

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

GULF OILSPILL

Mr. LEMIEUX. Mr. President, I just want to make some brief remarks this afternoon concerning the ongoing tragedy in the Gulf of Mexico and the Deepwater Horizon response.

Sixty-one days ago is when the tragedy started. We are here, 61 days later, and we still have this tremendous pouring of oil from the bottom of the sea floor into the Gulf of Mexico. In fact, the amount of oil that is coming into the gulf now equals the size of the Exxon Valdez oilspill every 2½ days.

Yet while this oil continues to gush, and while we have hope that the containment dome will capture more and more of this oil as it comes from the bottom of the ocean, we are still seeing a weak, at best, response from the Federal Government in trying to keep this oil from coming ashore.

Last week—a week ago tomorrow—I met with the President of the United States and Admiral Allen in Pensacola. At the same time, I raised the issue of skimmers. Why are there so few skimmers in the Gulf of Mexico? Why were there only, at that time, 32 skimmers off the coast of Florida? The President and Admiral Allen told me they were making every effort they could to get more skimmers to the gulf and that they were welcoming skimmers from foreign countries coming to our country to aid in the effort.

I told them at that time there was a State Department report saying that 21 offers of assistance have been made from 17 foreign countries, and they had been refused. I was informed back that, no; that is not the case and in fact we are using skimmers from foreign countries. I came to find out, through dis-

cussions with my office, there are still offers and there have been offers from foreign countries for skimmers and, in fact, those offers were refused.

I will come to the floor tomorrow to talk about that in more detail.

But the state of affairs is there are now only 20 skimmers off the coast of Florida, when there were 32 last week. There are now just 20, while there are 2,000 skimmers available in the United States alone. That number comes from Admiral Allen. I spoke to Admiral Allen last week, along with my colleague from Alabama, Senator SESSIONS, and we said: Where are the skimmers?

I showed him information like I have today, which is the Deepwater Horizon response report from the incident command in the State of Florida. Then it showed 20 skimmers. Today it still shows 20 skimmers.

I asked him to reconcile this for me. If we are asking for all these skimmers, if we are calling for all of them to come here, where are they? The response is anemic at best. So today I have sent a letter to Admiral Allen asking for an inventory of the 2,000 skimmers that he has said are available in the United States of America.

When I talked to the President and Admiral Allen about this last week, they said: Look, some of these skimmers are not available because we may need them for an oilspill. Well, we have an oilspill. Just because they may be required to stand on watch somewhere in case an oilspill happens someplace else, that is like saying to the people of Pensacola: Your home is on fire, but we can't send the fire engine because there may be a fire someplace else. It does not make any sense.

So, Mr. President, I ask unanimous consent that this letter be printed in the RECORD, as well as this report from the State of Florida about the 20 skimmers off the coast of Florida.

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

U.S. SENATE,

Washington, DC, June 21, 2010.

Admiral THAD W. ALLEN,
Commandant, U.S. Coast Guard,
Washington, DC.

I am tremendously concerned over the lack of skimmer vessels responding to the Deepwater Horizon disaster in the Gulf of Mexico. It is clear that we are facing a disaster of unprecedented size that requires a response with an unprecedented scope. As a result, every available skimming resource should be responding to the Gulf to combat the encroaching oil that is befouling Gulf beaches—including Florida's.

As of June 20, there were only 20 skimmers responding to the oil spill in the waters off Florida's coast, yet you have stated that there are approximately 2,000 skimmers in the United States alone. For Floridians, these numbers do not add up.

I respectfully request that you provide me with a current inventory of all domestic skimmer vessels, including their current locations and operational responsibilities. Also, please detail whether each of these skimmers has been solicited by the Unified Command to assist in the ongoing oil response.

Also, I am troubled by the apparent lack of communication between the Unified Command and elected officials regarding the actual location of skimmers responding in the Gulf on a daily basis. As a result, I respectfully request a daily update via e-mail as to the number and location of skimmers throughout the Gulf region and specifically off Florida's shores.

