support for drought-stricken farmers, or to sit here and do more of the gridlock, more of the do nothing.

When they spoke last week, they were very clear. They were not saying we're all for Democrats, we're all for Republicans. They said we're all for this country doing its business and moving forward.

I encourage our colleagues, get a farm bill on the floor, pass it, move on.

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

Mr. BURTON OF Indiana. Madam Speaker, pursuant to House Resolution 808, I call up the 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 Clerk read the title of the bill.

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to House Resolution 808, the amendment in the nature of a substitute consisting of the text of Rules Committee Print 112–33 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 6156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PERMANENT NORMAL TRADE RELATIONS FOR THE RUSSIAN FEDERATION

Sec. 101. Findings.

Sec. 102. Termination of application of title IV of the Trade Act of 1974 to products of the Russian Federation.

TITLE II—TRADE ENFORCEMENT MEASURES RELATING TO THE RUSSIAN FEDERATION

Sec. 201. Reports on implementation by the Russian Federation of obligations as a member of the World Trade Organization and enforcement actions by the United States Trade Representative.

Sec. 202. Promotion of the rule of law in the Russian Federation to support United States trade and investment.

Sec. 203. Reports on laws, policies, and practices of the Russian Federation that discriminate against United States digital trade.

Sec. 204. Efforts to reduce barriers to trade imposed by the Russian Federation.

TITLE III—PERMANENT NORMAL TRADE RELATIONS FOR MOLDOVA

Sec. 301. Findings.

Sec. 302. Termination of application of title IV of the Trade Act of 1974 to products of Moldova.

TITLE IV—SERGEI MAGNITSKY RULE OF LAW ACCOUNTABILITY ACT OF 2012

Sec. 401. Short title.

Sec. 402. Findings; Sense of Congress.

Sec. 403. Definitions.

Sec. 404. Identification of persons responsible for the detention, abuse, and death of Sergei Magnitsky and other gross violations of human rights.

Sec. 405. Inadmissibility of certain aliens.

Sec. 406. Financial measures.

Sec. 407. Report to Congress.

TITLE I—PERMANENT NORMAL TRADE RELATIONS FOR THE RUSSIAN FEDERATION

SEC. 101. FINDINGS.

Congress finds the following:

(1) The Russian Federation allows its citizens the right and opportunity to emigrate, free of any heavy tax on emigration or on the visas or other documents required for emigration and free of any tax, levy, fine, fee, or other charge on any citizens as a consequence of the desire of those citizens to emigrate to the country of their choice.

(2) The Russian Federation has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.) since 1994.

(3) The Russian Federation has received normal trade relations treatment since concluding a bilateral trade agreement with the United States that entered into force in 1992.

(4) On December 16, 2011, the Ministerial Conference of the World Trade Organization invited the Russian Federation to accede to the World Trade Organization.

SEC. 102. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO PRODUCTS OF THE RUSSIAN FEDERATION.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to the Russian Federation; and

(2) after making a determination under paragraph (1) with respect to the Russian Federation, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of the Russian Federation.

(b) EFFECTIVE DATE OF NONDISCRIMINATORY TREATMENT.—The extension of nondiscriminatory treatment to the products of the Russian Federation pursuant to subsection (a) shall be effective not sooner than the effective date of the accession of the Russian Federation to the World Trade Organization.

(c) TERMINATION OF APPLICABILITY OF TITLE IV.—On and after the effective date under subsection (b) of the extension of nondiscriminatory treatment to the products of the Russian Federation, title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.) shall cease to apply to the Russian Federation.

TITLE II—TRADE ENFORCEMENT MEASURES RELATING TO THE RUSSIAN FEDERATION

SEC. 201. REPORTS ON IMPLEMENTATION BY THE RUSSIAN FEDERATION OF OBLIGATIONS AS A MEMBER OF THE WORLD TRADE ORGANIZATION AND ENFORCEMENT ACTIONS BY THE UNITED STATES TRADE REPRESENTATIVE.

(a) REPORTS ON IMPLEMENTATION.—

(1) IN GENERAL.—Not later than one year after the effective date under section 102(b) of the extension of nondiscriminatory treatment to the products of the Russian Federation, and annually thereafter, the United States Trade Representative shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report assessing the following:

(A) The extent to which the Russian Federation is implementing the WTO Agreement (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)) and the following agreements annexed to that Agreement:

(i) The Agreement on the Application of Sanitary and Phytosanitary Measures (referred to in section 101(d)(3) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(3))).

(ii) The Agreement on Trade-Related Aspects of Intellectual Property Rights (referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15))).

(B) The progress made by the Russian Federation in acceding to, and the extent to which the Russian Federation is implementing, the following:

(i) The Ministerial Declaration on Trade in Information Technology Products of the World Trade Organization, agreed to at Singapore December 13, 1996 (commonly referred to as the ''Information Technology Agreement'') (or a successor agreement).

(ii) The Agreement on Government Procurement (referred to in section 101(d)(17) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(17))).

(2) PLAN FOR ACTION BY TRADE REPRESENTATIVE.—

(A) IN GENERAL.—If, in preparing a report required by paragraph (1), the Trade Representative believes that the Russian Federation is not fully implementing an agreement specified in subparagraph (A) or (B) of that paragraph or that the Russian Federation is not making adequate progress in acceding to an agreement specified in subparagraph (B) of that paragraph, the Trade Representative shall, except as provided in subparagraph (B) of this paragraph, include in the report a description of the actions the Trade Representative plans to take to encourage the Russian Federation to improve its implementation of the agreement or increase its progress in acceding to the agreement, as the case may be.

(B) CLASSIFIED INFORMATION.—If any information regarding a planned action referred to in subparagraph (A) is classifiable under Executive Order 13526 (75 Fed. Reg. 707; relating to classified national security information) or a subsequent Executive order, the Trade Representative shall report that information to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives by—

(i) including the information in a classified annex to the report required by paragraph (1); or

(ii) consulting with the Committee on Finance and the Committee on Ways and Means with respect to the information instead of including the information in the report or a classified annex to the report.

(3) PUBLIC COMMENTS.—

(A) IN GENERAL.—In developing the report required by paragraph (1), the Trade Representative shall provide an opportunity for the public to comment, including by holding a public hearing.

(B) PUBLICATION IN FEDERAL REGISTER.—The Trade Representative shall publish notice of the opportunity to comment and hearing required by subparagraph (A) in the Federal Register.

(b) REPORT ON ENFORCEMENT ACTIONS TAKEN BY TRADE REPRESENTATIVE.—Not later than 180 days after the effective date under section 102(b) of the extension of nondiscriminatory treatment to the products of the Russian Federation, and annually thereafter, the United States Trade Representative shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report describing the enforcement actions taken by the Trade Representative against the

Russian Federation to ensure the full compliance of the Russian Federation with its obligations as a member of the World Trade Organization, including obligations under agreements with members of the Working Party on the accession of the Russian Federation to the World Trade Organization.

SEC. 202. PROMOTION OF THE RULE OF LAW IN THE RUSSIAN FEDERATION TO SUPPORT UNITED STATES TRADE AND INVESTMENT.

(a) REPORTS ON PROMOTION OF RULE OF LAW.—Not later than one year after the effective date under section 102(b) of the extension of nondiscriminatory treatment to the products of the Russian Federation, and annually thereafter, the United States Trade Representative and the Secretary of State shall jointly submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report—

(1) on the measures taken by the Trade Representative and the Secretary and the results achieved during the year preceding the submission of the report with respect to promoting the rule of law in the Russian Federation, including with respect to—

(A) strengthening formal protections for United States investors in the Russian Federation, including through the negotiation of a new bilateral investment treaty;

(B) advocating for United States investors in the Russian Federation, including by promoting the claims of United States investors in Yukos Oil Company;

(C) encouraging all countries that are parties to the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of the Organisation for Economic Co-operation and Development, done at Paris December 17, 1997 (commonly referred to as the ''OECD Anti-Bribery Convention''), including the Russian Federation, to fully implement their commitments under the Convention to prevent overseas business bribery by the nationals of those countries;

(D) promoting a customs administration, tax administration, and judiciary in the Russia Federation that are free of corruption; and

(E) increasing cooperation between the United States and the Russian Federation to expand the capacity for civil society organizations to monitor, investigate, and report on suspected instances of corruption; and

(2) that discloses the status of any pending petition for espousal filed with the Secretary by a United States investor in the Russian Federation.

