

At first glance, this seems reasonable given the disastrous environmental mess that is occurring in the gulf. But in this bill, the money is being used to pay for new, unrelated, more government spending.

My friends on the other side of the aisle claim the money will stay in the fund, but you can't have it both ways. You can't claim to be using the money both for gulf cleanup and to finance other spending. To do both would add an additional \$15 billion to our national debt beyond what is being claimed. It is a lot like the health care bill which pays for new entitlement by siphoning $\frac{1}{2}$ trillion in the Medicare trust fund. Its backers claim to be strengthening the trust fund, but they are double-counting the money. The extenders bill pays for new spending by siphoning \$15 billion from the oilspill cleanup funding.

This amendment offers Senators a choice between increasing our national debt when the country is crying out for fiscal responsibility versus paying for what we spend without increasing taxes or increasing the deficit—making hard choices.

I am fully aware some will come to the floor criticizing the amendment, making all sorts of claims, but I disagree. The amendment attempts to make tough choices, rational choices. We have to start somewhere.

I urge my colleagues to support the Thune amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

GULF VISIT

Mr. CARDIN. Mr. President, this past Friday I had the opportunity to travel to the Gulf of Mexico along with three of our colleagues, including Senator MIKULSKI, my colleague from Maryland, Senator VITTER from Louisiana, and Senator MERKLEY from Florida. All of us know the importance of coasts. We represent coastal States, and we know how important it is to our economy, and we know how important it is to our way of life. I know Senator VITTER represents that area.

We wanted to visit and see firsthand the impact the BP oilspill is having on the communities in the Gulf of Mexico. I must tell my colleagues, seeing it firsthand, one can really start to understand the magnitude of this disaster. One can see the horrific impact it is having on the people of that region, and one can see the anger in their eyes and the desperation of people who are no longer working, and one can see the oil. You can see the oil all over. You can see it in the water. You see it in the marshes. You see it on the coast. It is a horrible thing to see.

We visited the area known as the Grand Isles. The Grand Isles is a beach area not too far from New Orleans. Grand Isles is a beach community. It is a city. It reminds me a little bit of Ocean City, MD. I was just thinking of

how the people of Maryland would be responding if they knew Ocean City would not be open for the season. When we saw the area of Grand Isles, it was empty. No one was on the beaches. There were some people on the beaches working, cleaning up, but no tourists, no people, no children enjoying the water. You couldn't go into the water. The disaster is having a horrible impact on the economy of not just Grand Isles but the entire region.

We then had a chance to go by boat to see Queen Bess Island and Pelican or Bird Island, which are two of the major islands that are used by birds for nesting. We saw oil. We saw oil on the booms that had been deployed. We saw oil on the rocks on the island itself, and, more tragically, we saw birds that were covered with oil. This should never have happened.

I think it just strengthened our resolve about the priorities we must have in this Senate, the priorities that government must follow. The first, of course, is to stop the flow at the wellhead because oil is gushing out into the Gulf of Mexico. What we saw, of course, is oil that had been in the water for many days, had degraded but was still gunk and still deadly to birds and certainly deadly to the economy of the region. But oil is still coming out at the wellhead.

Let me remind my colleagues that BP has tried many ways of stopping that oil from coming into the gulf. Of course, as the Presiding Officer knows from the hearings we have had in the Environment and Public Works Committee, BP said they had proven technology to deal with any of these types of spills. Well, that proven technology doesn't exist. They are trying to on the fly determine how to deal with the oil.

So now they have a process of capturing the oil that will bring in 18,000 barrels a day. Remember, BP said originally it was a 1-barrel-a-day incident, and then they increased it to 5,000 barrels a day. We now know it is closer to 40,000 barrels a day. The technology they are deploying will recover about 18,000 barrels.

They hope to be able to increase that perhaps 5,000 to 10,000 barrels, still leaving tens of thousands of barrels gushing into the Gulf of Mexico, and it will continue for several months until the relief wells are drilled. That is the current status.

Our priority, of course, is to stop the wellhead but also to contain the damages. Oil appears sometimes unexpectedly at different locations. So the game plan has to use the best technologies we have with booms and skimmers to keep the oil from reaching sensitive areas.

