

on the President's plan, at least listen to what he said a year ago when he said we can raise this tax revenue. We don't have to raise tax rates. We can do it by closing some of these loopholes.

He was right about that. If we are going to have to raise revenues, I would suggest that is the way to do it—at all costs avoid raising tax rates, which would, as he said a year ago, be a blow to our economy.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

NOMINATIONS OF MARK E. WALKER TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF FLORIDA AND TERRENCE G. BERG TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The assistant legislative clerk read the nominations of Mark E. Walker, of Florida, to be United States District Judge for the Northern District of Florida, and Terrence G. Berg, of Michigan, to be United States District Judge for the Eastern District of Michigan.

The PRESIDING OFFICER. Under the previous order, there will be 15 minutes of debate, equally divided and controlled in the usual form.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, today the Senate will finally be allowed to vote on the nominations of Judge Mark Walker to fill a vacancy on the U.S. District Court for the Northern District of Florida and of Terrence Berg to fill a judicial emergency vacancy on the U.S. District Court for the Eastern District of Michigan. It has taken far too long for this day to come but I congratulate these nominees and their families on their confirmations.

After this vote, the Senate remains backlogged with 20 judicial nominations reported by the Judiciary Committee, including 15 nominations from before the August recess. They should be confirmed before the Senate ad-

journs for the year. If the Senate were allowed to act in the best interests of the American people, it would vote to confirm these nominees and reduce the judicial vacancies that are plaguing our Federal courts.

Senate Republicans are establishing a new and harmful precedent of stalling judicial nominees on the Senate Executive Calendar who are ready for final action by insisting that they be delayed into the succeeding year. They held up judicial nominees three years ago, they did it two years ago, they did it last year, and they are doing it again. They have found a new way to employ their old trick of a pocket filibuster. They stall nominees into the next year and force the Senate to continue work on nominees from the past year for the first several months of the new year. They delay and delay and push other confirmations back in time and then cut off Senate consideration of any nominees.

By way of example, last December, Senate Republicans refused to confirm a single nominee before the end of the year. It then took us until May of the following year to confirm the 19 nominees they stalled from the previous year's Calendar, and we achieved that only after the Majority Leader was forced to file cloture on 17 nominees. The fact is that the Senate has been allowed to confirm only 19 nominees who were reported this year by the Senate Judiciary Committee. That is by far the lowest total for a presidential election year since 1996, when Senate Republicans, who were then in the Majority, would only allow 17 of President Clinton's nominees to be confirmed.

These delays in filling judicial vacancies are harmful to our Nation's courts and to the American people they serve. The Senate should be taking action on all the pending nominees so that we can make real progress for the American people and reduce the damagingly high number of judicial vacancies. Federal judicial vacancies remain near 80. By this point in President Bush's first term we had reduced judicial vacancies to 28. There were more than 80 vacancies when the year began. There were more than 80 vacancies this past March when the Majority Leader was forced to take the extraordinary step of filing cloture petitions on 17 district court nominations. And there are still currently near 80 vacancies today.

Those who argue that it would be "unprecedented" to confirm long-stalled nominations because they have delayed them into this lameduck session are wrong. They say that because there were no lameduck confirmations in 1984, 1988, 1992, 1996, 2000, or 2008, we should therefore not confirm these nominees, and we should allow nearly a dozen judicial emergency vacancies to remain unfilled. They have omitted some important facts. What they fail to acknowledge is that they have delayed action on 17 of these nominees since before the August recess. In 1984, 1988, 1992, and 1996—the first four of

their purported examples—there were no lameduck sessions. Those are not precedents supporting their contentions seeking to justify their current obstruction.

In 2000 and 2008, in keeping with Senate tradition, the Senate had done its job and had confirmed all pending nominations and cleared the Calendar. There were no pending judicial nominees to be given a final confirmation vote by the Senate in those years. Those are not precedent for the current Republican obstruction. Following the example from those years would have meant confirming all the nominations reported before the August recess long before this post-election lame duck session.

