

entitlements and increases in income and payroll taxes.

AbilityOne provides nearly 48,000 people who are blind or who have significant disabilities with quality job opportunities, to earn a living which provides a pathway towards increased independence.

There are nearly 600 nonprofit organizations across the country working to find job opportunities for people who are blind or have significant disabilities, through the AbilityOne program. With Maryland's proximity to the seat of the Federal Government, AbilityOne creates considerable job opportunities in the service sector for Marylanders with disabilities.

However, there is a growing trend among Federal facilities that is undoing the progress that the AbilityOne Program has made and in turn is contributing to the growth of unemployment for Americans with disabilities. The bill Senator VITTER and I are introducing today aims to address this problem.

More and more Federal facilities are moving out of federally owned and operated properties and into leased space in privately owned buildings and facilities. The General Services Administration estimates that the Federal Government leases more than 7,300 buildings in more than 2,000 communities across the country. When GSA has sought lease space in Maryland I have generally supported these moves.

Federally leased properties create terrific economic opportunities for the business districts they come to. Federally leased properties bring revenues for State and local governments, increase the tax base of the regions they come to and often provide the backbone for small business growth and consulting services around the federally leased facilities.

The economic opportunities a Federal lease on private real estate provides for a community are great for everyone except for service workers with disabilities who are no longer helped by AbilityOne because federally leased space falls outside the scope of the Javits-Wagner-O'Day Act.

As the law is written, Javits-Wagner-O'Day only applies to federally owned and operated facilities.

Our bill makes a simple and practical fix to the Javits-Wagner-O'Day Act to apply the AbilityOne Program services to federally leased space. My bill states that when the Federal Government occupies 60 percent or more of the usable space within a private building or facility that the Federal Government, the lessor, or property manager must comply with the service contract procurement requirements of the Javits-Wagner-O'Day Act.

The Javits-Wagner-O'Day Act, and the thousands of men and women who have found employment opportunities through the AbilityOne Program, have a proven track record of success in terms of providing exceptional services and products for the Federal Govern-

ment at rates that make for very sound spending of taxpayer dollars.

Finding job opportunities has always been a challenge for individuals who are blind or have significant disabilities. We must maintain the Federal Government's commitment to these hard working Americans.

I urge my colleagues to join Senator VITTER and me in cosponsoring the AbilityOne Improvements Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1036

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "AbilityOne Improvements Act".

**SEC. 2. APPLICABILITY OF JAVITS-WAGNER-O'DAY ACT.**

Section 585(a) of title 40, United States Code, is amended by adding at the end the following:

"(3) APPLICABILITY OF JAVITS-WAGNER-O'DAY ACT.—A lease agreement for space under this section for the accommodation of a federal agency as described in paragraph (1) that is issued or renewed after the date of enactment of this paragraph shall require the federal agency, lessor, or property manager to comply with provisions of the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.) that are applicable to federal buildings if—

"(A) the lease is for 60 percent or more of the useable space on the property or improvement in which 1 or more federal agencies are to be accommodated, as determined by the Administrator; or

"(B) the federal agency to be accommodated under the lease is, as of the date of the lease, required to contract pursuant to that Act for services being transitioned to the leased space."

By Mr. REID (for himself and Mr. McCONNELL):

S. 1038. A bill to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; read twice.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1038

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "PATRIOT Sunsets Extension Act of 2011".

**SEC. 2. SUNSET EXTENSIONS.**

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking "May 27, 2011" and inserting "June 1, 2015".

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1)

of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 50 U.S.C. 1801 note) is amended by striking "May 27, 2011" and inserting "June 1, 2015".

By Mr. CARDIN (for himself, Mr. MCCAIN, Ms. AYOTTE, Mr. BEGICH, Mr. BLUMENTHAL, Mr. DURBIN, Mr. JOHANNES, Mr. KIRK, Mr. KYL, Mr. LIEBERMAN, Mr. RUBIO, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. WICKER):

S. 1039. A bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, and for other purposes; to the Committee on Foreign Relations.

Mr. CARDIN. Mr. President, I rise today to introduce the Sergei Magnitsky Rule of Law Accountability Act of 2011.

