

went on to clerk for the Honorable James Coleman, a former justice on the New Jersey Supreme Court.

To put it simply, Michael Shipp will be an extraordinary district court judge for the District of New Jersey. He is a man of honor, principle, and he possesses an excellent judicial temperament, has extraordinary legal experience, and a deep and abiding commitment to the rule of law.

I have full confidence he will serve the people of New Jersey and the country with all the dignity, fairness, and honor he has shown throughout his extraordinary career. We are lucky to have a nominee of his caliber, and I wholeheartedly urge the full Senate to vote to confirm Judge Shipp to the District of New Jersey.

I am thrilled we are actually going to do a confirmation vote and not a cloture vote and I appreciate those who made that possible.

With that, I yield the floor to my distinguished colleague from Iowa.

**THE PRESIDING OFFICER.** The Senator from Iowa.

**RECOGNIZING TAYLOR MORRIS**

**Mr. GRASSLEY.** Mr. President, when my colleagues come over to vote, I hope they will take note of a constituent of mine and wish him well.

Taylor Morris, a Navy wounded person from Afghanistan, who is an explosives expert, lost parts of four limbs. He is at the bottom of the escalator as you go to the subway. He is one of our wounded heroes, and I would like to have my colleagues recognize him.

**AURORA, COLORADO SHOOTINGS**

**Mr. GRASSLEY.** Mr. President, it was a very sad weekend and will be for a long period of time in Aurora, CO. I heard the remarks of the majority and minority leaders today expressing condolence for the victims and their families. I wish to associate myself with those remarks and offer my condolences to all the people of Aurora but particularly to those who have deceased family members and those who are hospitalized because of this tragic event that happened there.

**Mr. President,** I support the nomination of Michael A. Shipp to be U.S. district judge for the District of New Jersey, currently serving as a U.S. magistrate and coming out of committee on voice vote. I am not aware of any controversy regarding this nominee, and I expect he will be confirmed with an overwhelming vote.

There has been a bit of discussion regarding whether the cloture vote that had been scheduled on today's nominee was some sort of escalation of Presidential election politics or an indication of a partisan fight over judicial confirmations. Those are raised as speculation or misreading what is happening in the Senate. The fact is that the cloture vote, which is now vitiated, had nothing to do with the judicial confirmation process in general or this nominee in particular.

There is, unfortunately, an element of partisan gridlock that is affecting

this nomination, but it is not because of a Republican desire to block this nominee or to shut down the Senate floor. Republicans, in fact, have been demanding more access to the Senate floor. That gridlock is the majority leader's tactics to block amendments on the Senate floor.

Time after time the majority uses parliamentary procedure to prohibit amendments, block votes, and deny or limit debate. For example, last Thursday the Republican leader asked the majority leader if the anticipated business coming before the Senate, the Stabenow-Obama campaign tax bill, would be open for amendment. The majority leader responded that would be "very doubtful." These actions, although they may be permitted by Senate rules, are contrary to the spirit of the Senate.

Certainly we are far from being the world's greatest deliberative body at this time. So when a Senator who seeks a vote on his amendment is stymied time after time, it is not surprising that the Senator would use Senator rules and procedures to bring pressure on the majority leader for a vote—in other words, to do exactly what the Senate was set up under the Constitution to do. There is a bit of sad irony that Senators who are facing obstructionism are the ones who are labeled obstructionist when they are persistent in trying to bring a matter to a vote, which is customary in the Senate.

Unfortunately, we are now seeing this obstructionism strategy creep into committee activity as well. Again, last Thursday the Judiciary Committee marked up an important national security bill. The bill was open to amendment but apparently only amendments the chairman agreed with. In the Judiciary Committee, we have a longstanding practice of voting up or down on difficult, controversial issues. What happened last week undermined the responsibility of the committee to debate and address important issues—in this case, national security. The Judiciary Committee is a forum for these debates.

The bill that was on the agenda is one of the few vehicles that will likely be passed before the end of the year, so it was an important and appropriate vehicle for addressing such issues once the chairman opened the amendment process by adopting his own substitute amendment. Instead, the partisan gridlock, driven by the majority leader's tactics to block amendments on the Senate floor, has now spread to the committee level with made-up germaneness rules and tabling motions forced on amendments, some of which had received bipartisan support from members of the Judiciary Committee in the past. The only conclusion that can be drawn is that the Senate majority leadership wants to protect its members at every step of the legislative process from having to make difficult votes, and the majority leader-

ship will employ any procedure it can to duck debates and to govern.

Even as we turn to the 154th nominee of this President to be confirmed to the district or circuit courts, we continue to hear unsubstantiated charges of obstructionism. The fact is we have confirmed over 78 percent of President Obama's district nominees. At this point in his Presidency, 75 percent of President Bush's nominees had been confirmed. President Obama, in other words, is running ahead of President Bush on district confirmations as a percentage.

I continue to hear some of my colleagues repeatedly ask the question: What is different about this President that he is to be treated differently than all of these other Presidents? I won't speculate as to any inference that might be intended by that question, but I can tell you that this President is not being treated differently than previous Presidents. By any objective measure, this President has been treated fairly and consistently with past Senate practices.

As I stated, as a percentage of nominations, this President is running ahead of the previous President with regard to the number of confirmations. Let me put that in perspective for my colleagues with an apples-to-apples comparison. As I mentioned, we have confirmed 153 district and circuit nominees of this President. We have also confirmed two Supreme Court nominees. Everyone understands that the Supreme Court nominations take a great deal of committee time. The last time the Senate confirmed two Supreme Court nominees was during President Bush's second term, and during that term the Senate confirmed a total of 119 district and circuit court nominees. With Judge Shipp's confirmation today—which I support and which I think will be confirmed almost unanimously—we will have confirmed 35 more district and circuit court nominees for President Obama than we did for President Bush in similar circumstances.

