

a professor at CUNY Law School and former chair of the New York Asian Women's Center. Together they are raising two children, William who is 8 and John who is 6.

I am confident that given his extraordinary background of professional accomplishment, Ray Lohier will be an excellent addition to the U.S. Circuit Court for the Second Circuit. He was unanimously supported by the Judiciary Committee on May 13 of this year, and I urge all of my colleagues to support his confirmation.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. Mr. President, we yield back our time, and 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 Raymond Joseph Lohier, Jr., of New York, to be United States Circuit Judge for the Second Circuit?

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kentucky (Mr. BUNNING), the Senator from South Carolina (Mr. DEMINT), the Senator from Georgia (Mr. ISAKSON), the Senator from Illinois (Mr. KIRK), and the Senator from Ohio (Mr. VOINOVICH).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "yea" and the Senator from South Carolina (Mr. DEMINT) would have voted "yea."

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

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 284 Ex.]

YEAS—92

Akaka	Corker	Kohl
Alexander	Cornyn	Kyl
Barrasso	Crapo	Landrieu
Baucus	Dodd	Lautenberg
Bayh	Dorgan	Leahy
Begich	Durbin	LeMieux
Bennet	Ensign	Levin
Bennett	Enzi	Lieberman
Bingaman	Feingold	Lincoln
Bond	Feinstein	Lugar
Boxer	Franken	Manchin
Brown (MA)	Gillibrand	McCain
Brown (OH)	Graham	McCaskill
Brownback	Grassley	McConnell
Burr	Gregg	Menendez
Cantwell	Hagan	Merkley
Cardin	Harkin	Mikulski
Carper	Hatch	Murkowski
Casey	Hutchison	Murray
Chambliss	Inhofe	Nelson (NE)
Coburn	Inouye	Nelson (FL)
Cochran	Johanns	Pryor
Collins	Johnson	Reed
Conrad	Kerry	Reid
Coons	Klobuchar	Risch

Roberts	Snowe	Vitter
Rockefeller	Stabenow	Warner
Sanders	Tester	Webb
Schumer	Thune	Whitehouse
Sessions	Udall (CO)	Wicker
Shelby	Udall (NM)	

NOT VOTING—8

Bunning	Kirk	Voinovich
DeMint	Shaheen	Wyden
Isakson	Specter	

The nomination was confirmed.

#### NOMINATION OF CARLTON W. REEVES TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Carlton W. Reeves, of Mississippi, to be United States District Judge for the Southern District of Mississippi.

Mr. COCHRAN. Mr. President, I am pleased to support the President's nomination of Mr. Carlton Reeves to be a U.S. District Court Judge for the Southern District of Mississippi.

Mr. Reeves practices law in Jackson, MI. He received his undergraduate degree from Jackson State University and his law degree from the University of Virginia.

He has served as a clerk and staff attorney for the Mississippi Supreme Court, and as the chief of the Civil Division in the U.S. Attorney's Office for the Southern District of Mississippi.

Mr. Reeves has been actively involved with Mississippi Legal Services and other public interest organizations in our State which will serve him well as he takes on this important new responsibility.

Mr. President, I am pleased to recommend this nominee for confirmation by the Senate.

Mr. LEAHY. Mr. President, the Senate will finally vote on the nomination of Carlton W. Reeves to fill an emergency vacancy on the U.S. District Court for the Southern District of Mississippi. Currently a partner in a Jackson, MI, law firm, Mr. Reeves is a former Federal prosecutor. Both of his Republican home State Senators, Senator COCHRAN and Senator WICKER, introduced Mr. Reeves at his confirmation hearing, and they emphasized his outstanding reputation in the Jackson legal community, as well as the bipartisan nature of the Mississippi delegation's support for this fine nominee. The Judiciary Committee reported his nomination on August 5 with the support of all but 1 of its 19 members. That was more than 4 months ago. Senate consideration and confirmation of his nomination has been delayed for months with for no good reason. When he is finally confirmed, Mr. Reeves will become only the second African-American Federal district judge in Mississippi. He will fulfill the pledge made by President Bush that went unfilled.

After the confirmations today, there remain more than two dozen Federal

circuit and district court nominations favorably reported by the Judiciary Committee, most of the unanimously, also ready for consideration and a final vote. The practice used to be for the Senate to confirm and confirm consensus nominees within days of their being favorably considered by the Judiciary Committee, certainly those reported without opposition. No longer. Courtrooms are being kept vacant for months and months while justice is, at best, delayed.

During the first 2 years of the administration of President George W. Bush, a Democratic Senate majority proceeded to vote on 100 of his judicial nominations. That included controversial circuit court nominations reported during the lameduck session in 2002. In contrast, during this first Congress of President Obama's administration, the Senate has been allowed to consider just over 50 of the 80 nominations fully considered and reported favorably by the Judiciary Committee.

I congratulate Mr. Reeves and his family on his confirmation today. This day was a long time coming.

The PRESIDING OFFICER. Is there further debate?

There being no further debate, the question is on agreeing to the nomination.

The nomination was confirmed.

The PRESIDING OFFICER (Mr. MERKLEY). A motion to reconsider the vote to the nomination 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.

The Senator from Massachusetts is recognized.

#### UNANIMOUS-CONSENT REQUEST—S. 2919

Mr. KERRY. Mr. President, I want to clarify this for my colleagues. There are a couple of items, and they will be done quickly in legislative session by unanimous consent. Then we will come right back to the procedure we had talked about previously. For the purpose of that consent, in legislative session, I yield to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. UDALL of Colorado. In legislative session, I wish to make a unanimous consent request.

I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 2919, the Small Business Lending Enhancement Act, and the Senate proceed to its immediate consideration; that a Udall of Colorado substitute amendment, which is at the desk, be agreed to, the bill, as amended, be read the third time and passed, and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. UDALL of Colorado. Mr. President, if I might, for the record, I will talk briefly about the legislation I referred to. This is a bipartisan bill. I filed it—

Mr. INHOFE. Reserving the right to object, Mr. President—

The PRESIDING OFFICER. Objection has already been heard.

Mr. INHOFE. Well, there are two motions. I am objecting to the discussion of the amendment at this time, until we find out how long it will be.

Mr. KERRY. Mr. President, I ask unanimous consent that the Senator from Colorado have 3 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. UDALL of Colorado. Mr. President, the reason I have offered this consent agreement today is that this would help literally hundreds of small businesses to create hundreds of thousands of jobs at no cost to the American taxpayer.

I did want to, in the spirit of bipartisanship, mention the cosponsors of the bill: Majority Leader REID from Nevada, and Senators SNOWE, COLLINS, SCHUMER, BOXER, BROWN, GILLIBRAND, INOUE, LIEBERMAN, NELSON of Florida, BENNET of Colorado, SANDERS, and WYDEN.

The bill addresses a problem that everybody in the Chamber agrees needs to be addressed, and that is the trouble small businesses are having accessing capital so they can grow and create jobs.

We saw that our unemployment rate inched up to 9.8 percent in November. That is indicative of the fact that our economy is having trouble gaining traction. We all know that if small businesses expand and grow, our economy will be getting back on track.

If I might, let me tell you how this bill would help small businesses. Under current law, credit unions are doing what they can to help business interests and meet the demands of particularly family businesses. But they are constrained by an arbitrary cap on the size and amount of the loans they can issue. In every State, there are credit unions that would like to lend more, responsibly. But the Federal Government gets in the way.

This legislation would get the Federal Government out of the way and allow credit unions help jumpstart the economy. Under current statute, credit unions are constrained to dedicating no more than 12.25 percent of their total assets to small business lending. Many credit unions have run up against that cap. What this legislation would do is take the most experienced and well-run credit unions and allow them to meet the rising demand for small business loans.