More and more environmental and economic damage is being wrought on the Gulf with each passing day. These damages should not be further exacerbated by a lack of appropriate response vessels or poor communication between response leaders. I appreciate your continued leadership in this unprecedented effort and look forward to your prompt response.

Sincerely,

GEORGE S. LEMIEUX,
U.S. Senator.



Charlie Crist
Governor

Snapshot Report # 32
Monday, June 21, 2010 at 0900 hrs EDT

David Halstead
State Coordinating Officer

Mobile Unified Command Boom Operations:

Tier	Proposed/Need	Deployed	Staged	Shortage	Percent Under
1	303,600	194,700	57,350	51,550	16.98%
2	280,100	132,800	0	147,300	52.59%
Total	583,700	327,500	57,350	198,850	34.07%

County Contracted Boom Tier 3 Totals:

County	Deployed	Proposed	Staged
Escambia	20,000	N/A	0
Santa Rosa	12,100	N/A	0
Okaloosa	36,500	N/A	0
Walton	0	N/A	0
Bay	85,500	N/A	9,961
Gulf	0	N/A	11,700
Franklin	0	139,800	98,600
Wakulla	N/A	71,500	0
Jefferson	N/A	18,835	0
Taylor	N/A	N/A	N/A
Total	154,100	230,135	120,261

Vessel Assets Deployed:

Type	Working	Staged	Ordered	Location Deployed
Off-Shore Skimmer	111 (9 are skimmers)		2	TF 701- Chandler Islands, Ala to 3NM off FLA TF 702- 20NM off FLA shore TF 703- Chandler Islands, Ala to 3NM off FLA TF 704- Chandler Islands, Ala to 3NM off FLA TF 705- 2-10NM off Panama City
Near Shore Skimmer	37 (11 are skimmers)	0		TF1- Destin - Panama City TF3- Pensacola-Destin TF4- Perdido Pass TF5- Petit Bois Island
Total	148	0	2	

Vessels of Opportunity (VOO):

VOO LSA	Off Shore Assets	Near Shore Assets	FLA Assets	Total VOO Assets	Deployed VOO Assets
Pensacola	75	40	80	195	381 74 using Sorbent, Snare & Containment
Destin	200	100	112	412	
Panama City	153	60	84	297	
Port St Joe	100	50	42	192	
Apalachicola	100	50	37	187	
Carabelle			12	12	
Total	628	300	367	1295	

Product Collection at Source:

06-20-10	Enterprise	Q4000	Total
Oil	14,574	8,716	23,290
Gas	32.5	15.8	48.3

BP Reported FLA Product and Trash Recovered:

Staging area	Daily Product	Cumulative Total
Pensacola	13.81	141.97 tons
Panama City	0	1.46 tons
Total	13.81	143.43 tons

Small Business Administration Loan Applications:

Issued	Accepted	Declined	Approved
382	95	17	5
Loan amount approved: \$255,000.00			

Clean-up Teams:

Team	Personnel	Staging Location
Emergency Response Team (USCG)	18	Pensacola
Emergency Response Team (USCG)	9	Panama City
Emergency Response Team (USCG)	9	Port St. Joe
Total	36	

(BP) Contractor Personnel	Personnel	Staging Location
Beach cleanups	1621	Pensacola, Panama City
Qualified Community Responders	313	Pensacola, Panama City
Gross Vessel Decon	27	Pensacola
	27	Panama City
Boom Operations	541	Pensacola, Panama City
Total	1955	

SCAT Teams:

Team ID	County
SCAT 4	Escambia
SCAT 6	Escambia
SCAT 7	Okaloosa
SCAT 9	Bay
SCAT 10	Walton

County EOC Activations:

County	Activation Level
Escambia	2
Santa Rosa	2
Okaloosa	2
Walton	2
Bay	2
Gulf	2
Franklin	2
Wakulla	2

Recon Teams:

