

Puerto Rico and was 1 of 7 children raised by a single mother in Newark, NJ. He excelled in school, earning his bachelor's degree from Yale and his law degree from Harvard.

After graduating, he was an associate at the New York firm Simpson, Thatcher & Bartlett, and then served for 10 years as an Assistant U.S. Attorney in the Eastern District of New York, including as Deputy Chief of the Narcotics Section. Since 2002, he has been a partner in the New York law firm Day Pitney. Ramos has earned an outstanding reputation among his fellow lawyers, prosecutors, and judges and in the Hispanic community. I have complete confidence that he will make an excellent judge.

Magistrate Judge Andrew Carter was born in Albany, GA and he came to New York after graduating from the University of Texas at Austin and Harvard Law School. After law school, he worked for two years at the Ford Foundation and became a public defender in New York courts, both state and federal. He spent nine years at the New York office of the Legal Aid Society, and then four years at the Federal Defenders of New York.

Since 2009, he has served as a United States magistrate judge in the Eastern District of New York, a position for which he was selected by a vote of the sitting district judges. And that is terrific training to be a Federal judge. Judge Carter is widely respected as a fair and mild-mannered magistrate judge who understands the courtroom and the needs of litigants.

Both Ramos and Judge Carter embody the three criteria that I look for in a federal judge—excellence, moderation, and diversity.

Both have consistently risen to the top, academically and professionally.

Both are entirely non-ideological—they are lawyers who are respected by all of their peers, and who have approached the law with respect and humility.

And, both increase the diversity of a bench that serves one of the most diverse populations in the country. I have always said that, all other things being equal, diversity of backgrounds, experience, and ethnicity is an important consideration for federal judges. So, I am pleased to have recommended two nominees to the federal bench who are outstanding in every way.

The bench of the Southern District of New York has been one of the hardest hit by judicial vacancies—currently, 21 percent of its seats are open. With the addition of Edgardo Ramos and Judge Andrew Carter, this important court will be closer to firing on all cylinders.

I look forward, with all New Yorkers, to their joining the bench.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest 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.

Mr. LEAHY. Mr. President, we are soon going to a rollcall vote on Edgardo Ramos, of Connecticut, to be U.S. district judge for the Southern District of New York. We also have three others on here: Andrew L. Carter, Jr., of New York, to be U.S. district judge for the Southern District of New York; James Rodney Gilstrap, of Texas, to be U.S. district judge for the Eastern District of Texas; and Dana L. Christensen, of Montana, to be U.S. district judge for the District of Montana.

I ask unanimous consent that following the rollcall vote for Edgardo Ramos, Andrew L. Carter, Jr., James Rodney Gilstrap, and Dana L. Christensen be considered by voice vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the regular order?

The PRESIDING OFFICER. The Ramos nomination.

The question is, Will the Senate advise and consent to the nomination of Edgardo Ramos, of Connecticut, to be United States District Judge for the Southern District of New York?

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant editor of the Daily Digest called the roll.

Mr. DURBIN. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Oregon (Mr. MERKLEY) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT), the Senator from Wyoming (Mr. ENZI), the Senator from Texas (Mrs. HUTCHISON), the Senator from Indiana (Mr. LUGAR), the Senator from Florida (Mr. RUBIO), the Senator from Louisiana (Mr. VITTER) and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER (Mr. MENENDEZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 221 Ex.]

