When he became a judge, I had the honor of appearing before him, presenting witnesses, arguing cases, and to have firsthand experience again with the quality of his professional work.

I have to admit my office as attorney general did not win every case. We lost some. But whether we won or lost, we emerged from those experiences with an unqualified respect for the quality of his fact-finding, his scholarship and, again, his commitment to doing justice.

He has demonstrated as a district court judge the qualities I know he will bring to the court of appeals: extraordinary scholarship and intellect, an adherence to precedent, a careful analysis of the law, a thoughtfulness and responsiveness in the questions he asks, and an insight into the factual record as well as the truthfulness of witnesses. He has what I consider to be the most important qualification for any judge, which is a capacity for growth, for learning and listening. He is, above all, a good listener, a sensitive and responsive listener. He has indeed the qualities that are exemplified by the man he will be replacing—Guido Calabresi—a judge known to the senior Senator from Connecticut as well as myself; indeed, a teacher of mine when I was at Yale Law School and I believe very possibly of the senior Senator as well—a person of exquisite sensitivity and sensibility and common sense. Those are the qualities of Christopher Droney: sensibility, sensitivity and common sense, and he shares with Guido Calabresi the grace of writing and sense of history that are so important to the Court of Appeals for the Second Circuit.

The PRESIDING OFFICER. All debate time has expired.

Mr. BLUMENTHAL. I am proud to join in supporting this nomination. I wish him well, and I ask my colleagues to join in approving him when the vote is taken. Thank you.

The PRESIDING OFFICER. The question is on the nomination of Judge Christopher Droney.

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Christopher Droney, of Connecticut, to be United States Circuit Judge for the Second Circuit?

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Iowa (Mr. HARKIN), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from South Carolina (Mr. DEMINT), the Senator from Illinois (Mr. KIRK), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Kentucky (Mr. PAUL), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Louisiana (Mr. VITTER), and the Senator from Mississippi (Mr. WICKER).

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

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 209 Ex.]

YEAS—88

Akaka	Franken	Mikulski
Alexander	Gillibrand	Moran
Ayotte	Graham	Murray
Barrasso	Grassley	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Bennet	Hatch	Portman
Bingaman	Heller	Pryor
Blumenthal	Hoeven	Reed
Boozman	Hutchison	Reid
Boxer	Inhofe	Risch
Brown (MA)	Inouye	Roberts
Brown (OH)	Isakson	Rockefeller
Burr	Johanns	Rubio
Cantwell	Johnson (SD)	Sanders
Cardin	Johnson (WI)	Schumer
Carper	Kerry	Sessions
Casey	Klobuchar	Shaheen
Chambliss	Kohl	Shelby
Coats	Kyl	Snowe
Coburn	Lautenberg	Stabenow
Cochran	Leahy	Tester
Collins	Lee	Thune
Conrad	Levin	Udall (CO)
Coons	Lieberman	Udall (NM)
Corker	Lugar	Warner
Cornyn	Manchin	Webb
Crapo	McCain	Whitehouse
Durbin	McCaskill	Wyden
Enzi	McConnell	
Feinstein	Merkley	

NOT VOTING—12

Begich	Kirk	Paul
Blunt	Landrieu	Toomey
DeMint	Menendez	Vitter
Harkin	Murkowski	Wicker

The nomination was confirmed.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012—Continued

The PRESIDING OFFICER. The majority leader.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, there will be no more votes tonight. We hope the managers of the bill can process some amendments, but there will be no more rollcall votes tonight.

I suggest the absence of a quorum.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I wonder, if it is agreeable to the majority leader, rather than wait on the amendment concerning the National Guard, perhaps in anticipation of that eventuality the Senator from Vermont and the Senator from South Carolina would be allowed to speak on that amendment in the case that it is accepted. If not, then their words, as usual, would not be much.

Mr. REID. That is fine. We would have debate only on this matter, with Senator LEAHY recognized for up to 10 minutes and Senator MCCAIN for up to 10 minutes.

Mr. MCCAIN. I thank the majority leader.

Mr. REID. By then we hope to have a unanimous consent agreement that would be universal in nature.

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

The Senator from Vermont.