Admiral Watson, the Coast Guard Command, reviewed the strategy with us. While we think it is important for the command to set performance standards for BP across the board, we also think we have to have the right organizational structure.

Let me just mention one point that was troubling to us. Yes, we saw booms

that had been deployed, but they were not maintained. If they are not maintained, oil gets to the shore, killing birds and killing our environment. We have to make sure that is corrected. I thank Admiral Watson. He got back to me Saturday night. We had a conversation, along with Senator BOXER, and steps are being changed. That is why we have to have performance standards on BP oil. We have to make sure we are in control, as to making sure all technologies are deployed to protect our environment. Then, yes, we have to hold BP fully accountable for all of the damages.

We all talk about how they have to be fully accountable. But let's remind the public that BP, in getting the permit to drill, said they had proven technology to deal with any type of incident. They were not truthful on that statement. They didn't have that. So they have to be held fully accountable. We are talking about criminal investigations that will go where they may. But they clearly have to pay all of the economic and environmental damages. The economic damages are clear. We have talked to fishermen who aren't fishing this season, and they don't know if they will ever go back to fishing. We talked to one fisherman whose family has been in that business for generations. We talked to shop owners where there was nobody in the shop. We saw charter boat owners who cannot operate. BP has to be accountable to these small business owners and the property owners.

I strongly support the effort of our majority leader and the President to have BP put money into a trust fund, with independent trustees, so we can expedite the process. It doesn't do a business owner any good if he has a long list of documents he has to fill out to get the help he needs in order to keep his business afloat. Those who were victimized need to be able to get relief as soon as possible. I think an escrow fund makes a lot of sense, and \$20 billion seems like a reasonable start. I hope we will move forward. I know the President is meeting with the CEO of BP Oil on Wednesday. Tomorrow, I hope that will lead to the resolution of that issue.

Let me point out that BP also has to be held responsible for the environmental damages that will go well beyond the Gulf of Mexico. The Loop Current is bringing the oil around the Keys and to the east coast of the United States. It will affect many regions, including mine in the Mid-Atlantic. Many of our migratory wildlife travel through the gulf. We don't know whether they will be returning to Maryland. We don't know the impact it will have on our wildlife population—those who enjoy hunting and bird watching on the Eastern Shore, those who understand the importance of the diversity of our wildlife—whether we will be endangering different species. We need to document that and mitigate it.

I have the honor of chairing the Water and Wildlife Subcommittee of the Environment and Public Works Committee. We are holding hearings, thanks to Senator BOXER, next month to start the accounting process, to make sure there is an independent, objective accounting as to the full damages that BP has caused and its related organization—economic damages and environmental damages. Then, going forward with drilling, we all understand mineral management is a critical part of our energy strategy. We cannot drill unless we have an independent agency issuing the permits. We have to make sure the public's interest is protected as new permits are granted.

Yes, there are areas where we don't drill today because they are environmentally too sensitive and there is not enough oil to make it worth the risk. I include in that the area I represent in the Mid-Atlantic, where there was a site they were going to move forward with drilling just 50 miles from Assateague Island, just 60 miles from the mouth of the Chesapeake. If we would have had a spill a fraction of the amount that occurred in the gulf, with the prevailing winds and currents, it would have a devastating impact on the Chesapeake Bay and the beaches of Maryland and also Delaware and Virginia. It is not worth the risk. The oil is not significant enough there for that.

Lastly, I hope we use this opportunity, as President Obama suggested, to move forward with a new energy policy for our country. We need to rely less on oil and more on alternative and renewable energy sources. I agree we need to do more with nuclear power. We need to consume less energy and improve the way we operate our buildings and the way we manage our transportation systems. We need to become energy independent, and we can do that. But we cannot do it through drilling. We can do it through a comprehensive energy policy so we can protect our national security and create jobs in America rather than exporting those jobs overseas and, yes, so that we can protect our environment from the type of disaster that has occurred in the Gulf of Mexico. I hope that is how we respond.