County	ATVs Staged	ATVs Deployed
Escambia	0	7
Santa Rosa	0	1
Okaloosa	0	5
Walton	0	4
Bay (FWC)	0	5
Gulf (FWC)	0	2
Franklin	0	1
On Stand-By	7	0
Total	7	25
County or Agency	Resources Staged	Resources Deployed
Walton	0 – Command Bus	1 – Command Bus
FWC	0 – Boats	42 – Boats
FWC & CAP & USCG	1 – Planes	3 – Planes
FWC	0 – Helicopters	3 – Helicopter
FLNG	0 – Planes	2 – Planes
FLNG	0 – Helicopter	2 – Helicopter

State Personnel:

Area Of Operation	DEM	DEP	FWC	DOT	DMS	AWI	DOH	DOF	FLNG	CAP	SMT	IMT
SEOC	30	2	6	1	2		27	2	47	9		5
Mobile	7	4	3	1	1	1	1		2		7	6
Panhandle	3	40	85									
Peninsula	1											
Total	41	46	94	2	3	1	28	2	49	9	7	11

BP Claims:

BP Claims in Florida	Claims	Approx. Paid
Grand Total	*17,083*	\$15,221,896.03
One claimant has one claim which may have multiple events		

Recovered Oiled Wildlife:

	Recovered alive*	Released	Died or euthanized	Still in Rehab	Recovered dead
6/20/10	1		0	28	0
Total #	58	2	27		38

*Does not include marine mammals or turtles. (2 live visibly oiled sea turtles have been rescued)

*Primarily northern gannets and brown pelicans, pied-billed grebes.

See the consolidated wildlife report updated by noon each day:

<http://www.deepwaterhorizonresponse.com/go/doctype/2931/55963>

Mr. LEMIEUX. I again call for the fact that every skimmer in the world that is available should be welcomed by this government. They should be steaming toward the Gulf of Mexico, and we should be doing everything we can to make sure we are cleaning up this oil before it gets on our beaches, before it gets into our estuaries and our coastal waterways. It is beyond belief we are not doing more. It is beyond belief this administration has no sense of urgency about stopping the oil from coming ashore.

I ask, Mr. President—and I will continue to come every day to the floor to ask the question—where are the skimmers? Where is the help? Where are the domestic skimmers? Why aren't we doing the job we should for the American people to protect our beaches, our waterways, and our estuaries?

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I see our distinguished colleague from Pennsylvania on the Senate floor, and I know he expects to speak for a little more extended time. He has graciously allowed me to go first.

NOMINATION OF ELENA KAGAN

Mr. CORNYN. Mr. President, I rise to speak briefly on the nomination of Elena Kagan to the U.S. Supreme Court. Of course, this vacancy is being left by the retirement of Justice John Paul Stevens.

The President has the constitutional prerogative to nominate whosoever he chooses, but it is important to recognize the Constitution does not stop there. It also provides a second constitutional obligation or responsibility, in this case upon the Senate, when it comes to the duty of advice and consent.

We know there are only nine Justices on the U.S. Supreme Court and that each has that job for life. It goes without saying—or it should, I would add—that the process in the Senate must be fair and dignified. I wish I could tell you it has always been that way, but I believe the confirmation process of Judge Sotomayor to the U.S. Supreme Court was conducted in that way, and I certainly believe so will this confirmation process as well. But in addition to being fair and dignified, it must also be careful, thorough, and comprehensive.

Our job is particularly difficult because of the fact that Solicitor General Kagan has never been a judge. She is a blank slate in that regard. We do not have any prior opinions to study. While that is not unprecedented, it is somewhat unusual for someone to come to the U.S. Supreme Court without ever having served as a judge. In addition, we know General Kagan has practiced law only very briefly. She was an entry level lawyer in a Washington law firm for about 2 years and then, of course, last year she was chosen by the President to be Solicitor General at the Jus-

tice Department. But that brief experience tells us virtually nothing about how she would approach cases as a member of the U.S. Supreme Court.

