

side of the aisle come forward with other amendments, making it impossible for us to move forward on this bill that creates jobs. It is a jobs bill.

I do not know how much more good faith we can show than what we have shown. Before the recess, we had, I think, nine amendments. We said: OK, let's vote on these. Senator SNOWE from Maine objected because she wanted to have a vote on a bill on which the chairman of the Small Business Committee said there had not even been a hearing.

We spent days working on an agreement to have votes on amendments to the small business bill to get us closer to passage. Included in this agreement was a Cornyn amendment having absolutely nothing—no relevance—nothing being germane to this bill. We had one from Senator HUTCHISON—same thing—dealing with health care. It has nothing to do with this legislation that is before the Senate.

We had all kinds of amendments. Very few had anything to do with the subject matter of the legislation. During the course of many weeks of debating the bill, we made efforts to accommodate Senator SNOWE and the rest of the Republicans on amendments, but there has been no way of ending this, so we are going to file cloture tonight.

We had a vote on another amendment offered by Senator SNOWE. She has already had one vote on this amendment, as well as multiple Republican amendments, nearly all of which, I repeat, have nothing to do with this underlying bill.

In light of the accommodation of extraneous amendments, it is difficult for me to understand why we cannot finish debate on this bill. But, obviously, the Republicans feel differently. We have been more than fair. We should be able to reach agreement on considering the remaining amendments and voting on final passage, but that is not what the Republican leader said is going to happen. I am sure he will tell his Senators we need more amendments and will vote to not allow cloture to take place.

There is only a limited amount of time we can spend on this legislation. We believe jobs is the key to what we do in the Senate. That is why I worked hard to get the FAA bill done and a bill dealing with patents, to get that bill done, because they create about 750,000, 800,000 jobs. This bill would create thousands of jobs. But I guess my friends on the other side of the aisle are more interested in messages than they are trying to get something done that will be good for the American people. So I have to file cloture on this bill.

I send a cloture motion to the desk. The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, hereby move to bring to a close debate on Calendar No. 17, S. 493, the SBIR and STTR Reauthorization Act of 2011.

Harry Reid, Mary L. Landrieu, John F. Kerry, Robert P. Casey, Jr., Michael F. Bennet, Al Franken, Jon Tester, Patrick J. Leahy, Carl Levin, Tom Harkin, Charles E. Schumer, Jack Reed, Maria Cantwell, Kirsten E. Gillibrand, Benjamin L. Cardin, Bill Nelson, Sheldon Whitehouse, Ron Wyden.

#### EXECUTIVE SESSION

#### NOMINATION OF JOHN J. MCCONNELL, JR., TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF RHODE ISLAND

Mr. REID. Mr. President, I now ask unanimous consent to proceed to executive session and the nomination of John J. McConnell, Jr., of Rhode Island, to be United States District Judge for the District of Rhode Island.

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

The clerk will report the nomination. The assistant legislative clerk read the nomination of John J. McConnell, Jr., of Rhode Island, to be United States District Judge for the District of Rhode Island.

#### CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk dealing with John McConnell.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of John J. McConnell, Jr., of Rhode Island, to be United States District Judge for the District of Rhode Island.

Harry Reid, Patrick J. Leahy, John F. Kerry, Dianne Feinstein, Frank R. Lautenberg, Jack Reed, Sheldon Whitehouse, Robert Menendez, Amy Klobuchar, Barbara Boxer, Daniel K. Inouye, Mark Begich, Mark R. Warner, Kent Conrad, John D. Rockefeller IV, Richard J. Durbin, Ron Wyden.

Mr. REID. Mr. President, I ask unanimous consent that it be in order at this time to waive the mandatory quorums under rule XXII with respect to both cloture motions.

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

#### LEGISLATIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate now resume legislative session.

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

#### JUDICIAL NOMINATION

Mr. REID. Mr. President, I hope, as I mentioned this morning, we are not in

a situation where we have to file cloture on district court judges. That is a little much. I filed cloture on this because I couldn't get agreement not to do it, but I hope we don't have to have cloture on all the district court judges whom somebody has some concern about.

This is a very good man. Morally his record is impeccable. As a lawyer, he is certainly one of the two or three best lawyers in the State of Rhode Island, and I would hope we could get this done on Wednesday when this cloture motion ripens.

#### TRIBUTE TO LAWRENCE ELSWICK

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to Mr. Lawrence Elswick for his service to the United States. Mr. Elswick serves as a prime example of a man who truly puts others before himself.

Having spent the majority of his life in the small town of Big Creek, KY, Mr. Elswick has touched the lives of several Kentuckians. Whether he is fixing the plumbing in a neighbor's bathroom or giving away free vegetables from his garden, Lawrence never hesitates when offering a helping hand.