The fact is that from 1980 until this year, when a lame duck session followed a presidential election, every single judicial nominee reported with bipartisan Judiciary Committee support has been confirmed. That is the precedent that Senate Republicans are now breaking. According to the non-partisan Congressional Research Service, no consensus nominee reported prior to the August recess has ever been denied a vote—before now. That is something Senate Democrats have not done in any lameduck session, whether after a presidential or midterm election.

Senate Democrats allowed votes on 20 of President George W. Bush's judicial nominees, including three circuit court nominees, in the lameduck session after the elections in 2002. I remember, I was the Chairman of the Judiciary Committee who moved forward with those votes, including one on a very controversial circuit court nominee. The Senate proceeded to confirm judicial nominees in lame duck sessions after the elections in 2004 and 2006. In 2006 that included confirming another circuit court nominee. We proceeded to confirm 19 judicial nominees in the lame duck session after the elections in 2010, including five circuit court nominees.

That is our history and recent precedent. Those who contend that judicial confirmation votes during lame duck sessions do not take place are wrong. I urge them to reexamine the false premises for their contentions and I urge the Senate Republican leadership to reassess its damaging tactics. The new precedent they are creating is bad for the Senate, the Federal courts and, most importantly, for the American people.

Moreover, arguments about past Senate practices do not help fill longstanding vacancies on our Federal courts, which are in dire need of additional assistance. Arguments about past Senate practice do not help the American people obtain justice. There are no good reasons to hold up the judicial nominations being stalled on the Senate Executive Calendar. A wrong-headed desire for partisan payback for some imagined offense from years ago is no good reason. A continuing effort

to gum up the workings of the Senate and to delay Senate action on additional judicial nominees next year is no good reason.

It is past time for votes on the four circuit nominees and the other 15 district court nominees reported by the Senate Judiciary Committee. When we have consensus nominees before us who can fill judicial vacancies, especially judicial emergency vacancies, it is our duty to the American people to take action on those nominations. Doing so is consistent with Senate precedent, and it is right. Let us do our jobs so that all Americans can have access to justice.

Today, we will vote on two consensus nominees who were stalled for months for no good reason, and are finally receiving a vote. Judge Walker is nominated to fill a judicial vacancy on the U.S. District Court for the Northern District of Florida. He has served as a state court judge since 2009, and previously spent 10 years in private practice. After law school he clerked for Judge Emmett Ripley Cox on the U.S. Court of Appeals for the Eleventh Circuit and Judge Robert L. Hinkle on the U.S. District Court for the Northern District of Florida. The nonpartisan ABA Standing Committee on the Federal Judiciary unanimously rated him well qualified—its highest rating. Judge Walker's nomination has the bipartisan support of his home state Senators, Democratic Senator BILL NELSON and Republican Senator MARCO RUBIO.

Terrence Berg is nominated to fill a judicial emergency vacancy on the U.S. District Court for the Eastern District of Michigan. Since 2011, he has served on detail in the Professional Misconduct Review Unit, in the Office of the Deputy Attorney General at the U.S. Department of Justice. He previously served as interim U.S. Attorney and First Assistant U.S. Attorney in the Eastern District of Michigan and has received many awards for his service as a Federal prosecutor. After graduating from law school he clerked for the Honorable Anthony A. Alaimo in the U.S. District Court for the Southern District of Georgia, and has spent most of his career as a Federal prosecutor. His nomination has the support of his home state senators, Senator LEVIN and Senator STABENOW.

The Judiciary Committee reported both nominations by voice vote—Judge Walker was reported six months ago, and Mr. Berg was reported five months ago. After the Senate is finally allowed to confirm them, we need to move on to consider and confirm the rest of the nominees who have been stalled on the Senate Executive Calendar so that all Americans will have better access to justice.

I ask unanimous consent to speak on my time, without delaying the vote, as in morning business on another critical matter.

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

#### VIOLENCE AGAINST WOMEN ACT

Mr. LEAHY. Mr. President, I have spoken on this subject many times on the floor. The people who are affected by violence against women have wondered why the Congress has delayed so long on the Violence Against Women Reauthorization Act, the bill we passed here in the Senate. If someone is a victim of violence, that person can't understand such delays. So I think it is time for the Senate and the House to come together to pass the Leahy-Crapo Violence Against Women Reauthorization Act. The other body needs to do what we did overwhelmingly in this Senate.