(b) ANTI-BRIBERY REPORTING AND ASSISTANCE.—

(1) IN GENERAL.—The Secretary of Commerce shall establish and maintain a dedicated phone hotline and secure website, accessible from within and outside the Russian Federation, for the purpose of allowing United States entities—

(A) to report instances of bribery, attempted bribery, or other forms of corruption in the Russian Federation that impact or potentially impact their operations; and

(B) to request the assistance of the United States with respect to issues relating to corruption in the Russian Federation.

(2) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than one year after the effective date under section 102(b) of the extension of nondiscriminatory treatment to the products of the Russian Federation, and annually thereafter, the Secretary of Commerce shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that includes the following:

(i) The number of instances in which bribery, attempted bribery, or other forms of corruption have been reported using the hotline or website established pursuant to paragraph (1).

(ii) A description of the regions in the Russian Federation in which those instances are alleged to have occurred.

(iii) A summary of actions taken by the United States to provide assistance to United States entities pursuant to paragraph (1)(B).

(iv) A description of the efforts taken by the Secretary to inform United States entities conducting business in the Russian Federation or considering conducting business in the Russian Federation of the availability of assistance through the hotline and website.

(B) CONFIDENTIALITY.—The Secretary shall not include in the report required by subparagraph (A) the identity of a United States entity that reports instances of bribery, attempted bribery, or other forms of corruption in the Russian Federation or requests assistance pursuant to paragraph (1).

SEC. 203. REPORTS ON LAWS, POLICIES, AND PRACTICES OF THE RUSSIAN FEDERATION THAT DISCRIMINATE AGAINST UNITED STATES DIGITAL TRADE.

Section 181(a) of the Trade Act of 1974 (19 U.S.C. 2241(a)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) INCLUSION OF CERTAIN DISCRIMINATORY LAWS, POLICIES, AND PRACTICES OF THE RUSSIAN FEDERATION.—For calender year 2012 and each succeeding calendar year, the Trade Representative shall include in the analyses and estimates under paragraph (1) an identification and analysis of any laws, policies, or practices of the Russian Federation that deny fair and equitable market access to United States digital trade.''.

SEC. 204. EFFORTS TO REDUCE BARRIERS TO TRADE IMPOSED BY THE RUSSIAN FEDERATION.

The United States Trade Representative shall continue to pursue the reduction of barriers to trade imposed by the Russian Federation on articles exported from the United States to the Russian Federation through efforts—

(1) to negotiate a bilateral agreement under which the Russian Federation will accept the sanitary and phytosanitary measures of the United States as equivalent to the sanitary and phytosanitary measures of the Russian Federation; and

(2) to obtain the adoption by the Russian Federation of an action plan for providing greater protections for intellectual property rights than the protections required by the Agreement on Trade-Related Aspects of Intellectual Property Rights (referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15))).

TITLE III—PERMANENT NORMAL TRADE RELATIONS FOR MOLDOVA

SEC. 301. FINDINGS.

Congress finds the following:

(1) Moldova allows its citizens the right and opportunity to emigrate, free of any heavy tax on emigration or on the visas or other documents required for emigration and free of any tax, levy, fine, fee, or other charge on any citizens as a consequence of the desire of those citizens to emigrate to the country of their choice.

(2) Moldova has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.) since 1997.

(3) Moldova acceded to the World Trade Organization on July 26, 2001.

SEC. 302. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO PRODUCTS OF MOLDOVA.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Moldova; and

(2) after making a determination under paragraph (1) with respect to Moldova, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Moldova.

(b) TERMINATION OF APPLICABILITY OF TITLE IV.—On and after the date on which the President extends nondiscriminatory treatment to the products of Moldova pursuant to subsection (a), title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.) shall cease to apply to Moldova.

TITLE IV—SERGEI MAGNITSKY RULE OF LAW ACCOUNTABILITY ACT OF 2012

SEC. 401. SHORT TITLE.

This title may be cited as the ''Sergei Magnitsky Rule of Law Accountability Act of 2012''.

SEC. 402. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) The United States aspires to a mutually beneficial relationship with the Russian Federation based on respect for human rights and the rule of law, and supports the people of the Russian Federation in their efforts to realize their full economic potential and to advance democracy, human rights, and the rule of law.

(2) The Russian Federation—

(A) is a member of the United Nations, the Organization for Security and Co-operation in Europe, the Council of Europe, and the International Monetary Fund;

(B) has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights, and the United Nations Convention against Corruption; and

(C) is bound by the legal obligations set forth in the European Convention on Human Rights.

(3) States voluntarily commit themselves to respect obligations and responsibilities through the adoption of international agreements and treaties, which must be observed in good faith in order to maintain the stability of the international order. Human rights are an integral part of international law, and lie at the foundation of the international order. The protection of human rights, therefore, particularly in the case of a country that has incurred obligations to protect human rights under an international agreement to which it is a party, is not left exclusively to the internal affairs of that country.

(4) Good governance and anti-corruption measures are instrumental in the protection of human rights and in achieving sustainable economic growth, which benefits both the people of the Russian Federation and the international community through the creation of open and transparent markets.

(5) Systemic corruption erodes trust and confidence in democratic institutions, the rule of law, and human rights protections. This is the case when public officials are allowed to abuse their authority with impunity for political or financial gains in collusion with private entities.

(6) The Russian nongovernmental organization INDEM has estimated that bribes by individuals and businesses in the Russian Federation amount to hundreds of billions of dollars a year, an increasing share of the country's gross domestic product.

(7) Sergei Leonidovich Magnitsky died on November 16, 2009, at the age of 37, in Matrosskaya Tishina Prison in Moscow, Russia, and is survived by a mother, a wife, and 2 sons.

(8) On July 6, 2011, Russian President Dimitry Medvedev's Human Rights Council announced the results of its independent investigation into the death of Sergei Magnitsky. The Human Rights Council concluded that Sergei Magnitsky's arrest and detention was illegal; he was denied access to justice by the courts and prosecutors of the Russian Federation; he was investigated by the same law enforcement officers whom he had accused of stealing Hermitage Fund companies and illegally obtaining a fraudulent $230,000,000 tax refund; he was denied necessary medical care in custody; he was beaten by 8 guards with rubber batons on the

last day of his life; and the ambulance crew that was called to treat him as he was dying was deliberately kept outside of his cell for one hour and 18 minutes until he was dead. The report of the Human Rights Council also states the officials falsified their accounts of what happened to Sergei Magnitsky and, 18 months after his death, no officials had been brought to trial for his false arrest or the crime he uncovered. The impunity continued in April 2012, when Russian authorities dropped criminal charges against Larisa Litvinova, the head doctor at the prison where Magnitsky died.

(9) The systematic abuse of Sergei Magnitsky, including his repressive arrest and torture in custody by officers of the Ministry of the Interior of the Russian Federation that Mr. Magnitsky had implicated in the embezzlement of funds from the Russian Treasury and the misappropriation of 3 companies from his client, Hermitage Capital Management, reflects how deeply the protection of human rights is affected by corruption.

(10) The politically motivated nature of the persecution of Mr. Magnitsky is demonstrated by—

(A) the denial by all state bodies of the Russian Federation of any justice or legal remedies to Mr. Magnitsky during the nearly 12 full months he was kept without trial in detention; and

(B) the impunity since his death of state officials he testified against for their involvement in corruption and the carrying out of his repressive persecution.