While this bill bears Sergei Magnitsky's name in honor of his sacrifice, the language addresses the overall issue of the erosion of the rule of law and human rights in Russia. It offers hope to those who suffer in silence, whose cases may be less known or not known at all.

While there are many aspects of Sergei's and other tragic cases which are difficult to pursue here in the United States, there are steps we can take and an obvious and easy one is to deny the privilege of visiting our country to individuals involved in gross violations of human rights. Visas are privileges not rights and we must be willing to see beyond the veil of sovereignty that kleptocrats often hide behind. They do this by using courts, prosecutors, and police as instruments of advanced corporate raiding and hope outsiders are given pause by their official trappings of office and lack of criminal records. Further, we must protect our strategic financial infrastructure from those who would use it to launder or shelter ill-gotten gains.

Despite occasional rhetoric from the Kremlin, the Russian leadership has failed to follow through with any meaningful action to stem rampant corruption or bring the perpetrators of numerous and high-profile human rights abuses to justice.

My legislation simply says if you commit gross violations of human rights don't expect to visit Disneyland, Aspen, or South Beach and expect your accounts to be frozen if you bank with us. This may not seem like much, but in Russia the richer and more powerful you get the more danger you are exposed to from others harboring designs on your fortune and future.

Thus many are standing near the doors and we can certainly close at least one of those doors. I know that others, especially in Europe and Canada are working on similar sanctions.

I first learned about Sergei Magnitsky while he was still alive

when his client William Browder, CEO of Hermitage Capital, testified at a hearing on Russia that I held as Chairman of the Commission on Security and Cooperation in Europe in June 2009.

At the Helsinki Commission we hear so many heartbreaking stories of the human cost of trampling fundamental freedoms and it's a challenge not to give up hope and yield to the temptation of cynicism and become hardened to the suffering around us or to reduce a personal tragedy to yet another issue. While we use trends, numbers, and statistics to help us understand and deal with human rights issues, we must never forget the face of the individual person whose reality is the issue and the story of Sergei Magnitsky is as unforgettable as it is heartbreaking.

Sergei Magnitsky was a young Russian tax lawyer employed by an American law firm in Moscow who blew the whistle on the largest known tax fraud in Russian history. After discovering this elaborate scheme, Sergei Magnitsky testified to the authorities detailing the conspiracy to defraud the Russian people of approximately \$230 million and naming the names of those officials involved. Shortly after his testimony, Sergei was arrested by subordinates of the very law enforcement officers he had implicated in this crime. He was held in detention for nearly a year without trial under torturous conditions. He developed severe medical complications, which went deliberately untreated and he died in an isolation cell while prison doctors waited outside his door on November 16, 2009.

Sadly, Sergei Magnitsky joins the ranks of a long list of Russian heroes who lost their lives because they stood up for principle and for truth. These ranks include Natalia Estemirova a brave human rights activist shot in the head and chest and stuffed into the trunk of a car, Anna Politkovskaya an intrepid reporter shot while coming home with an arm full of groceries, and too many others.

Often in these killings there is a veil of plausible deniability, gunmen show up in the dark and slip away into the shadows, but Sergei, in inhuman conditions, managed to document in 450 complaints exactly who bears responsibility for his false arrest and death. We must honor his sacrifice and do all we can to learn from this tragedy that others may not share his fate.

Few are made in the mold of Sergei Magnitsky, able to withstand barbaric deprivations and cruelty without breaking and certainly none of us would want to be put to the test. A man of such character is fascinating and in some ways disquieting because we suspect deep down that we might not have what it takes to stay loyal to the truth under such pressure. Magnitsky's life and tragic death remind us all that some things are more valuable than success, comfort, or even life itself—truth is one of those things. May his example be a rebuke to those

whose greed or cowardice has blinded them to their duties, an inspiration to still greater integrity for those laboring quietly in the mundane yet necessary tasks of life, and a comfort to those wrongly accused.

The Wall Street Journal described Sergei Magnitsky's death as a "slow-motion assassination," while the Moscow Prison Oversight Committee called it a "murder to conceal a fraud." Pulitzer Prize-winning reporter Ellen Barry writing in the New York Times stated that, "Magnitsky's death in pre-trial detention at the age of 37 . . . sent shudders through Moscow's elite. They saw him—a post-Soviet young urban professional, as someone uncomfortably like themselves."

Outside the media, President of the European Parliament Jerzy Buzek noted that "Sergei Magnitsky was a brave man, who in his fight against corruption was unjustifiably imprisoned under ruthless conditions and then died in jail without receiving appropriate medical care." While Transparency International observed that, "Sergei did what to most people seems impossible: he battled as a lone individual against the power of an entire state. He believed in the rule of law and integrity, and died for his belief."

One might have thought that after the worldwide condemnation of Sergei Magnitsky's arrest, torture, and death in the custody, the Russian government would have identified and prosecuted those responsible for this heinous crime. Instead, the government has not prosecuted a single person and many of the key perpetrators went on to receive promotions and the highest state honors from the Russian Interior Ministry. Moreover, the officers involved feel such a sense of impunity that they are now using all instruments of the Russian state to pursue and punish Magnitsky's friends and colleagues who have been publicly fighting for justice in his case.

They have forced the American founding partner of Magnitsky's firm, Jamison Firestone, to flee Russia in fear for his safety in the months following his colleague's death after learning that the same people were attempting to take control of an American client's Russian companies and commit a similar fraud. And they have used the same criminal case that was used to falsely arrest Magnitsky to indict Sergei's client Bill Browder. They have opened up retaliatory criminal cases against many of Hermitage's employees and all of its lawyers, who were forced to leave Russia to save their own lives. These attacks have only intensified since my colleague and friend Congressman JIM MCGOVERN introduced the Justice for Sergei Magnitsky Act of 2011, a similar measure in the House of Representatives, last month.

In the struggle for human rights we must never be indifferent. On this point, I am reminded of Elie Wiesel's hauntingly eloquent speech, *The Perils of Indifference* which he delivered at

the White House in 1999. On this ever-present danger and demoralizer he cautions us, "Indifference elicits no response. Indifference is not a response. Indifference is not a beginning, it is an end. And, therefore, indifference is always the friend of the enemy, for it benefits the aggressor—never his victim, whose pain is magnified when he or she feels forgotten. The political prisoner in his cell, the hungry children, the homeless refugees—not to respond to their plight, not to relieve their solitude by offering them a spark of hope is to exile them from human memory. And in denying their humanity we betray our own."

Speaking of our humanity, I offer the following words as a contrast. They are from Russian playwright Mikhail Ugarov who created *One Hour Eighteen*, which is the exact amount of time it took for Sergei Magnitsky to die in his isolation cell at Moscow's Matrosskaya Tishina prison. Ugarov asks, "When a person puts on the uniform of a public prosecutor, the white lab coat of a doctor, or the black robe of a judge, does he or she inevitably lose their humanity? Do they lose their ability to—even in a small way—empathize with a fellow human being? In the case of Sergei Magnitsky, each of the people who assumed these professional duties in the case left their humanity behind."

The coming year will be a significant moment in the evolution of Russian politics. With Duma elections scheduled for the end of 2011 and presidential elections for early 2012, there is an opportunity for the Russian government to reverse what has been a steady trajectory away from the rule of law and respect for human rights and toward authoritarianism.

Private and even public expressions of concern are not a substitute for a real policy nor are they enough, it's time for consequences. The bill I introduce today sends a strong message to those who are currently acting with impunity in Russia that there will be consequences for corruption should you wish to travel to and invest in the United States. Such actions will provide needed moral support for those in Russia doing the really heavy-lifting in fighting corruption and promoting the rule of law, but they will also protect our own interests—values or business related.

We see before us a tale of two Russias, the double headed eagle if you will. To whom does the future of Russia belong? Does it belong to the Yevgenia Chirikovas, Alexey Navalys, Oleg Orlovs and countless other courageous, hard working, and patriotic Russians who expose corruption and fight for human rights or those who inhabit the shadows abusing and stealing from their fellow citizens?

Let us not put aside our humanity out of exaggerated and excessively cautious diplomatic concerns for the broader relationship. Let us take the long view and stand on the right side—

and I believe the wise side—with the Russian people who have suffered so much for the cause of liberty and human dignity. They are the ones who daily risk their safety and freedom to promote those basic principles enshrined in Russian law and many international commitments including the Helsinki Final Act. They are the conscience of Russia. Let us tell them with one voice that they are not alone and that concepts like the rule of law and human rights are not empty words for this body and for our government. I urge my colleagues to support this bill.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1039

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Sergei Magnitsky Rule of Law Accountability Act of 2011”.

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) The United States 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 corruption amounts to hundreds of billions of dollars a year, an increasing share of the gross domestic product of the Russian Federation.

(7) The President of the Russian Federation, Dmitry Medvedev, has addressed cor-

ruption in many public speeches, including stating in his 2009 address to Russia’s Federal Assembly, “[Z]ero tolerance of corruption should become part of our national culture. . . . In Russia we often say that there are few cases in which corrupt officials are prosecuted. . . . [S]imply incarcerating a few will not resolve the problem. But incarcerated they must be.”. President Medvedev went on to say, “We shall overcome underdevelopment and corruption because we are a strong and free people, and deserve a normal life in a modern, prosperous democratic society.”. Furthermore, President Medvedev has acknowledged Russia’s disregard for the rule of law and used the term “legal nihilism” to describe a criminal justice system that continues to imprison innocent people.

(8) The systematic abuse of Sergei Magnitsky, including his repressive arrest and torture in custody by the same 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, reflects how deeply the protection of human rights is affected by corruption.

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

(10) Mr. 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.

(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, “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) According to the Financial Times, “A commission appointed by President Dmitry Medvedev has found that Russian police fabricated charges against an anti-corruption lawyer [Sergei Magnitsky], whose death in prison in 2009 has come to symbolize pervasive corruption in Russian law enforcement.”.

(13) The second trial and verdict against former Yukos executives Mikhail Khodorkovsky and Platon Lebedev evokes 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 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) 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.

(16) The tragic and unresolved murders of Nustap Abdurakhmanov, Maksharip Aushev, Natalya Estemirova, Akhmed Hadjimagedov, Umar Israilov, Paul Klebnikov, Anna Politkovskaya, Saihadji Saihadji, and Magomed Y. Yevloyev, the death in custody of Vera Trifonova, the disappearance of Mokhmadalakh 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 Vinuykov, 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.

#### SEC. 3. DEFINITIONS.

In this Act:

(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 Financial Services, the Committee on Foreign Affairs, and the Committee on the Judiciary of the House of Representatives; and

(B) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate.

(3) FINANCIAL INSTITUTION; DOMESTIC FINANCIAL AGENCY; DOMESTIC FINANCIAL INSTITUTION.—The terms “financial institution”, “domestic financial agency”, and “domestic financial institution” have the meanings given those terms 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. 4. IDENTIFICATION OF PERSONS RESPONSIBLE FOR THE DETENTION, ABUSE, AND DEATH OF SERGEI MAGNITSKY, THE CONSPIRACY TO DEFRAUD THE RUSSIAN FEDERATION OF TAXES ON CERTAIN CORPORATE PROFITS, AND OTHER GROSS VIOLATIONS OF HUMAN RIGHTS.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of the Treasury, shall publish a list of each person the Secretary of State has reason to believe—

(1)(A) is responsible for the detention, abuse, or death of Sergei Magnitsky;

(B) participated in efforts to conceal the legal liability for the detention, abuse, or death of Sergei Magnitsky; or

(C) committed those frauds discovered by Sergei Magnitsky, including conspiring to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against the foreign investment company known as Hermitage and to misappropriate entities owned or controlled by Hermitage; or

(2) is responsible for extrajudicial killings, torture, or other gross violations of 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.

(b) UPDATES.—The Secretary of State shall update the list required by subsection (a) as new information becomes available.

(c) NOTICE.—The Secretary of State shall—

(1) to the extent practicable, provide notice and an opportunity for a hearing to a person before the person is added to the list required by subsection (a); and

(2) remove a person from the list if the person demonstrates to the satisfaction of the Secretary that the person did not engage in the activity for which the person was added to the list.

(d) REQUESTS BY MEMBERS OF CONGRESS.—Not later than 30 days after receiving a written request from a Member of Congress with respect to whether a person meets the criteria for being added to the list required by subsection (a), the Secretary of State shall inform that Member of the determination of the Secretary with respect to whether or not that person meets those criteria.

**SEC. 5. 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 4(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).

(c) WAIVER FOR NATIONAL INTERESTS.—The Secretary of State may waive the application of subsection (a) or (b) in the case of an alien if the Secretary determines that such a waiver is in the national interests of the United States. Upon granting such a waiver, the Secretary shall provide to the appropriate congressional committees notice of, and a justification for, the waiver.

**SEC. 6. FINANCIAL MEASURES.**

(a) SPECIAL MEASURES.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Treasury shall in-

vestigate money laundering relating to the conspiracy described in section 4(a)(1)(C). If the Secretary of the Treasury makes a determination under section 5318A of title 31, United States Code, with respect to such money laundering, the Secretary of the Treasury shall instruct domestic financial institutions and domestic financial agencies to take 1 or more special measures described in section 5318A(b) of such title.

(b) FREEZING OF ASSETS.—The Secretary of the Treasury shall freeze and prohibit all transactions in all property and interests in property of a person that are in the United States, that come within the United States, or that are or come within the possession or control of a United States person if the person—

(1) is on the list required by section 4(a); or

(2) acts as an agent of or on behalf of a person on that list in a matter relating to the activity for which the person was added to that list.

(c) WAIVER FOR NATIONAL INTERESTS.—The Secretary of the Treasury may waive the application of subsection (a) or (b) if the Secretary determines that such a waiver is in the national interests of the United States. Upon granting such a waiver, the Secretary shall provide to the appropriate congressional committees notice of, and a justification for, the waiver.

(d) 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.—

(A) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe regulations to require each financial institution that is a United States person—

(i) to perform an audit of the assets within the possession or control of the financial institution to determine whether any of such assets are required to be frozen pursuant to subsection (b); and

(ii) to submit to the Secretary—

(I) a report containing the results of the audit; and

(II) a certification 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 (b).

(B) PENALTIES.—The penalties provided for in sections 5321(a) and 5322 of title 31, United States Code, shall apply to a financial institution that violates a regulation prescribed under subparagraph (A) in the same manner and to the same extent as such penalties would apply to any person that is otherwise subject to such section 5321(a) or 5322.

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

**SEC. 7. REPORT TO CONGRESS.**

Not later than 180 days 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 Act, including—

(A) the number of times and the circumstances in which persons described in

section 4(a) have been added to the list required by that section during the year preceding the report; 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 to encourage the governments of other countries to impose sanctions that are similar to the sanctions imposed under this Act.

By Mr. LIEBERMAN (for himself and Mr. MCCAIN):

S. 1040. A bill to enhance public safety by making more spectrum available to public safety entities, to facilitate the development of a public safety broadband network, to provide standards for the spectrum needs of public safety entities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LIEBERMAN. Mr. President, I rise today, with my colleague Senator MCCAIN, to introduce legislation to ensure that we take advantage of a once-in-a-lifetime opportunity to build a coast-to-coast communications network for our Nation's first responders that is secure, interoperable and resilient.

As it stands now, the mobile device the average teenager carries has more capability than those of the men and women who put their lives on the line for us each and every day and that is just wrong.

Today, we introduce the Broadband for First Responders Act of 2011, which will set aside the so-called D Block of spectrum for public safety entities and provide them the bandwidth they need to communicate effectively in an emergency. Companion legislation has been introduced in the House of Representatives by Representatives PETER T. KING and BENNIE G. THOMPSON, the Chairman and Ranking Member of the House Committee on Homeland Security.

I am proud to stand with the representatives of more than 40 organizations representing public safety officials, and with the "Big 7" associations representing State and local governments, to call on Congress to put the D Block in the hands of public safety. Those groups include the International Association of Chiefs of Police, the International Association of Fire Chiefs, the National Sheriffs Association, the Major Cities Chiefs Association, the Major County Sheriffs Association, the Metropolitan Fire Chiefs Association, the Association of Public-Safety Communications Officials—International, APCO International, the National Emergency Management Association, the National Association of State EMS Officials, the National Governors Association, the National Conference of State Legislatures, the Council of State Governments, the National Association of Counties, the National League of Cities, the U.S. Conference of Mayors, and the International City/County Management Association.

I am pleased that President Obama has pledged his commitment to reserve