Earlier this week, I read in the Burlington, VT, Free Press the story of Carmen Tarleton. She is a woman from Thetford, VT. Thetford, VT, is a small, quiet, beautiful little town in our State.

Five years ago, Carmen's estranged husband broke into her home, he beat her with a baseball bat, and he poured industrial strength lye on her, severely burning a great deal of her body and nearly blinding her. Her doctors said she had suffered the most horrific injury a human being could suffer. Today she is still disfigured and continues to experience pain from these injuries of 5 years ago. She is currently awaiting approval for a procedure that could help her get a face transplant. Despite this, Carmen is courageously sharing her story in a book that she has written called *Overcome: Burned, Blinded, and Blessed*.

Stories such as Carmen's remind me that every day we do not pass VAWA more people are suffering.

I ask unanimous consent to have printed in the RECORD a copy of the article to which I referred.

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

[From the Burlington Free Press,  
Dec. 3, 2012]

#### LYE ATTACK VICTIM WRITES OF FORGIVENESS (By Lisa Rathke)

MONTPELIER, VT.—While Carmen Tarleton lay in a hospital bed, burned, beaten and disfigured by her estranged husband with injuries that doctors called “the most horrific injury a human being could suffer,” she had vivid dreams.

In one of the most memorable, dozens of doors stretched around her. “Life is a choice,” a voice said. And then the words appeared one at a time in white across a dark movie screen: *LIFE IS A CHOICE*.

Tarleton carried that lesson with her through her ongoing, daunting and remarkable recovery after her ex broke into her Thetford home five years ago, beat her with a baseball bat and poured industrial-strength lye on her, burning most of her body.

Tarleton, who at age 44 continues to undergo surgeries and awaits a possible face transplant, has written a book that will be published in March called “*Overcome: Burned, Blinded and Blessed*.” She hopes it will speak to abuse victims and others.

“I think I can help a whole bunch of people, not just domestic violence people,” she said in a recent interview with The Associated Press. “I think I can help a whole bunch of people wherever you are in your life.”

Despite her suffering, she says she's in a better place than she was before the attack. “I'm so much more blessed than I was then,” she said.

The book starts with Tarleton's decision at 28 to move across the country from her native Vermont to Los Angeles, with her two children in tow, to work as a nurse at a UCLA hospital. There she met Herb Rodgers, whom she eventually married. The family moved back to Thetford, where her marriage started to unravel—in part over Rodgers' dishonesty, Tarleton said.

Tarleton recalls what she now says was a premonition. One evening when she was about to leave for her night shift at the hospital, her 12-year-old daughter was sobbing in bedroom. When she asked what was wrong, her daughter said, “Something really, really bad is going to happen to you.”

Eight months later, it did. Rodgers is serving a minimum of 30 years in prison for the June 2007 attack.

When she set out to write the book three years later with only limited vision in one eye, she stalled when it came time to explain what Rodgers had done to her that night. She had to coach herself through it.

“Alone at my magnifying machine, I felt physically ill with what I was doing,” she wrote. “The experience of reliving that night, trying to capture every detail as vividly as I remembered it, was sickening. Halfway through, I let my pen drop and rushed to my bedroom, the edges of my limited vision blackening.”

It took her two days to write it. It was scary, but it was what she wanted to do, she said.

She talked out the rest of the book and recorded it. She hired Writers of the Round Table Press to write it all down, including dialogue she had recalled.

“I was paying attention, because some of it I couldn't forget if I wanted to,” she said.

She writes about facing Rodgers in court, how she dealt with being blind and disfigured, her pain, the help she has received from her community, family and friends, and how she came to forgive the man who maimed her so she could get on with her own life.

“That's where I feel people get stuck because we don't have a segment of our society that says just because this terrible thing happened to you it doesn't have to ruin the rest of your life,” she said. “And I want to be the example of that because it doesn't.”