(11) The Public Oversight Commission of the City of Moscow for the Control of the Observance of Human Rights in Places of Forced Detention, an organization empowered by Russian law to independently monitor prison conditions, concluded on December 29, 2009, ''A man who is kept in custody and is being detained is not capable of using all the necessary means to protect either his life or his health. This is a responsibility of a state which holds him captive. Therefore, the case of Sergei Magnitsky can be described as a breach of the right to life. The members of the civic supervisory commission have reached the conclusion that Magnitsky had been experiencing both psychological and physical pressure in custody, and the conditions in some of the wards of Butyrka can be justifiably called torturous. The people responsible for this must be punished.''.

(12) Sergei Magnitsky's experience, while particularly illustrative of the negative effects of official corruption on the rights of an individual citizen, appears to be emblematic of a broader pattern of disregard for the numerous domestic and international human rights commitments of the Russian Federation and impunity for those who violate basic human rights and freedoms.

(13) The second trial, verdict, and sentence against former Yukos executives Mikhail Khodorkovsky and Platon Lebedev evoke serious concerns about the right to a fair trial and the independence of the judiciary in the Russian Federation. The lack of credible charges, intimidation of witnesses, violations of due process and procedural norms, falsification or withholding of documents, denial of attorney-client privilege, and illegal detention in the Yukos case are highly troubling. The Council of Europe, Freedom House, and Amnesty International, among others, have concluded that they were charged and imprisoned in a process that did not follow the rule of law and was politically influenced. Furthermore, senior officials of the Government of the Russian Federation, including First Deputy Prime Minister Igor Shuvalov, have acknowledged that the arrest and imprisonment of Khodorkovsky were politically motivated.

(14) According to Freedom House's 2011 report entitled ''The Perpetual Battle: Corruption in the Former Soviet Union and the New EU Members'', ''[t]he highly publicized cases of Sergei Magnitsky, a 37-year-old lawyer who died in pretrial detention in November 2009 after exposing a multimillion-dollar fraud against the Russian taxpayer, and Mikhail Khodorkovsky, the jailed business magnate and regime critic who was sentenced at the end of 2010 to remain in prison through 2017, put an international spotlight on the Russian state's contempt for the rule of law. . . . By silencing influential and accomplished figures such as Khodorkovsky and Magnitsky, the Russian authorities have made it abundantly clear that anyone in Russia can be silenced.''.

(15) The tragic and unresolved murders of Nustap Abdurakhmanov, Maksharip Aushev, Natalya Estemirova, Akhmed Hadjimagomedov, Umar Israilov, Paul Klebnikov, Anna Politkovskaya, Saihadji Saihadjiev, and Magomed Y. Yevloyev, the death in custody of Vera Trifonova, the disappearances of Mokhmadsalakh Masaev and Said-Saleh Ibragimov, the torture of Ali Israilov and Islam Umarpashaev, the near-fatal beatings of Mikhail Beketov, Oleg Kashin, Arkadiy Lander, and Mikhail Vinyukov, and the harsh and ongoing imprisonment of Mikhail Khodorkovsky, Alexei Kozlov, Platon Lebedev, and Fyodor Mikheev further illustrate the grave danger of exposing the wrongdoing of officials of the Government of the Russian Federation, including Chechen leader Ramzan Kadyrov, or of seeking to obtain, exercise, defend, or promote internationally recognized human rights and freedoms.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should continue to strongly support, and provide assistance to, the efforts of the Russian people to establish a vibrant democratic political system that respects individual liberties and human rights, including by enhancing the provision of objective information through all relevant media, such as Radio Liberty and the internet. The Russian Government's suppression of dissent and political opposition, the limitations it has imposed on civil society and independent media, and the deterioration of economic and political freedom inside Russia are of profound concern to the United States Government and to the American people.

SEC. 403. DEFINITIONS.

In this title:

(1) ADMITTED; ALIEN.—The terms ''admitted'' and ''alien'' have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate.

(3) FINANCIAL INSTITUTION.—The term ''financial institution'' has the meaning given that term in section 5312 of title 31, United States Code.

(4) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

SEC. 404. IDENTIFICATION OF PERSONS RESPONSIBLE FOR THE DETENTION, ABUSE, AND DEATH OF SERGEI MAGNITSKY AND OTHER GROSS VIOLATIONS OF HUMAN RIGHTS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of each person who the President determines, based on credible information—

(1) is responsible for the detention, abuse, or death of Sergei Magnitsky, participated in efforts to conceal the legal liability for the detention, abuse, or death of Sergei Magnitsky, financially benefitted from the detention, abuse, or death of Sergei Magnitsky, or was involved in the criminal conspiracy uncovered by Sergei Magnitsky;

(2) is responsible for extrajudicial killings, torture, or other gross violations of internationally recognized human rights committed against individuals seeking—

(A) to expose illegal activity carried out by officials of the Government of the Russian Federation; or

(B) 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, in Russia; or

(3) acted as an agent of or on behalf of a person in a matter relating to an activity described in paragraph (1) or (2).

(b) UPDATES.—The President shall submit to the appropriate congressional committees an update of the list required by subsection (a) as new information becomes available.

(c) FORM.—

(1) IN GENERAL.—The list required by subsection (a) shall be submitted in unclassified form.

(2) EXCEPTION.—The name of a person to be included in the list required by subsection (a) may be submitted in a classified annex only if the President—

(A) determines that it is vital for the national security interests of the United States to do so;

(B) uses the annex in such a manner consistent with congressional intent and the purposes of this Act; and

(C) 15 days prior to submitting the name in a classified annex, provides to the appropriate congressional committees notice of, and a justification for, including or continuing to include each person in the classified annex despite any publicly available credible information indicating that the person engaged in an activity described in paragraph (1), (2), or (3) of subsection (a).

(3) CONSIDERATION OF DATA FROM OTHER COUNTRIES AND NONGOVERNMENTAL ORGANIZATIONS.—In preparing the list required by subsection (a), the President shall consider information provided by the chairperson and ranking member of each of the appropriate congressional committees and credible data obtained by other countries and nongovernmental organizations, including organizations inside Russia, that monitor the human rights abuses of the Government of the Russian Federation.

(4) PUBLIC AVAILABILITY.—The unclassified portion of the list required by subsection (a) shall be made available to the public and published in the Federal Register.

(d) REMOVAL FROM LIST.—A person may be removed from the list required by subsection (a) if the President determines and reports to the appropriate congressional committees not less than 15 days prior to the removal of the person from the list that—

(1) credible information exists that the person did not engage in the activity for which the person was added to the list;

(2) the person has been prosecuted appropriately for the activity in which the person engaged; or

(3) the person has credibly demonstrated a significant change in behavior, has paid an appropriate consequence for the activities in which the person engaged, and has credibly committed to not engage in the types of activities specified in paragraphs (1) through (3) of subsection (a).

(e) REQUESTS BY CHAIRPERSON AND RANKING MEMBER OF APPROPRIATE CONGRESSIONAL COMMITTEES.—

(1) IN GENERAL.—Not later than 120 days after receiving a written request from the chairperson and ranking member of one of the appropriate congressional committees with respect to whether a person meets the criteria for being added to the list required by subsection (a), the President shall submit a response to the chairperson and ranking member of the committee which made the request with respect to the status of the person.

(2) FORM.—The President may submit a response required by paragraph (1) in classified form if the President determines that it is necessary for the national security interests of the United States to do so.

(3) REMOVAL.—If the President removes from the list required by subsection (a) a person who has been placed on the list at the request of the chairperson and ranking member of one of the appropriate congressional committees, the President shall provide the chairperson and ranking member with any information that contributed to the removal decision. The President may submit such information in classified form if the President determines that such is necessary for the national security interests of the United States.

(f) NONAPPLICABILITY OF CONFIDENTIALITY REQUIREMENT WITH RESPECT TO VISA RECORDS.—The President shall publish the list required by subsection (a) without regard to the requirements of section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) with respect to confidentiality of records pertaining to the issuance or refusal of visas or permits to enter the United States.