What we do know about Elena Kagan begins, and largely ends, with her resume. We know the jobs she has held. We know the positions she has occupied and the employers she has chosen to work for. A review of her resume shows us two things. First, Ms. Kagan is very smart. Her academic records are impressive. Second, we know Ms. Kagan has been a political strategist for a quarter of a century, but she has never been a judge. We know she has served extensively and repeatedly as a political operative, adviser, and a policymaker—quite a different job than that she would assume should she be confirmed.

We know General Kagan's political causes date back to at least college, when she volunteered to help a Senate candidate in her native State of New York.

We know that after law school, she worked for two of the most activist Federal judges in the 20th century, Abner Mikva and Thurgood Marshall. Justice Marshall often described his judicial philosophy as “do what you think is right.” I wish he had mentioned something about applying the law, but he said to do whatever you think is right. Elena Kagan has called Justice Marshall her judicial hero.

We know that Solicitor General Kagan volunteered for a time in the Michael Dukakis campaign for President in 1988, where she did opposition research.

We know that a few years later, Ms. Kagan advised then-Senator JOE BIDEN during the nomination of Ruth Bader Ginsburg.

We know General Kagan gave up her teaching job to work at the Clinton White House where she was a leading policy adviser on many of the hot button issues of the day. She was a deputy assistant to the President on domestic policy. She was a deputy director of the Domestic Policy Council. During that time, she was a leading policy adviser on a number of controversial issues regarding abortion, gun rights, and affirmative action.

After she left the Clinton White House, Ms. Kagan's political skills helped her become dean of the Harvard Law School and, by all accounts, she was successful in that job as an administrator and as a fundraiser. The one clear legal position she took as dean was her position against military recruiters that the Supreme Court rejected 9 to 0.

Solicitor General Kagan returned to government a year ago when she became Solicitor General following the election of her friend Barack Obama.

Ms. Kagan's resume shows that she is very comfortable in the world of politics and political campaigns. She has worked hard as a policy and political strategist in some very intense political environments. As a policy and po-

litical adviser, her record indicates she has been successful.

The question raised by this nomination, though, is whether Elena Kagan can step outside of her past role as political adviser and policy strategist in order to become a Federal judge. I have had the honor of being a State court judge and I know firsthand that being a judge is much different from being a political strategist. The job of a political strategist is to help enact policies. The job of a judge is to apply the law wherever it takes them.

The goal of a political adviser is to try to win for your team. On the other hand, a good judge doesn't root for or fight for a team but, rather, is impartial or, as sometimes stated, is disinterested in results, in winners and in losers.

The important question is whether Solicitor General Kagan can and will set aside her considerable skills as a political adviser to take on a very different job as a neutral judge. Will she apply the law fairly, regardless of the politics involved? Will Solicitor General Kagan appreciate the traditionally narrow role of a judge who must apply the law rather than the activist role of a judge who thinks it is proper to make up the law? Can she make the transition from political strategist to judge?

The hearings on Ms. Kagan's nomination are 1 week from today. I hope the hearings will be a substantive and meaningful opportunity for Elena Kagan to explain how she plans to make that shift from political strategist to judge. Because she has never been a judge, the hearings will be a chance to learn about what she expects her judicial philosophy and approach will be.

Every candidate for the Supreme Court has the burden of proof to show they are qualified to serve on the Supreme Court. Most nominees have a much longer record, including a record of judicial service, which could help satisfy that burden of proof, but not so in Ms. Kagan's case. Given Ms. Kagan's sparse record, however, the hearings themselves must be particularly substantive.

In 1995, then-Professor Kagan gave advice in a Law Review article to the U.S. Senate on how to scrutinize a Supreme Court nominee. She wrote that the “critical inquiry” must be “the perspective [the nominee] would add” and “the direction in which she would move the institution.”

I agree. Given Solicitor General Kagan's sparse record and her lack of judicial experience, it is important that the hearings be an opportunity to fill in the blank slate that is Elena Kagan.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

SEPARATION OF POWERS

Mr. SPECTER. Mr. President, I have sought recognition to again alert my