YEAS—89

Akaka	Burr	Crapo
Alexander	Cantwell	Durbin
Ayotte	Cardin	Feinstein
Barrasso	Carper	Franken
Baucus	Casey	Gillibrand
Begich	Chambliss	Graham
Bennet	Coats	Grassley
Bingaman	Coburn	Hagan
Blumenthal	Cochran	Hatch
Blunt	Collins	Heller
Boozman	Conrad	Hoeben
Boxer	Coons	Inhofe
Brown (MA)	Corker	Inouye
Brown (OH)	Cornyn	Isakson

Johanns	McConnell	Schumer
Johnson (SD)	Menendez	Sessions
Johnson (WI)	Mikulski	Shaheen
Kerry	Moran	Shelby
Kirk	Murkowski	Snowe
Klobuchar	Murray	Stabenow
Kohl	Nelson (NE)	Tester
Kyl	Nelson (FL)	Thune
Lautenberg	Paul	Toomey
Leahy	Portman	Udall (CO)
Lee	Pryor	Udall (NM)
Levin	Reed	Warner
Lieberman	Reid	Webb
Manchin	Risch	Whitehouse
McCain	Roberts	Wyden
McCaskill	Sanders	

NOT VOTING—11

DeMint	Landrieu	Rubio
Enzi	Lugar	Vitter
Harkin	Merkley	Wicker
Hutchison	Rockefeller	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Andrew L. Carter, Jr., of New York, to be United States District Judge for the Southern District of New York?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of James Rodney Gilstrap, of Texas, to be United States District Judge for the Eastern District of Texas?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Dana L. Christensen, of Montana, to be United States District Judge for the District of Montana?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### TRIBUTE TO PEGGY BULGER

Mr. REID. Mr. President, Dr. Peggy A. Bulger will retire at the end of December after more than 12 years of service to the Library of Congress. As the Director of the Library's American Folklife Center, Dr. Bulger has worked to preserve our Nation's history for future generations.

Dr. Bulger began her service as Director of the American Folklife Center in 1999. She is the second person to hold the position since the Folklife

Center was established in 1976. The American Folklife Preservation Act states “that the diversity inherent in American folklife has contributed greatly to the cultural richness of the Nation and has fostered a sense of individuality and identity among the American people.” I couldn’t agree more. Dr. Bulger has worked to preserve the unique nature of American folklife for future generations.

During her tenure, the center’s archive has tripled. With more than 5 million items, it is the largest ethnographic archive in the United States and possibly the largest in the world. The collection is a treasure trove of American creativity that is reflected through music, stories, crafts, dances, foodways, and other forms of traditional expression.

I am particularly proud that under her leadership the Folklife Center developed and expanded the Veterans History Project. The project contains more than 78,000 pieces of war-time memories and experiences from Americans across our country. The Veterans History Project has become the largest oral history project in our Nation’s history, and it will all be preserved for generations at the Library of Congress.

The Folklife Center also uses the latest technology to share its holdings via online presentations, as well as through webcasts and social media. As a result, students in Nevada and other States can access the Folklife Center’s collections from their homes, classrooms, and others venues.

It is also important to note that Dr. Bulger and her colleagues have provided advice and support to struggling cultural programs during these difficult economic times. In my home State, for example, the center has served the Western Folklife Center in Elko as well as the Nevada Humanities. The assistance to Nevada’s arts and cultural organizations has been invaluable as my State has weathered the economic recession.

I am proud to recognize Peggy Bulger, and I appreciate her important contributions to the American Folklife Center. I know I speak for the Senate when we wish you the best in your future endeavors.

## DEFENSE AUTHORIZATION

### SECTION 647

Mr. KOHL. Mr. President, I understand there has been some confusion about the application of section 647 of the National Defense Authorization Act for Fiscal Year 2008, which is codified in 10 U.S.C. 12731(f). This law reduces the eligibility age for retired pay for non-regular service, to provide a benefit to Reserve component members called to Active Duty in support of a contingency operation. Mr. President, 10 U.S.C. 101(a)(13)(B) defines contingency operation to include section 688 relating to the ordering of retired members to Active Duty but does not include section 688a, added in response

to 9/11 and relating to the ordering to Active Duty of retired members in high-demand, low-density assignments.

I filed an amendment to resolve this inconsistency by including mobilizations under section 688a to qualify for earlier receipt of Reserve retired pay under 10 U.S.C. 12731(f). However, I would withdraw my amendment if we can clarify that the provisions of 10 U.S.C. 12731(f) should include mobilizations under 10 U.S.C. 688a.