AMENDMENT NO. 1072

Mr. LEAHY. Mr. President, I will not use all my time, by any means. I spoke earlier about this. I appreciate the courtesy of the distinguished senior Senator from Arizona.

Senator GRAHAM and I, as cochairs of the National Guard Caucus, introduced amendment No. 1072. I spoke earlier this afternoon about it, so I will not speak longer on it, except to say the amendment is long overdue. The men and women of our Guard deserve the same recognition as everyone else in uniform. It is high time we made sure they receive it.

Senator GRAHAM has been a close and valued partner in helping us bring about this bipartisan piece of legislation. Republicans and Democrats across the political spectrum have cosponsored it.

I will close with this. The Senator from Arizona has been in war zones probably more than I ever will in my lifetime. The Senator from South Carolina certainly has been in Iraq and Afghanistan more than most Members of this body. But I think every one of us who has been in a war zone knows this. We see soldiers going out to face battle. Nobody knows whether they are members of the Guard or the regular forces. Certainly those who would do harm to our men and women in uniform do not say we will do different harm to members of the Guard or members of the regular forces. I say this because they all put their lives on the line. They all go through training. And we could not field the forces our Department of Defense is called upon to field without our Guard and Reserve. So I do hope the Leahy-Graham amendment No. 1072 will pass.

I yield to Senator GRAHAM.

Mr. GRAHAM. Mr. President, I want to thank both Senators MCCAIN and LEVIN for organizing this debate on this amendment in a way that maybe

we can get closure on this amendment tonight. Both our ranking member and the chairman have been very helpful in pushing an amendment forward where we have 71 cosponsors.

To Senator LEAHY, I want to say it has been a real privilege and joy working with you on this. We had 71 Members of the Senate sign onto the legislation, and it is simple. It says the Chief of the National Guard Bureau will now be a member of the Joint Chiefs. What does that mean in the real world? It means the citizen soldier's voice will be heard at the highest levels of our government.

After 1947, we reorganized the Defense Department. It became the modern Defense Department with the Joint Chiefs, where we have representatives from the Marine Corps, the Air Force, the Army, and the Navy, and now the citizen soldier. Why is that important? After 9/11, the Guard's role in defending this Nation changed substantially. The Guard and Reserves—but particularly the Guard, on the front lines of homeland security defense—have dual missions. They are the first to answer a natural disaster that hits America in uniform. They are the front-line troops. They have been integrated into the Army and Air Force in a fashion where they were deployed constantly to war zones.

The citizen soldier fired the first shot to create this Republic, and now is the time to recognize the role they play post 9/11. The real reason we want this is because we want a line of communication that is uninterrupted. We want to make sure the Guard and Reserve component, but through the Guard particularly, are recognized as an integral part of our national security, State and Federal.

The idea is that in the next war a Guard unit from Vermont, South Carolina, Connecticut—you name the State—would go to war without body armor to keep people safe, without the equipment they need to fight in the war is less likely to happen if we have the Chief of the National Guard Bureau in the tank with his colleagues talking about the needs of the National Guard. This doesn't change the legal structure. It doesn't provide command authority to the National Guard Chief. It simply puts him or her in the room, giving voice to the citizen soldier at a time we need it.

I cannot thank Senator LEAHY enough, and all those at the National Guard associations throughout the country, who called their Congressmen and their Senators. This bill passed the House, and now it will be adopted, hopefully by voice vote.

I can tell you in the world in which we live, in the 21st century, having the guardsman's voice inside the Joint Chiefs is going to make us a safer Nation. It is a recognition and honor well deserved, long overdue, and I want to thank all my colleagues who have made this possible.

And to the managers of this bill—the chairman and the ranking member—I want to thank you for accommodating us.

To all my colleagues, come down here and work with Senators MCCAIN and LEVIN on your amendments. Because we don't want to be the Congress for the first time in 51 years that failed to pass the Defense authorization bill.

With that, I yield.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I would join the Senator from South Carolina in thanking Senator LEVIN, the chair of the Armed Services Committee, and Senator MCCAIN, the ranking member, who worked closely with us. But I must say again, my good friend from South Carolina, I think even as late as a week ago, in the meeting we had with the Secretary of Defense, talked about this need.