SEC. 405. INADMISSIBILITY OF CERTAIN ALIENS.

(a) INELIGIBILITY FOR VISAS.—An alien is ineligible to receive a visa to enter the United States and ineligible to be admitted to the United States if the alien is on the list required by section 404(a).

(b) CURRENT VISAS REVOKED.—The Secretary of State shall revoke, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), the visa or other documentation of any alien who would be ineligible to receive such a visa or documentation under subsection (a) of this section.

(c) WAIVER FOR NATIONAL SECURITY INTERESTS.—

(1) IN GENERAL.—The Secretary of State may waive the application of subsection (a) or (b) in the case of an alien if—

(A) the Secretary determines that such a waiver—

(i) is necessary to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947, or other applicable international obligations of the United States; or

(ii) is in the national security interests of the United States; and

(B) prior to granting such a waiver, the Secretary provides to the appropriate congressional committees notice of, and a justification for, the waiver.

(2) TIMING FOR CERTAIN WAIVERS.—Notification under subparagraph (B) of paragraph (1) shall be made not later than 15 days prior to granting a waiver under such paragraph if the Secretary grants such waiver in the national security interests of the United States in accordance with subparagraph (A)(ii) of such paragraph.

(d) REGULATORY AUTHORITY.—The Secretary of State shall prescribe such regulations as are necessary to carry out this section.

SEC. 406. FINANCIAL MEASURES.

(a) FREEZING OF ASSETS.—

(1) IN GENERAL.—The President shall exercise all powers granted by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (except that the requirements of section 202 of such Act (50 U.S.C. 1701) shall not apply) to the extent necessary to freeze and prohibit all transactions in all property and interests in property of a person who is on the list required by section 404(a) of this Act if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) EXCEPTION.—Paragraph (1) shall not apply to persons included on the classified annex under section 404(c)(2) if the President determines that such an exception is vital for the national security interests of the United States.

(b) WAIVER FOR NATIONAL SECURITY INTERESTS.—The Secretary of the Treasury may waive the application of subsection (a) if the Secretary determines that such a waiver is in the national security interests of the United States. Not less than 15 days prior to granting such a waiver, the Secretary shall provide to the appropriate congressional committees notice of, and a justification for, the waiver.

(c) ENFORCEMENT.—

(1) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of such section.

(2) REQUIREMENTS FOR FINANCIAL INSTITUTIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe or amend regulations as needed to require each financial institution that is a United States person and has within its possession or control assets that are property or interests in property of a person who is on the list required by section 404(a) if such property and interests in property are in the United States to certify to the Secretary that, to the best of the knowledge of the financial institution, the financial institution has frozen all assets within the possession or control of the financial institution that are required to be frozen pursuant to subsection (a).

(d) REGULATORY AUTHORITY.—The Secretary of the Treasury shall issue such regulations, licenses, and orders as are necessary to carry out this section.

SEC. 407. REPORT TO CONGRESS.

Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary of State and the Secretary of the Treasury shall submit to the appropriate congressional committees a report on—

(1) the actions taken to carry out this title, including—

(A) the number of persons added to or removed from the list required by section 404(a) during the year preceding the report, the dates on which such persons have been added or removed, and the reasons for adding or removing them; and

(B) if few or no such persons have been added to that list during that year, the reasons for not adding more such persons to the list; and

(2) efforts by the executive branch to encourage the governments of other countries to impose sanctions that are similar to the sanctions imposed under this title.

The SPEAKER pro tempore. The bill shall be debatable for 90 minutes, with 60 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means and 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs.

The gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN) each will control 30 minutes. The gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. BERMAN) each will control 15 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Madam Speaker, I'm very happy to yield to the very competent leader of the Foreign Affairs Committee, Ms. ROS-LEHTINEN, for such time as she may consume.

Ms. ROS-LEHTINEN. I thank the gentleman from Indiana for the time.

I plan to vote for this bill, H.R. 6156, even though I remain strongly opposed to granting Russia permanent normal trade relations, or PNTR, at this time, and I would like to explain the reasons why.

Those who argue for granting Russia PNTR, which has, until now, been prevented by what is known as the Jackson-Vanik amendment, focus on the supposed bilateral trade benefits; but the issue that concerns me and many Members is not trade, but human rights.

Advocates of repeal say that the Jackson-Vanik amendment is outdated and purely symbolic and, therefore, should be disregarded. But in the area of human rights, Madam Speaker, symbols can have a very great importance.

Over the years, Jackson-Vanik has become a sign of the continuing U.S. commitment to human rights in Russia and elsewhere. Repealing the amendment could very well be interpreted as an indication that our commitment is now weakening. This would be a terrible signal to send at a time when Vladimir Putin is in the process of imposing ever-tighter restrictions on all opposition to his regime, especially democratic activists and any others who dare to defy the authorities.

I also oppose granting Russia PNTR at this time because it is but one more concession by the United States in pursuit of the President's failed reset of relations with Moscow, which among other measures includes the one-sided New START Treaty, the retrenching of NATO's planned missile defense system against Iranian missiles, and Russia's entry into the World Trade Organization. And now Moscow is being given PNTR even as it pursues policies in Iran and elsewhere that undermine U.S. interests.

Nevertheless, despite my objections, I will vote for the bill because it is the only way of securing passage for H.R. 4405, the Magnitsky Act, which has been incorporated into this bill as title IV.

By requiring the President to publicly identify and impose sanctions on human rights violators in Russia, especially those involved in the death of Sergei Magnitsky and the subsequent coverup, this legislation will make clear that the U.S. remains fully committed to advancing democracy and human rights in that country. These are more than just symbolic steps. The proof comes from the threats by the

Kremlin of retaliation if Congress dares to act because the regime fears that senior officials will be publicly implicated.

The administration tried very hard to prevent the Magnitsky Act from moving forward and gave way only when faced with overwhelming bipartisan support for it in both the House and the Senate, making it a precondition for passage of PNTR.

In particular, the administration has tried to remove a requirement that the list of officials and others be made public and has pushed hard to be allowed to keep some of those names classified. But keeping the names secret is exactly what the Kremlin hopes to do. Therefore, although the legislation does allow the President to put the names of some violators on a classified list, this exception can only be used when the President determines that it is vital to U.S. national security interests, and he must justify such action to us in the Congress.

So, to erase any doubt, let me state for the record that the clear intent of Congress is that this exception will be used only in rare cases, and that misuse by the administration will quickly prompt a strong response.

□ 0920

Let me close by saying, Madam Speaker, that on this third anniversary of the death of Sergei Magnitsky, while in police custody, we in Congress are united in our support for those fighting for democracy and human rights in Russia, and will stand with them in this time of repression until they have triumphed and their country has taken its rightful place among the democracies of the world.

Mr. BERMAN. Madam Speaker, I yield myself 4 minutes.

Madam Speaker, I rise in support of H.R. 6156, the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012.

The Jackson-Vanik amendment is a good example of the power of legislation to promote positive change. In 1974, when it was adopted, the right to emigrate was being denied to many people in many non-market countries, most notably the Soviet Union.

By limiting normal trade relations, Jackson-Vanik helped pressure countries to change their restrictive immigration policies, and in the case of the Soviet Union, to allow the immigration of Soviet Jews and many other groups previously precluded from leaving to go to the United States to Israel and to other countries.

We continue to have very serious concerns about the human rights situation in Russia, but as the specific root causes of Jackson-Vanik no longer exist, it has been waived for Russia every year since 1989.

The important piece of legislation we are considering today repeals the Jackson-Vanik amendment with respect to Russia and Moldova, grants Russia permanent normal trade relations, and includes an important new provision to address human rights violations in Russia. Adherence to accepted standards of both trade and human rights are important to America and to a fruitful U.S.-Russia relationship.

Russia joined the WTO in August of this year, and is now subject to WTO fair-trade disciplines and dispute resolution procedures. Enactment of this bill is necessary for U.S. exporters to benefit from the WTO rules and the enhanced market access in pursuing trade with Russia. It will also afford us an additional mechanism to protect intellectual property rights, including over the Internet.

Although Russia once was a small player in world trade, its imports have shot up by 80 percent since 2005, 20 percent just last year. If we don't pass this bill, American companies will be operating at a disadvantage and have a harder time tapping into this growing market.

This is also an important step for strengthening democratic norms in Russia. Over the past several years, the Russian people have demonstrated a new-found confidence in questioning their government. We hope that increased trade with Western nations, including the U.S., will bring greater transparency to the Russian economic system, and it will help grow the middle class, which is at the forefront of demanding improved democratic governance and the rule of law.

Regrettably, Russia remains one of the least free countries in Europe, and it is important that we continue to raise serious concerns about its dismal record on democracy, human rights, and the rule of law.

In addition to Sergei Magnitsky's tragic death, we are deeply concerned about a range of human rights violations including extrajudicial killings, detention, torture of those expressing opposing views, the serious irregularities in elections, and legislation enacted by several city councils, including Saint Petersburg, to restrict the rights of Russia's LGBT community.

The Magnitsky provisions would place restrictions on the financial activities and travel of Russians connected to various human rights violations. The names of these human rights violators would be publicly available, unless the administration determines that the individual must be placed on a classified list.

The intent of these provisions is for the administration to use the classified list only under the prescribed set of circumstances outlined in the bill, and our expectation is that the use of the classified list will be the exception, not the rule.

Madam Speaker, I support this legislation and encourage my colleagues to support it as well.

I reserve the balance of my time.

GENERAL LEAVE

Mr. BURTON of Indiana. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to insert extraneous material on the bill, H.R. 6156.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BURTON of Indiana. Madam Speaker, I yield whatever time he may consume to the gentleman from California (Mr. ROYCE), a leader on the Foreign Affairs Committee.

Mr. ROYCE. Madam Speaker, please excuse my voice today, but I did want to rise in support of this legislation, and also to associate myself with the observations made by my colleague, Congressman BERMAN, and certainly with Congressman BURTON.

The legislation here that was originally enacted in 1974, Congressman HOWARD BERMAN is quite correct, this, during the Cold War, did play a very key role with respect to immigration. But today, that is long over. And with Russia joining the WTO in August, we have a problem here in the United States, and that is, Russia, in doing so, made tariff cuts for every country in the world except the United States. This bill would correct that. And of course, without this legislation, exporters here in the United States would lose.

I've never viewed Jackson-Vanik as an impediment to Russian relations today. But neither do I see it as very helpful in pressing Russia on issues like Iran or their conduct toward Syria. Russian opposition level leaders, however, and Russian civil society, and the Russian press, what free press remains in Russia today, really support this legislation.

I think what this legislation intends is sort of a mutually beneficial relationship with Russia, based on the rule of law, based on human rights. That's the hope. It includes the Sergei Magnitsky legislation that came out of the Foreign Affairs Committee, of which I'm an original cosponsor, and I do think we owe a debt of gratitude to Chairman ROS-LEHTINEN for her determination to have that provision in the legislation.

I think if we reflect on the words of the Russian opposition in their Parliament, one said recently, this provision is very pro-Russian. It helps defend us in Russia from criminals. It helps defend us from criminals who kill our citizens, who steal our money and then hide it abroad. And that's the point. That's what we're trying to do in that provision.

And this bill, liberalizing trade while at the same time staying true to human rights, should have passed months ago. Sometimes we have a debate with the administration, in this particular case it was over the question of sort of quiet diplomacy with Russia, or whether we were going to speak out forcefully on these human rights provisions. I do not prefer silence on issues such as this.

I think that the systemic corruption we're seeing today in Moscow, and the abuse of power we're seeing from the regime, really demand inclusion of these provisions. And I think, thankfully, a bipartisan group in Congress, including HOWARD BERMAN, including Congresswoman ROS-LEHTINEN and others, stuck it out, came together on this and insured the inclusion in this bill of these provisions in memory of Sergei Magnitsky, in order to take a stand. And I think that is the right course. I encourage all my colleagues to pass this legislation.

□ 0930

Mr. BERMAN. Madam Speaker, I yield myself 15 seconds.

The gentleman from Massachusetts is the cochair of the Tom Lantos Commission on Human Rights; but I think particularly I want to recognize him because, in addition to everyone named so far, a very key player in all of this has been this gentleman from Massachusetts, and he has made tremendous efforts on these Magnitsky provisions.

So as we now move this bill to passage, I recognize chairman of the Tom Lantos Commission on Human Rights, a gentleman who has worked on this bill for 3 years and who has been a leader on human rights issues all over the world. With thanks for his efforts and passion over this part of the legislation, I yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Madam Speaker, I want to thank the distinguished ranking member of the Foreign Affairs Committee for all of his efforts and support on this and on so many other issues. It is a privilege to serve with him. I also want to thank the chairwoman of the Foreign Affairs Committee, ILEANA ROS-LEHTINEN. Both of these individuals are responsible for making sure the final version of the Magnitsky Act included in this bill is strong, workable, and precedent-setting. It is a major piece of human rights legislation, and I am very, very grateful for their leadership.

Madam Speaker, today is the third anniversary of the death of Sergei Magnitsky, in whose honor title IV of this bill is named. He died on November 16, 2009, after enduring torture and beatings while being imprisoned for blowing the whistle on the largest tax fraud in Russian history. He did the right thing, and he paid for it with his life at the hands of brutal and corrupt Russian officials. His case remains in impunity.

Yet, under title IV of this bill, the United States will not stand by silently and let his killers and abusers and those who covered up these crimes get away with it. Those identified as responsible for these crimes will be named, their assets frozen, and a visa ban imposed.

We won't be acting alone. On September 26, the European Parliament unanimously adopted a resolution recommending that the European Union establish a common list of officials responsible for the death and cover-up of Sergei Magnitsky and to impose an EU-wide visa ban on these officials and freeze any financial assets they may hold inside the European Union.

Let me be perfectly clear. This bill is not simply about the case of Sergei Magnitsky. It applies to all of those who engage in gross human rights violations or corruption. It is precedent-setting human rights legislation. The House should be proud of what it is accomplishing today for human rights and the rule of law for the Magnitsky family, for the Russian people, for honorable Russian officials, and for human rights defenders inside and outside Russia.

Because this bill includes the Magnitsky Act, I urge my colleagues to vote for H.R. 6156 and would like to insert the European Parliament's report and an article from the American Enterprise Institute in the RECORD at this point.

REPORT WITH A PROPOSAL FOR A EUROPEAN PARLIAMENT RECOMMENDATION TO THE COUNCIL ON ESTABLISHING COMMON VISA RESTRICTIONS FOR RUSSIAN OFFICIALS INVOLVED IN THE SERGEI MAGNITSKY CASE

PROPOSAL FOR A EUROPEAN PARLIAMENT RECOMMENDATION TO THE COUNCIL ON ESTABLISHING COMMON VISA RESTRICTIONS FOR RUSSIAN OFFICIALS INVOLVED IN THE SERGEI MAGNITSKY CASE (2012/2142(INI))

The European Parliament, having regard to Article 215 of the TFEU, having regard to the proposal for a recommendation to the Council by Guy Verhoefstadt and Kristiina Ojuland, on behalf of the Aide Group (B7–0196/2012), having regard to its resolution of 17 February 2011 on the rule of law in Russia, having regard to its resolution of 16 December 2010 on the Annual Report on Human Rights in the World 2009 and the European Union's policy on the matter, having regard to its resolution of 14 December 2011 on the upcoming EU-Russia Summit on 15 December 2011 and the outcome of the Duma elections on 4 December 2011, having regard to its recommendation of 2 February 2012 to the Council on a consistent policy towards regimes against which the EU applies restrictive measures, having regard to the adoption of the Sergei Magnitsky Rule of Law Accountability Act by the US Senate's Foreign Relations Committee on 26 June 2012, seeking to impose visa bans and asset freezes on Russian officials allegedly involved in the detention, abuse and death of Sergei Magnitsky, having regard to the draft resolution entitled 'Rule of law in Russia: case of Sergei Magnitsky', which was presented to the 2012 annual session of the OSCE Parliamentary Assembly, calling on national parliaments to take action to impose visa sanctions and asset freezes, having regard to Rule 121(3) of its Rules of Procedure, having regard to the report of the Committee on Foreign Affairs (A7–0285/2012),

