

his BA with high honors and his JD from the University of Florida.

Following law school, he joined the firm of Dean, Ringers, Morgan & Lawton as an associate where he later became a principal of the firm.

In 1982, the nominee founded his first law firm, Roy B. Dalton, Jr., P.A. He would later form other practices where he would serve as a principal. In 1999 he began working as "of counsel" for the firm Gray, Harris & Robinson, where his practice area grew to include civil litigation, government relations, appellate practice, and business practice for individuals. As a former Senate staffer, Mr. Dalton spent most of 2005 serving as counsel to his former legal partner and U.S. Senator, Mel Martinez. Mr. Dalton has also practiced in appellate matters as "of counsel" for the Carlyle appellate law firm, a post he has held since 2004. The ABA Standing Committee on the Federal Judiciary gave him the rating of: substantial majority "Well Qualified"; minority "Qualified." I am pleased to support Mr. Dalton today.

I also rise in support of Kevin Sharp to be U.S. District Court Judge for the Middle District of Tennessee. Mr. Sharp enlisted in the U.S. Navy following high school and received an honorable discharge in 1986. The nominee received his B.S. from Christian Brothers College and a J.D. from Vanderbilt University School of Law. He began his legal career as an associate with the firm of Stokes & Bartholomew. After a yearlong stint working as an attorney for the U.S. Congressional Office of Compliance, Mr. Sharp returned to Stokes, Bartholomew, Evans & Petree, eventually making partner. Since 2003, he has been a shareholder and partner at Drescher & Sharp, where he has focused his legal practice on employment, labor, and disability law. The ABA Standing Committee on the Federal Judiciary has rated him "Qualified" and I urge my colleagues to support this nominee.

I note that the vacancy Mr. Sharp will fill was created by the retirement of Judge Echols in March of 2007. A few months later, on June 13, 2007, President Bush nominated Gus Puryear to fill the vacancy. Mr. Puryear waited 8 months before he had a hearing. That was the last action the committee took on the nomination. His nomination languished in committee for another 10 months before being returned to the President in January 2009, at the end of President Bush's term. It is both unfortunate and unnecessary that this seat has remained vacant for so long.

I congratulate each of these men for their achievements and commend them for the public service they have given and that they will provide to the people of this country, and particularly to their respective States in the future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. I yield back all remaining time.

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

Under the previous order, the Dalton nomination is confirmed.

The question now occurs on the Sharp nomination.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Kevin Hunter Sharp, of Tennessee, to be United States District Judge for the Middle District of Tennessee?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ), the Senator from Florida (Mr. NELSON), the Senator from Vermont (Mr. SANDERS), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK), the Senator from Kansas (Mr. MORAN), the Senator from Florida (Mr. RUBIO), the Senator from Louisiana (Mr. VITTER), the Senator from Utah (Mr. HATCH), the Senator from Georgia (Mr. ISAKSON), and the Senator from Nevada (Mr. ENSIGN).

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

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

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

[Rollcall Vote No. 62 Ex.]

YEAS—89

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

NOT VOTING—11

Ensign	Menendez	Sanders
Hatch	Moran	Udall (CO)
Isakson	Nelson (FL)	Vitter
Kirk	Rubio	

The nomination was confirmed.

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

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

#### SBIR/STTR REAUTHORIZATION ACT OF 2011

Mr. REID. Mr. President, what is the pending business?

The PRESIDING OFFICER. S. 493, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 493) to reauthorize and improve the SBIR and STTR programs, and for other purposes.

Pending:

Vitter amendment No. 178, to require the Federal Government to sell off unused Federal real property.

Cornyn amendment No. 186, to establish a bipartisan commission for the purpose of improving oversight and eliminating wasteful government spending.

Paul amendment No. 199, to cut \$200,000,000,000 in spending in fiscal year 2011.

Sanders modified amendment No. 207, to express the sense of the Senate that Social Security benefits for current and future beneficiaries should not be cut and that the Social Security program should not be privatized as part of any legislation to reduce the Federal deficit.

Hutchison amendment No. 197, to delay the implementation of the health reform law in the United States until there is final resolution in pending lawsuits.

Pryor amendment No. 229, to establish the Patriot Express Loan Program under which the Small Business Administration may make loans to members of the military community wanting to start or expand small business concerns.

Landrieu (for Cardin) amendment No. 240, to reinstate the increase in the surety bond guarantee limits for the Small Business Administration.

Landrieu (for Snowe) amendment No. 253, to prevent fraud in small business contracting.

The PRESIDING OFFICER. The majority leader.

#### CLOTURE MOTION

Mr. REID. Mr. President, at the beginning of this Congress, we entered into an agreement with the minority. One of the things we wanted to do was to make sure there was a process for allowing amendments to bills. We have had the small business jobs bill on the calendar for weeks. I believe this is the fifth week this bill has been around. We have had votes on a lot of amendments. But each time we think we can see the way to closure, my friends on the other

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