We have tried not to show any light between one Republican and one Democrat but to do what was best here. I want to see the Senate get back to the days when Republicans and Democrats work together like that. But I thank the distinguished Senators from Michigan and Arizona for their help.

I yield the floor, and I suggest the absence of quorum.

Mr. MCCAIN. Will the Senator from South Carolina yield for a question?

Mr. GRAHAM. Yes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Since, apparently, this amendment will be passed and signed by the President, is the Senator from South Carolina interested in being the head of the——

The PRESIDING OFFICER. Does the Senator from Vermont withdraw his request for a quorum call?

Mr. LEAHY. For debate only.

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

Mr. MCCAIN. I don't seek recognition.

Mr. GRAHAM. I think I know where the Senator was going, and the answer will be no. The Guard has enough challenges without promoting me.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. 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. REID. I ask unanimous consent that the pending McConnell amendment No. 1084 and the pending Menendez amendment No. 1292 be withdrawn and it be in order for the majority leader or his designee to call up the Menendez-Kirk amendment No. 1414; that notwithstanding cloture being invoked, if invoked, that at a time to be determined by the majority leader, after consultation with the Republican leader, and prior to the vote on passage of the Defense authorization bill, there be up to 1 hour of debate equally divided in the usual form on the Menendez-Kirk amendment; that upon the use or yielding back of that time, the Senate proceed to vote in relation to the Menendez-Kirk amendment; further, that no amendments, motions, or points of order be in order to the amendment prior to the vote other than budget points of order and the applicable motions to waive.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I wish to thank the majority leader for working very hard to see that we could move forward with this legislation and reach an agreement on a very significant issue.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1414

(Purpose: To require the imposition of sanctions with respect to the financial sector of Iran, including the Central Bank of Iran)

Mr. LEVIN. Mr. President, pursuant to that unanimous consent order that was just entered, I now would call up the Menendez-Kirk amendment No. 1414.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. MENENDEZ and Mr. KIRK, proposes an amendment numbered 1414.

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. LEVIN. Mr. President, that amendment now I guess would return to the position that it has under the unanimous consent agreement that was just entered; is that correct?

The PRESIDING OFFICER. The amendment the Senator just called up is pending at this time. Does the Senator wish to return to the regular order?

Mr. LEVIN. What is the regular order now that we are going back to it?

The PRESIDING OFFICER. The regular order is the Senator's amendment No. 1092.

Mr. LEVIN. And that is the Levin-McCain amendment?

The PRESIDING OFFICER. Correct.

AMENDMENT NO. 1092

Mr. LEVIN. I ask unanimous consent that we proceed immediately to the Leahy-Graham amendment on the National Guard.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. If there is no further debate on the amendment,

without objection, the amendment is agreed to.

The amendment (No. 1072) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, we now have an understanding with Senator UDALL that he would be recognized first tomorrow morning to call up amendment No. 1107.

I ask unanimous consent that when we come in tomorrow morning, Senator UDALL be recognized after the leaders are recognized to call up that amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Arizona.

Mr. MCCAIN. It is my understanding that Senator UDALL has also agreed to a half hour equally divided—debate, equally divided?

Mr. LEVIN. That is my understanding.

We will leave that issue for the closing statement, that he be recognized. First, I agree with the Senator from Arizona that we agree there be a half hour equally divided on the amendment. But let's leave the exact wording on that for the closing.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MERKLEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Michigan.

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

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

MORNING BUSINESS

Mr. LEVIN. I ask unanimous consent that the Senate 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.

REMEMBERING FREDERIK MEIJER

Mr. LEVIN. Mr. President, I wish to speak to mark the passing of Frederik Meijer, one of Michigan's most distinguished leaders in business and philanthropy. Barbara and I were saddened to learn of his passing on Friday at the age of 91. It is by no means an overstatement to say that Fred Meijer changed the face of our State, and the legacy he leaves will continue to affect us in Michigan and America and beyond for decades hence.

Most Michiganians know him best through the business he built, one of the largest family owned companies in the Nation. Fred grew up working long hours in the Greenville, MI, grocery store that his father, an immigrant from Holland, opened in 1934. Over the next three decades the business grew until, in 1962, Fred and his father expanded from groceries into general merchandise. They called their new store ''Thrifty Acres,'' and it led the way to the supercenter retail stores that are now so much a part of the American consumer's daily experience. Today, Grand Rapids-based Meijer, Inc. has more than 200 stores across the Midwest, and the company is a major part of the West Michigan economy.

But Fred Meijer was not content to be just a pioneering entrepreneur. As the company grew, so did his lifelong drive to make the world around him a better place. He was an early and eager supporter of the civil rights movement. He was deeply involved in efforts by the Urban League to promote education and equal opportunity.

One of his many lasting legacies is the Frederik Meijer Gardens & Sculpture Foundation. Established in 1993, the foundation embodies Fred's commitment to ensuring that art and beauty are available to everyone. The park and gardens that the foundation supports house his collection of sculpture, one of the finest collections anywhere in the world, and places it in surroundings of incredible natural beauty.

Beyond the foundation, over the years he made generous gifts to support recreation and conservation efforts, schools and colleges and dozens of other institutions and charitable efforts across the State. There are few residents of our State who have not been touched in some way by his generosity. I have seen firsthand that generous and independent spirit, and I shall personally miss him, and personally feel the gap his passing has left in our State.

Barbara and I send our condolences to his wife Lena, his partner in life and business and philanthropy; their sons Hank, Doug and Mark; their seven grandchildren; and the multitude of those who will miss Fred's immense presence. He will indeed be missed. What a man. What a life. What a force for good in the world.

HONORING OUR ARMED FORCES

CORPORAL ZACHARY REIFF

Mr. GRASSLEY. Mr. President, since the Senate last convened, I have learned of the loss of a brave Iowan who was defending freedom overseas. Marine Corporal Zachary Reiff was wounded during combat operations in Helmand Province, Afghanistan and later succumbed to his wounds. This news has hit the close knit community of Preston, IA very hard. My prayers go out to all who knew Zach, particularly his parents Marcia and Matt, as well as his brother Kolby and his sister Emily. By all accounts, he was active in school, having played football, wrestled, and ran track as well as participating in school plays. As such, there was certainly no shortage of people in the community with memories to share. It is also evident that Zach is well thought of judging by the outpouring of good will following the news that he had been wounded. Zach is described as a caring person. Certainly, the beaming smile in many pictures posted on a Facebook prayer page in his honor makes even those who didn't know him wish that they had.

Friends say that Zach was proud to serve his country and liked his work. Zach Reiff is one of those special Americans who throughout our history have not hesitated to put their life on the line for the Stars and Stripes and everything it stands for. Our country is truly blessed to have patriots such as Zach Reiff. We owe him more than we can express and we have an obligation to remember him and his sacrifices in the name of liberty.

CUT ENERGY BILLS AT HOME ACT

Mrs. FEINSTEIN. Mr. President, I rise to speak in support of the Cut Energy Bills at Home Act, which Senator SNOWE, Senator BINGAMAN and I have introduced. It has been a pleasure to work again with Senators SNOWE and BINGAMAN on an important piece of energy legislation. We have written this bill in a fully cooperative process, and my colleagues have been especially accommodating of changes requested by California's experts; I thank my colleagues for their efforts.

This legislation would put the construction industry back to work by creating a homeowner tax credit for home renovations that increase the energy efficiency of the home by at least 20 percent. The tax credit would increase in size with every 5 percent in additional energy efficiency improvement achieved. Homeowners who improved the efficiency of their home by more than 50 percent will qualify for a maximum credit of $5,000.

This legislation helps address the continued high unemployment in the construction sector while making a long-term investment in America's building infrastructure. The construction industry has the highest unemployment rate of any sector nationally, according to the Bureau of Labor Statistics.

The current residential building stock exceeds demand, making a rapid recovery in new housing starts unlikely. According to the Census Bureau, 14.3 percent of the housing units in the United States in the second quarter of 2011 were vacant, even as prices continue to drop.

Thus the construction industry needs jobs, but artificially stimulating construction of new homes would exacerbate a situation of oversupply and depress home prices further.

Our Nation's buildings also need the upgrade. Buildings account for about 40 percent of the U.S. energy appetite, as well as 40 percent of its carbon dioxide