My trip to the gulf reinforced my efforts, and I hope the efforts of all my colleagues, to say that we can do things better. Let's clean up this mess, let's hold BP responsible, and let's develop an energy policy that will protect America's security, help our economy, and protect our environment.

With that, 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.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF TANYA WALTON PRATT TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA

NOMINATION OF BRIAN ANTHONY JACKSON TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF LOUISIANA

NOMINATION OF ELIZABETH ERNY FOOTE TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The assistant legislative clerk read the nominations of Tanya Walton Pratt, of Indiana, to be United States District Judge for the Southern District of Indiana; Brian Anthony Jackson, of Louisiana, to be United States District Judge for the Middle District of Louisiana; Elizabeth Erny Foote, of Louisiana, to be United States District Judge for the Western District of Louisiana.

The PRESIDING OFFICER. Under the previous order, there will be 20 minutes for debate concurrently on the nominations, which will be equally divided and controlled between the Senator from Vermont, Mr. LEAHY, and the Senator from Alabama, Mr. SESSIONS, or their designees.

The Senator from Vermont is recognized.

Mr. LEAHY. I thank the distinguished Presiding Officer. Today, the Senate is being allowed to confirm only a few more of the 28 judicial nominations that have been reported by the Senate Judiciary Committee over the past several months, but which have been stalled by the Republican leadership. We have yet to be allowed to consider nominations reported last November. In addition to the three nominations being considered today, there are another 17 judicial nominations available that were all reported unanimously by the Judiciary Committee. There is no excuse and no reason for these months of delay. The Senate Republican leadership refuses to enter into time agreements on these nominations. This stalling and obstruction is unprecedented.

The Senate is well behind the pace I set for President Bush's judicial nominees in 2001 and 2002. By this date in President Bush's Presidency, the Senate had confirmed 57 of his judicial

nominees. Despite the fact that President Obama began sending us judicial nominations 2 months earlier than did President Bush, the Senate has to date only confirmed 28 of his Federal circuit and district court nominees. After today's 3 confirmations, the comparison will stand at 31 to 57, which is barely half of what we were able to achieve by this date in 2002. Another useful comparison is that in 2002, the second year of the Bush administration, we confirmed 72 Federal circuit and district judges. In this second year of the Obama administration, we confirmed 16 so far. In fact, our Senate Republicans have allowed so few nominees to be considered that in 1 hour today, the Senate is going to have three confirmations. That will increase our judicial confirmations for the year by almost 20 percent. Meanwhile, Federal judicial vacancies around the country hover around 100.

This is the second year of the Obama administration. Although vacancies have been at historic highs, Senate Republicans last year refused to move forward on judicial nominees. The Senate confirmed the fewest in 50 years. The Senate Republican leadership allowed only 12 Federal circuit and district court nominees to be considered and confirmed despite the availability of many more for final action. They have continued their obstruction throughout this year. Only 16 Federal circuit and district court nominees have been confirmed so far this year, although another 28 have been reported favorably by the Judiciary Committee.

About a week or so ago, three distinguished women were confirmed by virtually unanimous votes. These nominees were reported unanimously by the Senate Judiciary Committee back in March; all Democrats and Republicans voted for them. These three distinguished women put their lives on hold and were still held up for months before they were allowed to be confirmed.

To put these delays into historical perspective, consider this: In 1982, the second year of the Reagan administration, the Senate confirmed 47 judges. In 1990, the second year of the George H.W. Bush administration, the Senate confirmed 55 judges. In 1994, the second year of the Clinton administration, the Senate confirmed 99 judges. In 2002, the second year of the George W. Bush administration, the Senate confirmed 72 judges. The only year comparable to this year's record-setting low total of 16 was 1996, when the Republican Senate majority refused to consider President Clinton's judicial nominees and only 17 were confirmed all session.

Senate Democrats moved forward with judicial nominees whether the President was Democratic, as in 1994, or Republican, as in 1982, 1990, and 2002, and whether we were in the Senate majority, as we were in 1990, 1994, and 2002, or in the Senate minority as in 1982. Senate Republicans by contrast have shown an unwillingness to consider judicial nominees of Democratic Presidents. They did in 1996, 2009, and 2010.