A. whereas the arrest, conditions of detention and subsequent death in custody of Sergei Magnitsky represent a well documented and substantial case of disrespect for fundamental human rights;

B. whereas the posthumous prosecution of Sergei Magnitsky is a violation of international and national laws and clearly shows the malfunctioning of the Russian criminal justice system;

C. whereas the Russian Federation, as a member of the Council of Europe and of the Organisation for Security and Cooperation in Europe, has committed itself to fully respecting fundamental rights and the rule of law, and whereas the European Union has repeatedly offered additional assistance and expertise to help the Russian Federation modernise, and abide by, its constitutional and legal order;

D. whereas, despite the 2011 conclusions of the inquiry conducted by the Russian President's Human Rights Council on the illegality of Sergei Magnitsky's arrest, detention and being denied access to justice, the investigations are stalled and the officials involved have been exonerated and even assigned to the posthumous case; whereas such actions on the part of the authorities demonstrate the politically motivated nature of Magnitsky's prosecution;

E. whereas the European Union has urged the Russian authorities on many occasions and formats, from regular human rights consultations to summit-level meetings, to conduct thorough independent investigations in this special, well documented case, and to put an end to the current climate of impunity;

F. whereas the case of Sergei Magnitsky is only one but the most prominent and well documented case of abuse of powers by the Russian law enforcement authorities, heavily violating the rule of law; whereas a multitude of other juridical cases exist using systematically the pretext of economic crimes and alleged corruption for eliminating business competitors or political rivals;

G. whereas visa restrictions and other restrictive measures are not traditional judicial sanctions per se, but constitute a political signal of the EU's concern to a larger target audience and thus remain a necessary and legitimate foreign policy tool;

H. whereas EU sanctions on the Magnitsky case could prompt the Russian authorities to make genuine and fresh efforts to address, in a more concrete and convincing manner, the question of the rule of law in Russia and the current climate of impunity;

I. whereas several national parliaments of EU Member States—among them Italy, the Netherlands, the United Kingdom, Sweden and Poland—have already passed resolutions urging their governments to introduce sanctions on the Magnitsky case, while several other national parliaments, such as those in Portugal, France, Spain and Latvia, are at the initial drafting stage for such resolutions;

1. Addresses the following recommendations to the Council:

(a) to establish a common EU list of officials responsible for the death of Sergei Magnitsky, for the subsequent judicial cover-up and for the ongoing and sustained harassment of his mother and widow;

(b) to impose and implement an EU-wide visa ban on these officials and to freeze any financial assets they or their immediate family may hold inside the European Union;

(c) to call on Russia to conduct a credible and independent investigation encompassing all aspects of this tragic case, and to bring all those responsible to justice;

(d) to urge the Russian authorities to put an end to the widespread corruption and to reform the judicial system, and bring it into line with international standards, by creating an independent, just and transparent system that cannot, under any circumstances, be misused for political reasons;

(e) to raise, in the course of bilateral meetings with Russian authorities, this issue as well as the issue of intimidation and impunity in cases involving human rights defenders, journalists and lawyers, in a more determined, resolute and result-oriented manner;

2. Encourages the Council to take a coherent and proactive stance on other serious

human rights violations in Russia, on the basis of well documented, converging and independent sources and convincing evidence, and to introduce similar restrictive measures against offenders as a last resort measure;

3. Underlines that the commitment of the Russian authorities to basic values such as the rule of law, and respect for human rights and basic freedoms, remains the main prerequisite for EU-Russia relations and for the development of a stable and reliable partnership between the two parties;

4. Instructs its President to forward this recommendation to the Council and, for information, to the Commission, the Member States, the Russian State Duma and the Government of the Russian Federation.

PROPOSAL FOR A RECOMMENDATION B7–0196/2012

The European Parliament, having regard to Article 215 of the TFEU, having regard to the European Parliament recommendation to the Council on a consistent policy on restrictive measures, adopted on 2 February 2012, having regard to the decision by the United States to impose travel restrictions on 60 officials involved in the Sergei Magnitsky case and to similar considerations in a number of other countries, having regard to Rule 121(1) of its Rules of Procedure,

A. whereas the arrest and subsequent death in custody of Sergei Magnitsky represents a well documented and substantial case of disrespect for fundamental human rights in Russia, and serves as a chilling reminder of the many documented shortcomings in the respect shown for human rights and fundamental freedoms in Russia;

B. whereas Russia, as a member of the Council of Europe, has committed itself to fully respecting fundamental rights and the rule of law, and whereas the European Union has repeatedly offered additional assistance and expertise to help Russia modernise, and abide by, its constitutional and legal order, in line with Council of Europe standards;

C. whereas there is an increasing need for a firm, robust and comprehensive EU policy towards Russia, offering support and assistance backed up by firm and fair criticism, including sanctions and restrictive measures when needed;

D. whereas visa restrictions and other restrictive measures are not traditional judicial sanctions per se, but constitute a political signal of the EU's concern to a larger target audience and thus remain a necessary and legitimate foreign policy tool;

1. Addresses the following recommendations to the Council:

(a) to establish a common EU list of officials responsible for the death of Sergei Magnitsky, for the subsequent judicial cover-up and for the ongoing and sustained harassment of his mother and widow;

(b) to impose and implement an EU-wide visa ban on these officials and to freeze any financial assets they or their immediate family may hold inside the European Union;

(c) to call on Russia to conduct a credible and independent investigation encompassing all aspects of this tragic case;

2. Instructs its President to forward this recommendation to the Council and, for information, to the Commission, the Member States, and the State Duma and Government of Russia.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	20.9.2012
Result of final vote	+: 62 −: 2 0: 1
Members present for the final vote	Franziska Katharina Brantner, Elmar Brok, Jerzy Buzek, Tarja Cronberg, Arnaud Danjean, Mário David, Michael Gahler, Marietta Giannakou, Ana Gomes, Andrzej Grzyb, Liisa Jaakonsaari, Jelko Kacin, Ioannis Kasoulides, Nicole Kiil-Nielsen, Evgeni Kirilov, Maria Eleni Koppa, Pawel Robert Kowal, Eduard Kukan, Vytautas Landsbergis, Krzysztof Lisek, Sabine Lösing, Ulrike Lunacek, Francisco José Milán Mon, María Muñiz De Urquiza, Annemie Neyts-Uyttebroeck, Norica Nicolai, Pier Antonio Panzeri, Ioan Mircea Paşcu, Alojz Peterle, Bernd Posselt, Hans-Gert Pöttering, Cristian Dan Preda, Libor Rouček, Tokia Saïfi, José Ignacio Salafranca Sánchez-Neyra, Nikolaos Salavrakos, Jacek Saryusz-Wolski, György Schöpflin, Werner Schulz, Marek Siwiec, Sophocles Sophocleous, Laurence J.A.J. Stassen, Charles Tannock, Inese Vaidere, Johannes Cornelis van Baalen, Geoffrey Van Orden, Sir Graham Watson, Boris Zala
Substitute(s) present for the final vote	Laima Liucija Andrikiene, Elena Băsescu, Marije Cornelissen, Jacek Protasiewicz, Teresa Riera Madurell, Carmen Romero López, Marietje Schaake, Helmut Scholz, Alf Svensson, Indrek Tarand, Traian Ungureanu, Ivo Vajgl, Luis Yañez-Barnuevo García, Joachim Zeller, Janusz Wladyslaw Zemke
Substitute(s) under Rule 187(2) present for the final vote.	Maria Badia i Cutchet, Ivari Padar

[From the American Enterprise Institute, Nov. 15, 2012]

THREE CHEERS FOR THE MAGNITSKY ACT AND AMERICAN VALUES

(By Leon Aron)

In the next few days, the House and the Senate will almost certainly vote on and pass the Sergei Magnitsky Rule of Law Accountability Act. The bill is named after a 37-year-old lawyer who was tortured to death in a Moscow prison after he uncovered an elaborate scheme that had defrauded the Russian treasury of $230 million. November 16th will be the third anniversary of his death.