Publishing the book was a no-brainer for Writers of the Round Table Press, which helped Tarleton write it, said vice president David Cohen.

“Taking that kind of experience and turning that energy into something positive and wanting to go out there and effect change with as much as she had to overcome, to me was just striking,” Cohen said.

As she awaits approval for a procedure that could help her get a face transplant, she looks forward to feeling well enough to speak publicly again about her ordeal to help others. She has had several recent surgeries to install a catheter in her chest and was sick last winter with hyperthyroidism.

“When life gives you a big negative situation like I'd been through, if you can get through that, you can really find all of the blessings and all of the positive things that can come out of that,” she said. “And I found so much that I would not go back.”

Mr. LEAHY. Mr. President, the distinguished Presiding Officer was a strong supporter of this bill—the Violence Against Women Reauthorization Act, as many of our colleagues were on both sides of the aisle. We tried to keep this a nonpartisan bill—even beyond

bipartisan, a nonpartisan bill—because certainly my experience has been that violence occurs not because a woman is a Republican or a Democrat or an Independent. Violence against women occurs in all stratum, in all categories.

Senator CRAPO and I put together our bill after listening to victims and the professionals who work with them every day. We did not want provisions in our bill included to score political points. They were there to address the urgent needs of vulnerable victims. That was the one thing we wanted. This wasn't a Democratic or Republican bill, this was to address vulnerable victims.

One key provision in our bipartisan bill would allow tribal courts limited jurisdiction to consider domestic violence offenses committed by non-Indians against Indian women on tribal lands. On this, I relied on the experiences of Senator CRAPO and others who come from States where there are tribal lands. As we went into this and talked to the leaders of various tribes from around this country, I heard that violence against Native women is not only appalling, as we knew, but it has become an epidemic. It has been reported that almost three in five Native women have been assaulted by their spouses or intimate partners. Much of the violence is committed by non-Native Americans—non-Indians.

Federal and State law enforcement may be hours away and lack the resources to respond to these cases, while tribal courts lack jurisdiction to consider these cases. So what happens? The perpetrators are, in effect, immune from the law. The worst part about it is they know they are immune from the law. So the jurisdiction provision in the Senate Leahy-Crapo bill would be a significant step toward addressing this horrific problem, but it would also ensure that no abuser is above the law. As the President said yesterday in a speech to the Tribal Nations Conference: "With domestic violence so prevalent on reservations, we're pushing Congress to restore your power to bring to justice anyone—Indian or non-Indian—who hurts a woman."

Even though our tribal provision is limited and guarantees comprehensive rights, House Republicans have objected to it. So I come to the Senate floor to report to my colleagues what I hope is a breakthrough on this issue in this important bill. Two conservative House Republicans, with leadership positions in the Republican House majority, have introduced a reasonable, middle-ground position regarding tribal jurisdiction.

Representative ISSA of California and Representative COLE of Oklahoma have introduced the Violence Against Indian Women Act, H.R. 6625. Their cosponsors include Republicans from North Carolina, Minnesota and Idaho. They all have tribes within their states and are concerned about the violence our Senate bill is trying to combat. The Issa-Cole bill includes a provision that al-

lows defendants to remove a case to Federal court if any defendants' rights are violated. This modification should ensure that only those tribes that are following the requirements of the law and providing full rights can exercise jurisdiction, and that defendants can raise challenges at the beginning of a case.

Some in the House Republican leadership have expressed a "just say no" approach to any grant of tribal jurisdiction, but the House Republican leadership should give serious consideration to this Republican proposal so we can move forward and protect thousands of victims, non-Native Americans and Native Americans.

The National Congress of American Indians has sent a letter and urged Senator CRAPO and me to take a serious look at the Issa-Cole provisions. We are. I have consulted with Senators on both sides of the aisle regarding this proposal so we can find a way forward. I urge the House Republican leadership to do so as well.

I ask unanimous consent to have printed in the RECORD a copy of the NCAI letter.

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

NATIONAL CONGRESS  
OF AMERICAN INDIANS,

*Washington, DC, November 30, 2012.*

Hon. PATRICK J. LEAHY,  
*Chairman, U.S. Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.*

Hon. MICHAEL D. CRAPO,  
*Dirksen Senate Office Building, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN LEAHY AND SENATOR CRAPO: The National Congress of American Indians (NCAI) is pleased to hear that serious efforts may be under way to resolve the impasse between the Senate and the House on the Violence Against Women Reauthorization Act (VAWA). Enhancing the safety of Native women is one of NCAI's highest priorities, and we support immediate passage of a strong, inclusive VAWA bill that contains key protections for Native women, including those contained in Section 904 of the bipartisan Senate VAWA bill that passed earlier this year (S.1925).

Section 904 takes small but historic steps to overcome the systemic barriers that prevent equal access to justice for Native women by giving tribes limited authority to prosecute domestic violence and dating violence at the local level. NCAI commends the two of you for your leadership on this provision. We strongly support Section 904 as it stands in S.1925, but we understand the legislative process. A reasonably modified version of Section 904 would be vastly preferable to the current situation on tribal lands.

Tribes understand and support protecting the rights of criminal defendants. That is why we support reasonable improvements to Section 904 that would further achieve those ends. For example, tribes are currently urging consideration of a removal provision like that in the bill recently introduced in the House of Representatives by Representatives Darrell Issa and Tom Cole. The provision in the Issa/Cole bill would give criminal defendants in tribal court the right to remove prosecutions to federal court for consideration of any constitutional infirmities. It is a concept based loosely on the recently enacted 28 U.S.C. 1455—a federal procedure currently on

the books (and sponsored by House Judiciary Committee Chairman Lamar Smith) that permits federal removal of state court criminal cases. We urge you to take a serious look at the Issa/Cole proposal in the coming days.

It is the strong hope of tribal leaders that Section 904 will rarely need to be used, but there are several reasons why this provision is so critical. First, it would create a very important and much needed deterrent that is currently lacking, given the absence of tribal jurisdiction over non-Indian domestic violence offenders. Second, serious offenses will most likely continue to be referred for federal prosecution because tribes are far from eager to incur the costs of additional prosecutions and incarcerations. And third, given the long history of the inadequate federal response to crime in Indian country—particularly in misdemeanor-level domestic violence cases—it is imperative that tribal governments have the tools to intervene early and often to protect Native women and prevent the escalation of violence.

Under the current scheme, non-Indian perpetrators in Indian country are often shielded from accountability at the expense of the safety of Indian women. Section 904 would help reverse this trend. This provision is essential to the safety of Native women, and NCAI cannot support any VAWA bill that does not contain some form of it (see attached NCAI Resolution #SAC-12-038). Should you have any questions or need additional information please contact myself, John Dossett, or Katy Tyndell at 202-466-7767 or [jdossett@ncai.org](mailto:jdossett@ncai.org), [ktyndell@ncai.org](mailto:ktyndell@ncai.org).

Sincerely,

JEFFERSON KEEL,  
*President.*

NATIONAL CONGRESS OF AMERICAN INDIANS  
The National Congress of American Indians  
Resolution #SAC-12-038

Title: Support for Immediate Passage of the VAWA Reauthorization with Tribal Criminal Jurisdiction Provision Intact

Whereas, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

Whereas, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

Whereas, violence directed at American Indian and Alaska Native women continues at epidemic levels on many Indian reservations and communities, and is culturally, legally and morally an impermissible state of affairs; and

Whereas, Alaska Native women are especially vulnerable to this type of violence and the current system of justice in Alaska fails to adequately protect Alaska Native victims of sexual and domestic violence; and

Whereas, the NCAI has consistently supported key changes to the Violence Against Women Act (VAWA), last authorized by Congress in 2005 for a six year period, the reauthorization of which Congress has been considering since 2010; and

Whereas, one of the key provisions of the reauthorization has been the restoration of

Tribal jurisdiction over non-Indian perpetrators of violence directed at Native American women that occurs within the boundaries of an Indian reservation; and

Whereas, this VAWA tribal criminal jurisdiction provision has bipartisan support in both chambers of Congress; and

Whereas, recent actions in Congress failed to reauthorize VAWA, with the House citing, among other things, the restoration of Tribal jurisdiction as a stumbling block to reauthorization; and

Whereas, the longer the stalemate regarding reauthorization of VAWA continues, the larger the number of Native American and other women who will lose their lives and their health because of acts of violence directed at them by men who do not believe they will be prosecuted for their criminal acts: Now therefore be it

*Resolved*, That the NCAI will not support a VAWA reauthorization bill that does not contain some form of the tribal criminal jurisdiction provision that would give tribes authority to prosecute all persons who commit domestic violence on tribal lands; and be it further

*Resolved*, That the NCAI calls on Congress to immediately pass a final Violence Against Women Reauthorization Act that includes some form of the Tribal criminal jurisdiction; and be it further

*Resolved*, That the NCAI urges Congress to include specific protections for Alaska Native victims of sexual assault, domestic violence, dating violence, and stalking in any final VAWA reauthorization bill; and be it finally

*Resolved*, That this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

#### CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2012 Annual Session of the National Congress of American Indians, held at the Sacramento Convention Center from October 21–26, 2012 in Sacramento, California, with a quorum present.

Mr. LEAHY. Mr. President, already, eight House Republicans have endorsed this approach in a letter to Speaker BOEHNER urging passage of our VAWA legislation with this compromise. I am reaching out to them and to members of both parties in both houses of Congress asking them to consider how we can bridge differences and get VAWA reauthorization legislation enacted to meaningfully address the brutal violence on tribal lands.

I remain committed to finding solutions to all the areas of contention between the House and the Senate on VAWA. We ought to be able to pass legislation that includes provisions addressing the violence on tribal lands and the need to protect immigrant women and those who have not had access to services because of their sexual orientation or gender identity. I believe we can find acceptable versions of the Senate bill's new protections for students and other key provisions. I am reaching out to the House Republican leadership. I look forward to their seizing this opportunity provided by these senior House Republicans to work with me and Senator CRAPO and the 68 Senators from both parties who voted for the Leahy-Crapo VAWA bill last April. If we can complete our work and send this bill to the President be-

fore we adjourn this year, he will sign it. Because with every day, every week, every month that goes by there are more horrific accounts of domestic and sexual violence. Whether it is a victim in Thetford, VT, or Kansas City, we owe it to them to come together to find a compromise.

I have said this before several times: I still have nightmares from the domestic violence crime scenes I saw as a prosecutor in Vermont. I became a prosecutor at a time when many of the laws were changing—search and seizure laws, Miranda laws, and so forth—and I would go with the police to crime scenes to give them advice on what the new laws might mean. A lot of times those scenes were at 2 or 3 o'clock in the morning. Many times we would see battered women, sometimes women no longer alive. I had nightmares from those. But I remember the police never asked: Is this an immigrant? Is this woman gay or straight? Is this woman Native American? They just wanted to stop the crime from happening again, and this legislation would give them a lot of tools so they can do that. The thought that our inaction could lead to more scenes such as those I saw would be tragic.

Congress must act now to protect victims of rape and domestic violence. I am optimistic we can move together now that several House Republicans support a compromise position on tribal jurisdiction. I look forward to hearing from the House Republican leadership.

Mr. President, I know we are going to vote at 12, so I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, let me first thank Senator LEAHY and members of the Judiciary Committee for the hearing they held on Terry Berg's nomination for the U.S. District Court for the Eastern District of Michigan. I know how hard Senator LEAHY works to get these judges and their judicial nominations to the floor, and we are deeply appreciative for all the efforts over all the years—indeed, may I say decades—of my good friend Senator LEAHY.

I think every member of the Judiciary Committee who had the chance to read the record or to be there during the hearing will agree Mr. Berg is an outstanding nominee for our district court bench. I will not go through all his background. Mr. Berg's qualifications are extraordinarily impressive. He will make an excellent addition to the Eastern District Court. He is going to serve with great distinction, and all of us—and I know I speak for Senator STABENOW as well in terms of strongly supporting this nomination—thank our colleagues for bringing this nomination to the floor and for the strong support it got in the Judiciary Committee.