During the last Presidential election, 2008, the Senate confirmed a total of 28 judges—24 district and 4 circuit. This Presidential election year we have already exceeded those numbers. We have confirmed 5 circuit nominees, and this will be the 27th district judge confirmed.

Judge Shipp received his B.S. from Rutgers University in 1987 and his J.D. from the Seton Hall University School of Law in 1994. Upon graduation, he clerked for the Honorable James H. Colman, Jr., a justice on the Supreme Court of New Jersey. After his clerkship, Judge Shipp joined Skadden, Arps, Slate, Meagher & Flom LLP as a litigation associate. There, he worked in general litigation matters, handling labor and employment work. He also developed an expertise in mass tort law and products liability litigation.

In 2003, Judge Shipp became an assistant attorney general in charge of

consumer protection with the Department of Law and Public Safety of New Jersey. There, he managed five practice groups: consumer fraud prosecution, insurance fraud prosecution (civil), securities fraud prosecution, professional boards prosecution, and debt recovery. He supervised approximately 80 deputy attorneys general. In 2005, he was promoted to the Attorney General's front office. There, he acted as an advisor to the Attorney General on sensitive legal matters related to ethics and appointments.

In 2007, Judge Shipp was appointed as a United States magistrate judge for the District of New Jersey. As a magistrate judge he presides over civil and criminal pre-trial proceedings. He also presides over civil trials, with the consent of the parties. The ABA Standing Committee on the Federal Judiciary gave Judge Shipp a rating of substantial majority "Qualified," minority "Not Qualified."

Mr. LEAHY. Mr. President, I ask unanimous consent to speak for 1 minute.

Mr. GRASSLEY. I ask unanimous consent to have 1 minute, then, too.

Mr. LEAHY. I have no objection. In fact, I will give a courtesy to the Senator from Iowa that he did not give to me, and I will be happy to yield 1 minute.

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

Mr. LEAHY. Usually, Mr. President, it has been my experience that in 37 years in this Senate, as the second most senior Member here, if a Senator wants to come and attack another Senator, they have the courtesy of giving him notice before they do. I am sorry my friend from Iowa didn't follow the normal courtesy.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, for my 1 minute I will respond simply to that by saying that I am talking about the institution of the Senate and not one single Senator personally.

Mr. LEAHY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 25 seconds.

Mr. LEAHY. Mr. President, I yield to no Member of this body in the fact that I uphold not only the rules but the courtesies of this Senate. As chairman of the Senate Judiciary Committee, I have never cut off a Member of the other party who wished to speak, unlike some of the procedures they followed when they held the chair. I have never refused to have a Member of the other party bring up an amendment, contrary to the procedures they followed when they chaired it.

I believe in the Senate. I believe in the rules of the Senate, but especially I believe in the comity that Thomas Jefferson believed in, in this body; otherwise, the Senate would fall apart.

I yield the floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and

consent to the nomination of Michael A. Shipp, of New Jersey, to be United States District Judge for the District of New Jersey.

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

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

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from California (Mrs. BOXER), the Senator from Pennsylvania (Mr. CASEY), the Senator from Iowa (Mr. HARKIN), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

I further announce that, if present and voting, the Senator from Colorado (Mr. UDALL) would have voted "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT), the Senator from Utah (Mr. HATCH), and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "yea."

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

The result was announced—yeas 91, nays 1, as follows:

[Rollcall Vote No. 182 Ex.]

#### YEAS—91

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

#### NAYS—1

Lee

#### NOT VOTING—8

Begich	DeMint	Kirk
Boxer	Harkin	Udall (CO)
Casey	Hatch	

The nomination was confirmed.

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

#### LEGISLATIVE SESSION

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### TRIBUTE TO LARRY CORUM

Mr. MCCONNELL. Madam President, I come before the Senate to recognize the entrepreneurial spirit of Mr. Larry Corum of London, KY. After serving in the United States military for over 20 years, in 1990 he opened a printing business and now is the manager of the London-Corbin Airport. Both his economic leadership and steadfast service to Laurel County make him a valuable asset to the London community.

Born and raised in Clay County, KY, upon his graduation from high school in 1958, Larry attended Sue Bennett College and Eastern Kentucky University. After graduating from ECU in 1965, he joined the U.S. Air Force and became an officer. While in his first years of service, Larry married his wife, Lois. Throughout his 20-year military career, the couple traveled around the country with their two children, Chris and Gienah. Finally in 1989, he retired from the Air Force as a lieutenant colonel and settled in London, KY.

In 1990, Larry opened an American Speedy Printing franchise in the London Shopping Center. After acquiring Durham Printing in 1998, the name of the company changed to Allegra Print and Imaging. In 2008, Larry left the business, entrusting his son, Chris, with running the day-to-day business operations, and became manager of the London-Corbin airport, which is the sixth-largest airport in the State of Kentucky.

Larry has served on many boards in the Laurel County area such as the American Red Cross, the United Way, SCORE, the London-Corbin Airport, Saint Joseph-London, and the executive board of the Chamber of Commerce. His contribution to the London-Laurel County Chamber of Commerce stemmed from a desire to grow the community economically. Through the Chamber of Commerce, Larry was able