The Magnitsky Act would deny entry to the United States and freeze the assets and property of those individuals responsible for this embezzlement, the death of Sergei Magnitsky, and its cover up, as well as any current or future abuse of human and political rights.

The anti-Putin opposition in Russia has overwhelmingly supported the Magnitsky Act. Even leftists and nationalists have been ardently in favor. Just as vehemently, the Kremlin has denounced the legislation, crying ''interference in its internal affairs'' and threatening an ''appropriate response.''

The ''interference'' objection has not a leg to stand on. The legislation is directed not against Russia but against those who torment and defraud it. Moreover, Russia and the Soviet Union—to which Russia is the legal successor—are party to multiple agreements, most notably the Helsinki Act of 1976 and its subsequent iterations that explicitly make human and political rights subject to international scrutiny.

As for the Kremlin's response, Russians on the internet have had tons of fun with it: ''No more shopping trips to Moscow by the wives of US officials!'' ''No more Black Sea vacations for them!'' ''US officials will be prohibited from keeping their money in Russian banks and their children denied admissions to Russian colleges!''

Although it might precipitate a petty tit-for-tat, the Magnitsky Act is part of something far larger than mere ups and downs in US-Russian relations. It is a long overdue step reaffirming the core values that guide US foreign policy and advancing what is—or ought to be—one of its key, overarching geostrategic objectives: The emergence of a stable, free, and democratic Russian state at peace, in the long last, with its own people and the world.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BERMAN. I yield the gentleman an additional 2 minutes.

Mr. MCGOVERN. Madam Speaker, I would like to enter into a colloquy with the majority and minority floor managers—the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. BERMAN)—just to clarify the congressional intent regarding the use of the classified annex mentioned in section 404(c)(2) of H.R. 6156.

Section 404 of the bill would hold accountable Magnitsky's killers and other human rights violators by placing targeted sanctions on them. In particular, the bill imposes a visa ban and asset freeze on individuals responsible for participating in or for covering up Sergei Magnitsky's detention, abuse and death, and on individuals responsible for certain other gross violations of human rights. As part of that accountability, section 404 requires the President to publish a list of the people responsible for those particular abuses.

It is my understanding that the congressional intent behind title IV is for people subject to sanctions to be placed on an unclassified list in a transparent manner and that any classified annex may be used only as an exception and not the rule. The administration may list a person in the classified annex only if the President determines that it is absolutely vital to the national security interests of the United States and provides Congress with prior notice and justification.

I yield to the floor manager for the majority, Mr. BURTON, such time as he requires to clarify his own understanding.

Mr. BURTON of Indiana. Yes, Madam Speaker, I share in the gentleman's understanding of congressional intent as reflected in the text of section 404(c). The list of sanctionable individuals is meant to be unclassified, and any classified annex should be used only as an exception.

Mr. MCGOVERN. In reclaiming my time, I thank the gentleman.

I yield to the floor manager for the minority, Mr. BERMAN, such time as he requires to clarify his understanding.

Mr. BERMAN. I thank the gentleman for yielding.

Madam Speaker, that is also my understanding. The intent of Congress is to place people in the classified annex only if the President determines and justifies to the relevant committees that it is vital for the national security interests of the United States.

Mr. MCGOVERN. In reclaiming my time, I thank the gentlemen for their assurances and clarifications.

I want to thank this Congress for their bipartisan support of this Magnitsky Act, which, I think, makes it clear that, if the United States of America stands for anything, we stand out loud and foursquare for human rights.

Mr. BURTON of Indiana. Madam Speaker, I am very happy to yield 2 minutes to one of the real leaders on the Foreign Affairs Committee, the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, almost 40 years ago, this body heard the cries of the Jewish refuseniks trapped behind the Iron Curtain, and it passed the Jackson-Vanik amendment, which brilliantly linked the free movement of goods with the free movement of people. It was a congressional initiative, opposed by the White House, which sought ''reset'' at all costs—at that time it was called ''detente''—with Russia.

It's a sad commentary on what the Russian people continue to suffer that now, more than 40 years after the collapse of the Soviet Union, we meet in the same House Chamber to struggle with similar issues.

Russia is now a market economy and permits emigration, but human rights and the rule of law are trampled with impunity and often violence. Since Jackson-Vanik—a marvelous tool for promoting human rights in the seventies and eighties—doesn't address Russia's current problems, we need a new tool. The need for one should be evident to anyone who follows the news. Madam Speaker, the Magnitsky provisions of the trade bill we are considering provide such a tool.

These tools couldn't be timelier as some lament a perceived decline in American influence abroad. The Magnitsky sanctions shouldn't cost us a dime—and the howls from the Kremlin suggest we are on to something. While threats like cutting off aid or military cooperation mean nothing to the Russians, its kleptocratic elite deeply value access to the West. The privilege of a U.S. visa affords a measure of respectability as well as a quick exit for those who worry daily that somebody may be held to account for the crimes against their countrymen. Further, corrupt Russian officials know better than to keep their fortunes inside Russia, risking confiscation by other corrupt officials.

The penalties imposed by Jackson-Vanik applied to the entire Russian economy, but those envisioned by the Magnitsky legislation look to personal responsibility and target the individual bad actor. What this bill is saying is that murderers and torturers are not welcome in this country. I would certainly hope that we are not so compromised in our security and commercial relations that to publicly name and shame these individuals would be seen to hurt our interests. It is a great bill, and it will have, hopefully, good, strong bipartisan support.

Mr. BERMAN. Madam Speaker, may I inquire as to how much time both sides have.

The SPEAKER pro tempore. The gentleman from California has 6¾ minutes remaining. The gentleman from Indiana has 4½ minutes remaining.

Mr. BERMAN. Madam Speaker, I yield 3 minutes to the ranking member of the Europe and Eurasia Subcommittee, my friend from New York (Mr. MEEKS).

Mr. MEEKS. I want to first thank ranking member HOWARD BERMAN for his leadership on this, as well as to thank Chairwoman ROS-LEHTINEN.

I urge my colleagues to support H.R. 6156, the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012. Granting permanent normal trade relations with Russia and Moldova is long overdue; and with this vote we look to the future and put aside some longstanding vestiges of the Cold War.

I strongly endorse granting permanent normal trade relations to Moldova. Since 2001, when Moldova entered the World Trade Organization, the United States has been in noncompliance with WTO rules because Congress has failed to repeal the Jackson-Vanik amendment. Moldova is a Western-oriented, fully democratic country, and Moldova deserves to be treated as an economic partner so we can strengthen our ties to her further.

We will hear lots today about the economic, human rights, and foreign policy implications of this bill; and Russia will be at the center of the debate.

□ 0940

But I hope that we do not lose sight of this most basic point. At its core, today's vote on Russian PNTR is about an evolving relationship. The U.S.-Russia relationship has been at the top of our foreign policy agenda for more than half a century. The fact that the House has deliberated for so long to bring H.R. 6156 to the floor is an indication that this is still an important relationship.

In 1974, when the Jackson-Vanik amendment was enacted, there was a Soviet Union, and the purpose of the amendment was to end the Soviet Union's policy that prevented the immigration of Jews. The objective has long since been met, and since 1991, Russia terminated fees on Russian immigrants. This is why, since 1992, the United States has certified that Russia complies with Jackson-Vanik and we have normal trade relations with Russia.