Mr. LEVIN. Mr. President, Terrence, or "Terry" Berg, whom the President has nominated to the federal bench in the District Court for the Eastern Dis-

trict of Michigan, received a "Well Qualified" rating from the American Bar Association Standing Committee on the Federal Judiciary. He graduated from the Georgetown University Law Center, and then went on to clerk for U.S. District judge. His career has been dedicated to public service. Since 2003, he has worked at the United States Attorney's Office for the Eastern District of Michigan where he has worked on various cybercrime issues, has supervised criminal, civil, and administrative divisions, and has handled a full fraud case docket, including theft of trade secrets, mortgage fraud, health care fraud, corporate fraud and other white collar crime cases. During this time, he received the Assistant Attorney General's Award for Distinguished Service and the Director's Award for Superior Performance in a Managerial or Supervisory Role.

Prior to that service, Mr. Berg worked for the Michigan Attorney General where he established and supervised the State's first computer crime prosecution unit. He also served at the U.S. Department of Justice here in Washington as a Computer Crime Fellow. He has also served as an adjunct professor at the University of Detroit Mercy School of Law and the Wayne State University Law School.

Mr. Berg has served on the Catholic Lawyers' Society Board of Directors, American Constitution Society and the State Bar of Michigan Committee on Judicial and Professional Ethics and has published numerous articles on cybercrime.

Mr. NELSON of Florida. Mr. President, I wish to congratulate Judge Walker on his confirmation vote today. He has been waiting patiently since he was voted out of committee in June, and the Northern District of Florida will be well served by his confirmation.

A Florida native, Judge Walker was born in Winter Garden.

He received his bachelor's degree from the University of Florida where he graduated first in his class.

He earned his law degree at the University of Florida as well.

He has clerked for Justice Stephen Grimes of the Florida Supreme Court and Judge Robert Hinkle of the Northern District of Florida.

He served as an assistant public defender of Florida's Second Judicial Circuit from 1997 to 1999, before then spending a decade in private practice where he specialized in civil litigation and criminal defense.

And since 2009, he has had an outstanding record as a circuit judge, living in Tallahassee.

We have another district judge nomination pending on the Senate calendar as well.

Judge Brian Davis would fill a judicial emergency for the Middle District of Florida, and I urge my colleagues to take up this vote as soon as possible.

I hope the Senate can work to eliminate the backlog of nominees pending on the floor.

Even nominees with the support of both home State Senators are being held up.

The high level of judicial vacancies across the country puts at risk the ability of all Americans to have a fair hearing in court.

I yield the floor.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

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

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

The bill clerk read as follows:

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

The PRESIDING OFFICER. Under the previous order, there will now be 10 minutes of debate equally divided and controlled between the two leaders or their designees.

The Senator from Montana.

Mr. BAUCUS. Mr. President, we will soon be voting on whether to establish permanent normal trade relations—otherwise known as PNTR—with Russia and Moldova and to update human rights legislation on Russia.

We have to take many difficult votes in this Chamber, but this is not one of them. In fact, this is a rare opportunity to pass a good bill on which we all can agree.

PNTR is good for U.S. jobs. Russia is a fast-growing market. When Russia joined the WTO in August, it opened its markets to the other 155 members of the WTO who have PNTR with Russia. PNTR will give U.S. farmers, ranchers, businesses, and workers new opportunities in Russia and new jobs at home.

Our competitors in China, Canada, and Europe are now taking advantage of these opportunities because they have PNTR with Russia. They already have it. We are the only WTO member missing out on these opportunities. If we now pass PNTR, we could level the playing field and compete. If we compete, we will win. We will sell more

beef, we will sell more aircraft, we will sell more tractors, and we will sell more medical equipment. Our banks and insurance companies will grow. PNTR will give our knowledge industries greater protections for their intellectual property, and our farmers will have new tools to fight unscientific trade barriers. If we pass PNTR, American exports to Russia are expected to double in 5 years. This bill has strong enforcement provisions to help ensure that American farmers, ranchers, businesses, and exporters get the full benefit of PNTR. This bill has strong human rights provisions. Senator CARDIN's Magnitsky Act punishes human rights violations in Russia and helps to address the corruption problems Russia now faces.