I ask the chairman of the Armed Services Committee whether he understands that Reserve retirees recalled to Active Duty in support of a contingency operation should qualify for earlier receipt of reserve retired pay under section 12731(f).

Mr. LEVIN. I agree that the authorities allowing for earlier receipt of Reserve retired pay should apply to members of the retired Reserve called to Active Duty in support of a contingency operation to the same extent it applies to other members of the reserves.

Mr. KOHL. I agree with the chairman.

## TRIBUTE TO FREDERICK M. KAISER

Mr. AKAKA. Mr. President, I rise today to recognize Frederick M. Kaiser, who retired from the Congressional Research Service, CRS, on November 3, 2011.

Mr. Kaiser, a former Specialist in American National Government at CRS, was an authority on congressional oversight issues of great importance to the Congress.

Mr. Kaiser’s career in service to Congress began in the summer of 1974, when he worked as a special staff consultant to the House Committee on Foreign Affairs, chaired by Representative Thomas E. “Doc” Morgan of Pennsylvania. At the request of Chairman Morgan, Mr. Kaiser conducted an evaluation of the committee’s oversight activities, which was subsequently published by the committee. This early focus on congressional oversight foretold key aspects of Mr. Kaiser’s CRS career.

Mr. Kaiser began his employment with CRS on February 18, 1975, where he was given responsibility for the subjects of general congressional oversight, congressional oversight of foreign policy, and the authority and role of the General Accounting Office, which is now known as the Government Accountability Office, GAO. These are subjects on which Mr. Kaiser has advised Congress throughout his career. As a result of his high-quality work in service to the Congress, Mr. Kaiser quickly earned the title of Specialist in American National Government just 6 years after joining CRS. Mr. Kaiser continued his high level of service throughout his career, and his areas of expertise gradually expanded. He was regularly recognized for his service to Congress through special

achievement awards and other recognition.

Mr. Kaiser produced hundreds of CRS publications; testified before congressional committees and commissions; and organized policy institutes, workshops, and other policy discussions for congressional staff. Over the course of his career, Mr. Kaiser developed a reputation among colleagues for being supportive and generous in sharing his knowledge and insights.

Mr. Kaiser was regularly at the forefront of emerging legislative issues. As the possibility of organizing Federal homeland security functions into a new department began to develop, Mr. Kaiser undertook studies of agencies that might be included in a new department. As Congress considered the Help America Vote Act, he contributed his expertise on the organization of agencies that might be established to carry out the purposes of the act. Mr. Kaiser’s analysis and insights were important to informing successful efforts to improve GAO’s ability to support congressional oversight of the intelligence community. In February 2008, Mr. Kaiser testified on congressional oversight of the intelligence community before the subcommittee I chair, the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, of the Homeland Security and Governmental Affairs Committee. In his testimony, as well as separate research conducted for the subcommittee, he examined the importance of intelligence community oversight, congressional structures for conducting such oversight, and options for enhancing oversight.

Other examples of Mr. Kaiser’s writing and briefings in the area of congressional oversight of the intelligence community include analyses of proposals for a joint intelligence committee, organizational reform of the House Intelligence Committee, intelligence community whistleblower protection, unauthorized disclosure of classified information, and use of classified information by Members of Congress. Mr. Kaiser also advised Congress on creation of the 9/11 Commission and on implementation of its recommendations, particularly concerning the Commission’s authority and recommendations related to the intelligence community.

Mr. Kaiser has been a leading authority on the management and oversight of the executive branch. Mr. Kaiser analyzed the Government Performance and Results Act, private citizens’ complaint-handling mechanisms, postal reorganization, audit institutions in other nations, statutory inspectors general, privatization of government background investigations, and security clearances. He also authored, with other selected CRS specialists, the Congressional Oversight Manual. The 1993 bipartisan House Joint Committee on the Organization of Congress noted the value of this publication, stating: