

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 Sen-

ator 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	Hoehn	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	Merkeley	

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 co-sponsored 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