In July, the Finance Committee voted unanimously, 24 to 0, in favor of PNTR legislation. Last month, the House of Representatives passed the PNTR legislation now before us with 365 "yes" votes. Now we need to act to pass this bill that supports U.S. jobs. Let's take advantage of this opportunity to take a good vote on a good bill. I urge my colleagues to vote in favor of giving U.S. workers and businesses a chance to compete and vote in favor of the PNTR.

I thank my colleague from Utah, Senator HATCH. He is a great person, and we have worked very closely. The two of us have worked together, and we made a good team to get this legislation passed.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Utah.

Mr. HATCH. Madam President, I want to praise the distinguished chairman of the committee. He has done a wonderful job, and, of course, he has been a pleasure to work with.

This bill marks an important step forward in our relations with Russia and Moldova. Once this bill is signed into law, our workers, job creators, and farmers will be able to take full advantage of Russia and Moldova's accession to the WTO.

The bill includes strong enforcement provisions to ensure that Russia lives up to its international trade obligations. Finally, this bill will help advance human rights and the rule of law in Russia.

Today's vote would not be possible without the combined efforts of many dedicated public servants. First, I would like to thank the staff at the Office of the U.S. Trade Representative. Many of them toiled for years to bring Russia and Moldova into the WTO, often at great personal sacrifice.

I also would like to take a moment to thank my colleagues for all of their hard work in helping to craft this bill. An open and transparent dialogue was critical to our success. And I would particularly like to again express my appreciation to all the Republican members of the Finance Committee who worked with me and my staff in good faith to develop a strong enforcement package which will address many

of the concerns we all have regarding our bilateral trade relations with Russia.

Finally, I would like to thank my friend and colleague, Senator BAUCUS, and his wonderful staff because he and his staff have had a great willingness to work with us to make sure our concerns were addressed in the bill. At the conclusion of my remarks I will provide for the RECORD a list of names of staff members from both our offices.

The process we undertook in the Finance Committee is emblematic of how the Finance Committee should work. It is my sincere hope this will be a model for future legislation. Working together, I am confident we can continue to develop policies to grow our economy through international trade and, hopefully, help advance the rule of law around the world. This is a good package that deserves our strong support. I urge all of my colleagues to join me in supporting this bill.

I believe we have to do more in the international trade world. Earlier, due to the efforts of the distinguished chairman, Senator BAUCUS, and his staff and my staff, we were able to get the Korean, Colombian, and Panamanian treaties through. These were steps in the right direction for all of these years, and to have this happen is going to be a wonderful thing, I think, for our country and for Russia itself, and it certainly is going to help us go down the line in doing what is best for our own trade.

One of the other special things that is in this is it is going to cause Russia to have to live up to some international trade and intellectual property laws. We in this country believe in obeying those laws, and I have to say Russia, India, and China have invaded intellectual property in areas they shouldn't have. Hopefully, this type of agreement, PNTR, will help alleviate that problem.

So I urge my colleagues to join Senator BAUCUS and I in voting for this very important bill. Again, I thank staff on both sides for the wonderful work they have done and the Trade Representative in his office, as well, for the wonderful work they have done.

I reserve the remainder of my time.

#### HUMAN RIGHTS ABUSERS

Mr. MERKLEY. Madam President, we are about to take a momentous step forward in promoting human rights abroad thanks to my good friend from Maryland. Here is a bill that promotes a robust trade relationship while at the same time using this relationship to advance a very just cause: punishing past human rights abusers and inhibiting would-be human rights abusers.

Mr. CARDIN. I couldn't agree more with my friend from Oregon. As some of my colleagues know, I am the original sponsor of Sergei Magnitsky Rule of Law Accountability Act, the standalone bill that then became the human rights title in this combined PNTR bill. I am enormously proud of the work we have done on the bill, and I