The bill before us today simply makes that policy permanent. It also replaces the human rights policy of a bygone era with a more appropriate one for the issues in Russia today. In so doing, we allow U.S. businesses to take advantage of the many rules-based market opening and tariff reducing commitments that were part of the Russians' WTO accession package, and we uphold our longstanding commitment to protecting human rights and human dignity.

Madam Speaker, we are nearly 3 months behind our biggest global competitors. The U.S. is the only one of the over 150 WTO members that did not immediately benefit from Russia joining the WTO. We are the only one. Only until we repeal Jackson-Vanik, Russia has a right to suspend all agreed upon WTO trade concessions with regard to the U.S. We're talking about losing out on hundreds of millions of dollars in just tariff cuts alone. Passage of this bill will expand our engagement with Russia and better facilitate the exporting of our goods.

But trade is never just about the movement of goods and services. It is also about the transformative flow of people, ideas, best practices, and values. Increased trade may be the most efficient way yet to promote rule of law, fight corruption, support human rights, and inspire a civil society in Russia.

With passage of H.R. 6156, we get beyond the Jackson-Vanik amendment, a Cold War relic, and level the playing field for American businesses and provide encouragement for whistleblowers. Therefore, I ask my colleagues to support this bill.

Mr. BURTON of Indiana. Madam Speaker, I'm very happy to now yield 2 minutes to the gentleman from California, a member of the Foreign Affairs Committee, Mr. ROHRABACHER.

Mr. ROHRABACHER. The Soviet dictatorship collapsed over two decades ago. Being someone who spent a considerable time of my life opposing Soviet communism, I have been disappointed to see that many of my own colleagues, on both sides of the aisle, have never gotten the Cold War out of their mind. So many of us in this body have been treating democratic Russia as if it is still the Soviet Union.

Over the years, we should have established this level of cooperation, especially the economic cooperation that we're codifying today. This should have been established long ago. Instead, what happened was the people stuck in the Cold War kept vilifying the Soviet Union and exaggerating every shortcoming while at the same time ignoring similar flaws, for example, in China. The human rights abuses in China are outrageous, but yet we have moved forward time and again to expand their ability to make money on us, even to steal our technologies with a one-way free trade policy with China.

We need to make sure that the people of Russia know what we're saying today: that the Cold War is over, that we need to march forward together to meet the challenges of both of our countries, and that we will open up our economy in economic cooperation with you so that we can stand together and prosper and so that we can also deal with the challenges of an ever more powerful and aggressive China and radical Islam, which is as great a threat

and kills as many Russians as they do Americans. The Russian people have to know that after today we have left the Cold War behind; we will quit vilifying the Soviet Union and holding them to a different standard than we do other countries simply because in the past they were our enemies.

Madam Speaker, I gladly step forward to endorse this expansion of freedom of trade between our peoples.

Mr. BERMAN. Madam Speaker, I have no further requests for time and simply need time to close.

Mr. BURTON of Indiana. I reserve the right to close, so I yield to my colleague.

Mr. BERMAN. Madam Speaker, I yield myself such time as I may consume.

I think this is a very historic piece of bipartisan legislation. Just as Jackson-Vanik became a tool to deal with one aspect of a horrible set of policies by the Soviet Union during the Cold War, we now, using the Magnitsky legislation, deal with some very serious human rights issues remaining in Russia, but not in the context of restricting trade but in the context of deepening our economic relationship with Russia. I think what this legislation does altogether, in combination, is promote both that economic relationship and shared adherence to common standards of human rights democracy and the rule of law.

I urge its support, and I yield back the balance of my time.

Mr. BURTON of Indiana. Madam Speaker, I yield myself the balance of my time.

Russia joined the World Trade Organization this year. Russia's accession will bring 140 million new consumers into the WTO's international rules-based system. This will help U.S. companies who have been at a disadvantage in competing with their European and Asian counterparts in Russia.

In order to join the WTO, Russia has been required to make substantial reforms to open its economy to international investment. These reforms include significant cuts on tariffs impacting manufactured goods and agricultural products, as well as a pledge to cut farm subsidies in half by 2018. Russia must also allow 100 percent foreign ownership of companies in a diverse group of industries, including banking, telecommunications, and retail. More importantly, Russia will be bound to respect the WTO's intellectual property protections and will participate in the organization's system for settling trade disputes.

As chairman of the Subcommittee on Europe and Eurasia, I've visited Moscow and have met with representatives of the American Chamber of Commerce and many American businesses that are already active in Russia. Whether we pass this bill or not, these companies will remain in Russia, and the Russian market is too big to ignore. However, let's make it easier for U.S. companies to do business in Russia.

In addition, the Peterson Institute, a prominent economic think tank, estimates that if we pass this bill and Russia receives PNTR, U.S. exports to Russia will double over the next 5 years from $9 billion to $19 billion. This increased trade could support upwards of 50,000 new jobs here in the United States.

This legislation requires the Secretary of State and the trade representative to provide Congress with a number of reports that explain the steps that they've taken to ensure that Russia is in compliance with the WTO. These reports must include updates on what the administration is doing to advocate for American investors in Russia, including those investors in the Yukos Oil Company, who suffered about $12 billion in losses when the Russian Government expropriated the company.

Regarding Moldova, this former state of the Soviet Union joined the WTO in 2001. However, because Jackson-Vanik applies to Moldova as well as Russia, the U.S. has not been able to offer that country PNTR, and this bill will fix that.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BURTON of Indiana. Madam Speaker, Moldova and Russia are now going to be able to participate with the United States in more free trade. I think this is a great bill, and I urge my colleagues to support it.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 6570. An act to amend the American Recovery and Reinvestment Act of 2009 and the Emergency Economic Stabilization Act of 2008 to consolidate certain CBO reporting requirements.

The message also announced that the Senate has passed a bill and agreed to a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 1440. An act to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. Con. Res. 60. Concurrent Resolution providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives.

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

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) is recognized.

Mr. CAMP. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I urge passage of this bipartisan legislation to ensure that American companies, workers, farmers, and ranchers benefit from Russia's accession to the World Trade Organization. Almost three months ago, Russia became the 156th member of the WTO. Since then, exporters from every WTO member but one—the United States—have been guaranteed the benefit from the concessions that Russia made to join the WTO. These benefits include increased access to Russia's growing market in goods and services, improved protection of intellectual property rights in Russia, Russian animal and plant health rules based on international standards and science, and binding dispute resolution if Russia does not live up to its WTO obligations. If U.S. exporters want to be guaranteed these benefits as well, we must pass this bipartisan legislation and establish permanent normal trade relations with Russia.

This bill would allow us to gain important rights and powerful new enforcement tools with respect to one of the world's largest economies without giving up a single tariff or other concession. We could double or even triple U.S. exports to Russia within 5 years. But until we do, these benefits will go to our foreign competitors while our exporters fall further behind.

With our high unemployment, we cannot afford to pass up any opportunity to increase our exports and create jobs. And the longer we delay in passing this legislation, the more ground our exporters will lose.

I don't dispute that our relationship with Russia has many challenges. On the commercial front, we face weak enforcement and protection of intellectual property rights, as well as discriminatory standards for U.S. agricultural products. Russia's recent adoption of the WTO's rules should address many of these issues, but this bill goes farther by requiring the administration to stay focused on Russia by making sure that it lives up to its WTO obligations, resolves outstanding trade issues with Russia, and improves the rule of law in Russia.

Many of us also have significant concerns with Russia's foreign policy. Much as I believe that Russia does not always act responsibly, I also believe that this legislation cannot be seen as rewarding Russia. Instead, any benefit that is conferred is on U.S. job creators. I also fully share the concerns of many of my colleagues on Russia's abysmal human rights record, and that's why I support adding the Magnitsky legislation to this bill, on the third anniversary of the murder of Sergei Magnitsky while imprisoned.

For all of these reasons, we urgently need to pass this important bipartisan legislation. I urge all of my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Madam Speaker, I yield myself such time as I may consume.

I want to make a number of points, but first to join with the chairman of