about this legislation's effects on U.S. jobs, it is important to

point out that the United States will not have to lower a single tariff or make any market concessions on Russian imports by approving permanent normal trade relations.

All concessions will be made by Russia as a part of its agreement to join the WTO.

What does this legislation mean for my home State of California?

Among U.S. States, California is currently the 4th largest exporter to Russia, according to the Coalition for U.S. Russia Trade. According to the Business Roundtable, California exported $665 million worth of goods to Russia in 2011, supporting 2,000 California jobs.

In 2011 California's exported $156 million of computers and electronics to Russia, our top export. Yet, U.S. companies only held 4.2 percent of the Russian import market compared to 36.5 percent for the European Union, EU.

As part of its WTO accession, Russia agreed to eliminate tariffs on IT products and take additional actions to protect IPR, including joining the WTO Information Technology Agreement.

In 2011, California exported $47 million of pharmaceuticals to Russia, but the EU held 77 percent of the import market. As a part of its WTO accession, Russia agreed to lower its tariff to 4.4 percent.

In 2011, California exported $90 million of cars to Russia, the world's 6th largest car market. U.S. cars, however, make up only 4 percent of Russian imports while Japan has 40 percent of the market and the EU has 35 percent.

As a part of its WTO accession, Russia agreed to reduce its tariff on cars from 20–35 percent to 15 percent.

In addition, for California agriculture, Russia has agreed to: lower tariffs on dairy from 19.8 percent to 14.9 percent; reduce its tariff on grapes from 10 percent to 5 percent within 3 years; lower tariffs on cereals from 15.1 percent to 10 percent; and establish lower in-quota tariff rates for pork, poultry, and beef.

Unless we pass permanent normal trade relations, our foreign competitors will be able to use the concessions Russia made when joining the WTO to protect their companies and workers and increase their market share, while the United States will not be able to do the same for our companies and workers.

As a result, failure to pass this legislation will only make it harder for California and U.S. companies to compete in Russia.

The legislation would also impose sanctions on individuals linked to the incarceration and death of Russian lawyer Sergei Magnitsky.

Sergei Magnitsky was a Russian attorney who was arrested in 2008 after alleging wide-scale tax fraud by several law enforcement and government officials. He died in prison a year later due to health complications while awaiting trial.

Investigations later found that Mr. Magnitsky was beaten and did not receive proper medical attention. His case gained international attention and was used to highlight systematic violations of human rights in the Russian judicial system.

It is my hope that this provision will help bring those responsible for Mr. Magnitsky's death to justice and encourage Russia to do more to tackle corruption and promote a greater respect for human rights and the rule of law.

This is critical if Russia is to enjoy the full benefits of WTO membership and attract more foreign investment.

I urge my colleagues to support this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, I understand now under the existing unanimous consent agreement we are going to be proceeding to debating a judge. I ask unanimous consent that immediately after the disposition of that nomination, I be the first Democratic Senator recognized when we return to the pending trade bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF MICHAEL P. SHEA TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider Calendar No. 676, which the clerk will report.

The legislative clerk read the nomination of Michael P. Shea, of Connecticut, to be United States District Judge for the District of Connecticut.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, the Senate is finally being allowed to vote today on the nomination of Michael Shea to be a district judge on the U.S. District Court for the District of Connecticut. It has taken far too long for this day to come, but he will be confirmed and I congratulate him and his family on his confirmation and I congratulate the two Senators from Connecticut on finally having this nomination come to a vote.

I mention this not to urge that we confirm him because we will—and I will very proudly vote for him—but Michael Shea is another nominee whose nomination was stalled for months for no good reason. The Judiciary Committee—and the distinguished Presiding Officer serves on that committee and will recall—we gave his nomination strong bipartisan support more than 7 months ago. He has the support of both home State Senators—both Senator LIEBERMAN and Senator BLUMENTHAL. He has significant litigation experience. He is a graduate of Yale Law School. He clerked for the conservative Judge James Buckley in the U.S. Court of Appeals for the DC Circuit following graduation.

We have to ask, why did it take 7 months for the Senate to finally consider his nomination—after waiting 7 months, we will talk about it for 20 minutes, and then we will vote on his nomination. Why the 7-month delay? Republican obstruction.

After this vote, the Senate remains backlogged with 17 judicial nominations that go back to before the August recess. Senate Republicans are establishing another harmful precedent by refusing to proceed on judicial nominees with bipartisan support before the end of the session. They held up judicial nominees 3 years ago, they did it 2 years ago, they did it last year, and now they are doing it again this year.

They have found a new way to employ their old trick of a pocket filibuster. They stall nominees into the next year, and then they force the Senate, in the new year, to work on nominees from the past year. They delay and delay and delay and push other confirmations back in time and then cut off Senate consideration of any nominees.

How else does anyone explain the Republican Senate opposition to William Kayatta of Maine, who is supported by the two Republican Senators from Maine? How else to explain the Republican filibuster and continuing opposition to Robert Bacharach of Oklahoma, who has the support of Senator INHOFE and Senator COBURN, the two Republican Senators from Oklahoma? How else to explain their adamant refusal to consider the nomination of Richard Taranto to the Federal Circuit, when the Judiciary Committee had seven of the eight Republican Senators voting for him? One, Senator LEE, cast a ''no'' vote but said it was a protest on another matter. But every single Democrat voted for him.

These delays may serve some petty political purpose, but the American people do not want petty political purposes. They want our Nation's courts to be staffed. They want the American people who seek justice to be able to get it. So we should take action on all pending nominees and reduce the damagingly high number of judicial vacancies. Federal judicial vacancies remain above 80. By this point in President Bush's first term, we had reduced judicial vacancies to 28.

There were more than 80 vacancies when the year began. There were more than 80 vacancies this past March when the majority leader was forced to take the extraordinary step of filing cloture motions on 17 district court nominations—something I had never seen in my 37 years here. There are going to be at least 80 vacancies after today. Before we adjourn, we ought to at least vote on the 17 pending nominations that could have been and should have been confirmed before the August recess.