The National Credit Union Administration, the Federal regulator, would

have the authority to allow the small business lending cap to slowly increase from the current 12.25 percent limit to a maximum of 27.5 percent of total assets.

Lest you think this has been pulled out of thin air, the proposal has the backing of the Banking Committee, the Treasury Department, and National Credit Union Association. It also has the support of the National Small Business Association, the National Association of Realtors, and even the Conservative Americans for Tax Reform thinks this is a good idea.

The Credit Union National Association projects that these reforms are sensible reforms and would increase small business lending by \$10 billion within the first year, with an increase of nearly \$200 million in my State, and I am sure it would be similar in all States. It is expected to also increase 100,000 jobs nationwide.

This is disappointing. It is a shame we can't move this legislation forward. We should be helping our economy, but we are embroiled in other things here. I will continue to fight for this, and I hope other Senators here today will join me in helping unleash the power of credit unions and get Americans back to work.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I will yield for a moment for an announcement from the Senator from Montana.

(The remarks of Mr. TESTER are printed in today's RECORD under "Morning Business.")

#### EXECUTIVE SESSION

#### TREATY WITH RUSSIA ON MEASURES FOR FURTHER REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS—Continued

Mr. KERRY. Mr. President, I ask unanimous consent that we go to executive session.

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

Mr. KERRY. We will now consider the START treaty. The Senator from Oklahoma has the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I yield to the Senator from South Dakota, Senator THUNE.

#### AMENDMENT NO. 4841

Mr. THUNE. Mr. President, I ask that the pending Inhofe amendment be set aside in order to call up my amendment No. 4841.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 4841.

Mr. THUNE. Mr. President, I ask unanimous consent that reading of the

amendment be dispensed with, and that we resume consideration of the Inhofe amendment.

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

The amendment is as follows:

(Purpose: To modify the deployed delivery vehicle limits of the Treaty)

In section 1(a) of Article II of the Treaty, strike "700, for deployed ICBMs, deployed SLBMs, and deployed heavy bombers" and insert "720, for deployed ICBMs, deployed SLBMs, and deployed heavy bombers".

Mr. INHOFE. Mr. President, I will yield at this moment to the Senator from Wyoming—

Mr. KERRY. Mr. President, I am trying to get a procedure in place. I ask my colleague from Oklahoma if it is possible, with my colleague from South Dakota, to enter into a time agreement. Obviously, we won't ask colleagues to come and vote tonight. Can we get a time agreement and set it aside for a vote at such time that the leadership decides is appropriate?

Mr. INHOFE. Mr. President, I respond by saying that I will object to a time agreement at this time. Several people, including the Senator from Arizona, want to speak on this amendment. That might create a problem because of his activity on this amendment. Let's keep it moving, and I can assure you that I want to get out of here quicker than you do.

Mr. KERRY. If that is true, let's go.

Mr. INHOFE. At this time, I yield to the Senator from Wyoming on a subject of far greater significance than anything we have been talking about. I yield to the Senator from Wyoming to discuss something.

Mr. ENZI. Mr. President, I thank the Senator from Oklahoma. It is a great pleasure for me to be able to make an announcement from the floor of the Senate. I ask unanimous consent to share my joy as in morning business.

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

(The remarks of Mr. ENZI and Mr. INHOFE are printed in today's RECORD under "Morning Business.")

#### AMENDMENT NO. 4833

Mr. INHOFE. Mr. President, we have another amendment that is up that I think is very significant. It is one having to do with verification.

I think if we look at all of the problems we are trying to address with amendments—we have been talking about missile defense, which is the one I have been most passionate about; we have been talking about other areas, too—in the case of verification, it is very significant to understand that this New START treaty has remarkably less verification than the START I treaty did. There are only 180 inspections over 10 years under New START versus 600 inspections over 15 years in START I. That is a drop of 40 inspections per year to 18 inspections per year.

In a minute, I will tell you why I think it is more precipitous than that because of the significance of the inspections as the arsenals are dropping