Although Lawrence came from a humble background, he allowed his upbringing to inspire him rather than hold him back. Having grown up as the oldest in a family with 8 children, Lawrence was molded into the leader that he still is today. Furthermore, Lawrence knows what it means to be truly dedicated. He has dedicated his life to serving his church, the people of the Commonwealth, and his country.

Because Lawrence has always selflessly given to others, it came as no surprise when he joined the Army during World War II and willingly risked his life to defend our country. He was among the heroes who bravely fought on Normandy Beach in 1944. At one point in time, Lawrence went missing in action and remained behind enemy lines for a week. It is because of his immense courage and great service to this Nation that I stand here today honoring his achievements. Lawrence has been awarded numerous medals because of his service in the U.S. Army. His collection of medals include the Purple Heart, the Bronze Star, the Combat Infantry Badge, the Good Conduct Medal, the European Theater of Operations Ribbon with four major stars, the Honorable Service Lapel Button, and the Presidential Citation Ribbon. Several of these medals are among the greatest honors that are bestowed upon our men and women in the service.

It is because of Lawrence's strong character, his dedication to his family and friends, and his giving spirit that the Commonwealth of Kentucky is so proud to call him one of our own.

The Appalachian News Express recently published an article commemorating Mr. Lawrence Elswick's service to the Commonwealth of Kentucky and

to the Nation, and I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Appalachian News Express, Mar. 2, 2011]

**ELSWICK SAYS HE IS BLESSED**

(By Nancy M. Goss)

"I've been here all my life, on this creek," says 88-year-old Lawrence Elswick. "My dad bought this place back in 1943 when I was in the service. All my kids were born here but my youngest."

Lawrence was born Sept. 30, 1922, the oldest of eight children. He and two brothers, Bill Elswick of Elyria, Ohio, and Sonny Elswick of London, are the only ones still living.

He attended a one-room school on Meathouse Fork. His dad taught school for two years and was a deputy clerk for Bessie Arnold Riddle. He was killed in a mining accident just a few days after Lawrence returned from the service.

Lawrence Elswick and Rachel Fuller were married Feb. 21, 1942. They had five children: Lawrence Jr. of Meathouse Fork of Big Creek, Judith Gail Baker (deceased), Connie Sue Chapman of Meathouse Fork of Big Creek and Patsy Blackburn and Madonna Kaye Williamson, both of Stratton Fork of Canada. They have 12 grandchildren and 16 great-grandchildren. Rachel died Aug. 15, 2007.

"Mom was known countywide for her biscuits," Patsy said. "And she would cook for anybody who would show up."

Lawrence's nickname is Curly. He has naturally curly hair, but admits to getting perms. "I was black headed," he says. "They used to call me Dean Martin."

Lawrence is a World War II veteran.

In the beginning of his Army career, he was stationed in Mississippi.

"I was put in the 99th Division, then after my training, I came to Camp Shanks, New York, and caught a ship—The George Washington. I was 14 days getting over there, to France." He was then in the 4th Infantry Division. Later, he was also part of the military police at Fort Campbell.

His medals include The Purple Heart, The Bronze Star, Combat Infantry Badge, the American Campaign, Good Conduct, ETO, Ruptured Duck, Presidential Citation Ribbon, four major battle stars on ETO ribbon, World War II, and Expert Rifleman.

"I had a rough life in the service," he says. "I went in on Normandy Beach. I was missing in action . . . cut off behind enemy lines for a week."

"I got out on Oct. 3, 1945," Lawrence says. "I was supposed to get out on my birthday, up at Camp Breckinridge. But they held me in the hospital for three days because I was a diabetic—the sugar showed up on me, you know."

"Dad worked in the mines for a while when he first came out of the service," Patsy said. "And he's put plumbing and bathrooms in every house all up and down Meathouse."

"I'm one of the best blessed men on Big Creek," Lawrence says. "I never drew an unemployment check and I never was cut off from a job in my life. I worked 38 years for the gas company. I was the maintenance man and worked in four counties. I was a compressor engineer, is what they called it. I'd take care of these pump stations."

Lawrence did plumbing on the side in the evenings while working for the gas company. He said Al Reed helped him plumb every house.

"I'd get him to help me. He was a real nice friend of mine. Another good friend was

Sonny Hall of Pikeville. He was like a son to me," Lawrence said. "And I can't not mention Willie B. Thacker and Bethel Thacker. They were just like a daddy and mother to me."

Lawrence says he's always been involved in politics.

"I've been a politician all my life and voted Democrat all my life. Paul Patton came to my house and sat right down there in that chair when he started to run for county judge the first time. And Rick Bartley sat on my porch when he was running . . . and Ira Branham, and Keith Hall, and Eddy Coleman and his wife . . ."

"Dad's friends with all of them," Patsy said. I had an anniversary party for him and mom on their 50th wedding anniversary and we had over 300 people show up! I was afraid I would run out of food."

Many years ago, Lawrence also had about 50 game cocks, roosters, on strings at one time.

"That was back before Daddy ever belonged to church . . . he'd referee. He had a colorful life!" Patsy said.

"That was over in McDowell in Floyd County. I was the head referee over there," Lawrence said. "Now, I'm against it the worst in the world . . . and I used to do it all the time."

Lawrence is a Kentucky Colonel. He's also an ordained deacon in the Big Creek Primitive Baptist Church. He and Rachel were baptized in 1996, but attended church long before that.

"I love my church," Lawrence says. "There ain't but one church and one God and he controls all of it. That's the way I see it. You've got different denominations, but God controls it all."

Today, Lawrence lives alone, but Patsy comes everyday to check on him. She and her husband, Thomas, a Vietnam veteran, have four children: Jenny Rebecca Hatfield of Stratton Fork, Thomas Patrick of Columbus, Ohio, Zachary Slade and Rebecca Cheyenne Webb, both of the home. They have five grandchildren.

Although he had a stroke in 2002, Lawrence appears to be in excellent health. He has a wonderful sense of humor, good eyesight, still drives, still goes out and "gins" and does favors for neighbors and friends. He works on everything from lawn mower motors to car engines.

"I just gin all the time," he said. "And I raise a garden every year and I give it all away . . . to anybody that wants it."

Patsy says people just come and take the vegetables right out of the garden.

"And when he gets a lot, he'll take it to the service station and give it away!" she says with a laugh.

To echo what Lawrence said earlier, he's "one of the best blessed men on Big Creek!"

**TRIBUTE TO ETHEL MARTIN**

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a Kentuckian who has led a remarkable and inspirational life, Ms. Ethel Richardson Martin. In 1911 in Kenton County, KY, Ethel Martin was born—meaning that this March, she celebrated her 100th birthday. And she has much to be proud of, looking back at a century of a life well lived.

Ms. Martin came from a large family; her parents Eugene and Frances had 11 children. Ethel and her sisters liked to sing, and I am told they once sang at Renfro Valley, site of many great Kentucky music performances. Ms. Martin

graduated from Western Kentucky State Teachers College—now Western Kentucky University—and served as a missionary in Georgia, mostly in the area of Macon. In 1943, with America at war with the Axis Powers, she enlisted in the Women's Army Corps, the branch of our country's Armed Forces that GEN Douglas MacArthur once called "my best soldiers."

Ms. Martin began her WAC training in Des Moines, IA. She served her country with distinction and rose to the rank of captain. When the war ended, she participated in the prosecution of the Germany's war criminals. She was one of the first Americans to see the inside of Adolf Hitler's mountain retreat called the Eagle's Nest, and she served as an adjunct to an attorney who worked on the Nuremberg Trials.

In 1947, Ms. Martin was discharged from Army service. She returned to America, and she earned her master's degree and her doctorate from the University of Cincinnati. She also met and married the love of her life, Ansel C. Martin. Ansel was a music teacher, and he has been missed by all who knew him since his passing in 1991.

Ethel found a career in education, and she and Ansel lived in North Carolina for a time. She was a leader in the efforts of her church, the First United Methodist Church located in Hendersonville, NC, to sponsor Cambodian refugees to the United States in the 1970s and 1980s. In 2001, she returned to her native Kentucky. We are lucky to have her back in the Bluegrass State and happy to help celebrate her 100th birthday. Her long life of service to her country and her community are an inspiration to us all.

**FALL CASES BEFORE THE SUPREME COURT**

Mr. WHITEHOUSE. Mr. President, I wish to alert my colleagues to an important set of cases that will be heard by the Supreme Court this fall. The cases—consolidated under the caption *Maxwell-Jolly v. Independent Living Center*—concern the ability of Americans to assert their constitutional rights in court. The issue before the Court is important not just to the parties involved but to the effective functioning of our constitutional system.

The cases come to the Court out of California. In 2008, the State announced a plan to sharply reduce the reimbursements paid to medical providers under Medi-Cal, the State's Medicaid program. A broad range of parties—including pharmacies, medical clinics, hospitals, doctors, health care providers, senior citizens' groups, and Medicaid beneficiaries—brought suit asking for an injunction to stop the change from going into effect. They are not looking for money, just an order requiring California to follow Federal law.

They argued that the California plan violated—and was preempted by—the Federal Medicaid statute. In particular, they contended that the plan