Metro. We were shocked and horrified when a red line Metro train struck another train. Eight passengers were killed, including one Marylander from Hyattsville. A train operator also died, and over 50 passengers were injured.

Those men and women died not as a result of a terrorist attack or of sabotage, these deaths happened because of Metro. It was a failure of management, it was a failure of technology, and it was a failure of the culture of safety at Metro.

Today our hearts go out to those families, those who lost loved ones and those who bear the permanent injuries of that fateful day. Since that day there have been 4 more deaths at Metro. This brings the total to 13 deaths in the last year. Let me repeat that—13 people died by Metro in the last 12 months.

After that June 22 crash 1 year ago, four Metro employees died on the job. One last August was a track repairman from Silver Spring who was hit by maintenance equipment. In September, another employee died. A communications technician was hit by a train. In January, two more Metro employees died. They were automatic train control technicians when they, too, were struck by a maintenance truck.

Well, in December, I said enough is enough. We always say a grateful nation will never forget after a terrible accident and we go to a memorial service. Well, for me what happened at Metro was not a memorial service, it was a call to service and for action by us. The best way we can honor the memory of those who died and those who were injured is to reform Metro.

I have called for that reform. In December during my testimony on rail safety legislation I introduced, I spoke out and said it was time for change at Metro. They needed new leadership. They needed a fresh approach. They needed to adopt a culture of safety that was unrelenting in terms of their focus on the details to protect the people who work on the Metro and the people who ride the Metro.

I was shocked to learn there are no Federal safety standards for any Metro. So whether we are talking about the National Capital region Metro or New York's subway system or California's subway system, there are no Federal safety standards.

That is why I worked with NTSB and the Federal Transit Administration to develop legislation that would do two things: give our own U.S. Department of Transportation the authority to establish and enforce Federal safety standards so we would have uniformity, conformity, and metrics for measuring safety on the Metro that we help fund. It also would require the U.S. Department of Transportation to implement the National Transportation Safety Board's recommendation list which includes requiring that railcars have crashworthy standards, emergency entry and evacuation standards, and regulations for train operator shifts.

We have safety standards for commercial airplanes. We have safety standards for buses that carry passengers. But we do not have safety standards for railcars that are used in subways. I think that is wrong.

What we also found was that safety inspectors that are part of a unique governing system were denied access to the Metro tracks. That is when we said we needed to find out what was going on. I called for a Federal audit of Metro, a Federal investigation of just what was going on there.

Thanks to Secretary LaHood and FTA leader Peter Rogoff, well known to those of us in the Senate, they did an outstanding audit which was indeed an outstanding service for us all. Their findings were shocking, hair-raising, and chilling. What did we find out?

Supervisors and train operators did not exactly know where Metro workers might be doing maintenance on the tracks until they actually saw them. Can you imagine? People driving the train had to see with their own eyes their workers to make sure they did not hit them.

There was no technological warning system. Operators weren't given the exact location of workers on the tracks. Information was generalized and workers were often in different locations than what operators were told. So the Metro itself was a lethal tool. Metro did not have the manpower to implement its own safety programs. It did not have a list of the top ten safety hazards and concerns. The list goes on and on about the audit.

I held a very vigorous oversight hearing, both Senator CARDIN and myself. We pushed Metro to come up with a checklist for change. We insisted that they come up with this checklist. I demanded that they give it to us right then and there.

They told me they were going to be working on it, and I said: Look, tell me what you are going to do. Well, listen to how ground shaking it was: Replace the oldest railcars on the fleet, develop a realtime automatic train control redundancy system, strengthen the expertise of the safety department, complete the roadway worker protection program, develop a training and certification program for bus and rail personnel, strengthen employee knowledge of rules and rules compliance, develop an accident and investigation database, create a strong internal training tracking database, fill vacancies in the safety department, and improve the agency's safety culture.

Imagine, it took a Senator holding a public hearing to get a must-do list on the safety list for change. This is unacceptable. We have to make sure we have Federal legislation. We need to do two things: We need to have Federal legislation, and we need to have Federal funding.

I want to make sure we save lives on the Metro. This is why I introduced safety reform legislation. I understand the Banking Committee is considering it. Well, the Banking Committee needs to pass it, and the Banking Committee needs to pass it before the July 4 work break.

I know the Banking Committee has a lot on their plate. I know they are trying to regulate Wall Street. Good for them. Three cheers for them. We want that. But while we are making sure people do not lose their money on Wall Street, we have to make sure they do not lose their lives on Metro. So I ask our friends on the Banking Committee, could we kind of get this done this week, next week, before the July 4 break?

The bill does three things: It gives the Secretary of Transportation the authority to establish and enforce safety standards, including those standards for railcars and making sure there is an employee safety certification training program; it also requires oversight of the agencies monitoring safety to be independent; it funds federally approved State oversight agencies to make sure they have the rules of the road and the resources to do it because we regulate so much of this at the State level.

I am pretty worked up about this. I hope we move the bill. I hope we move it before the break.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEMIEUX. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEMIEUX. I ask unanimous consent to speak until the Senate goes into recess at 12:30.

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

OILSPILL RESPONSE

Mr. LEMIEUX. Mr. President, I come to the floor, as I did yesterday and last week, to talk about the economic and environmental disaster in the Gulf of Mexico and the lack of response by this government in dealing with the disaster. Everything that can be done should be done to stop this oil from coming on our beaches, from going into our coastal waterways, and from damaging our way of life on the gulf coast.

I specifically come to talk about what is happening to Florida. For the last week, I have been making statements and questioning why there are not more skimmers off the coast of Florida. I have been asking for more skimmers to be sent to the Gulf of Mexico for many weeks.

A week ago today, I met with the President, ADM Thad Allen, and other State and local officials in Pensacola to address many issues concerning the response to the oilspill. At that time, we were told there were 32 skimmers off the coast of Florida. Today, we are told there are 20. It makes no sense

that there are not more skimmers. Admiral Allen has told us there are 2,000 skimmers in the United States. We have heard reports of offers of foreign assistance of skimmers that are still under consideration or have been declined. Why are there not more skimmers in the Gulf of Mexico skimming up the oil before it comes onshore? We can't even get a straight number as to how many skimmers are off the coast of Florida.

I have two documents, which I ask unanimous consent to have printed in the RECORD. One is the Deepwater Horizon response of Monday, June 21, from the State of Florida. The second is the National Incident Command response for June 21 from the Coast Guard.

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

DEEPWATER HORIZON RESPONSE

Charlie Crist
Governor

David Halstead
State Coordinating Officer

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

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

SHORE OPERATIONS - FLORIDA (Panhandle)

National Incident Command Daily Situation Update

Prepared By: CDR Becker / CDR Hein — 0600 EDT 21 June - 0600 EDT 22 June 10

Current Operations

WX: Heat index 90.
SHORELINE: No new oiling in Pensacola. Beach cleaning conducted from Escambia to Okaloosa counties. Response personnel deployed to Walton County.
NEARSHORE: Task Force #1 relocated to respond to new reports of oil at Panama City. Task Force #3 continued day and night operations in Pensacola Bay. Task Force #4 is located south of Perdido Key conducting skimming operations. Night operations conducted for the protection of Destin Pass.
OFFSHORE: Task Force #702 operated 10 miles south of Perdido Pass. Task Force #703 continued skimming operations 12 miles south of Santa Rosa Island. Task Force #704 conducted skimming operations 25 miles south of Pensacola Pass. MIGHTY SERVANT III positioned 22 miles off Pensacola Pass for continued skimming operations.
BOOM: Continued deployment of phase 2 boom in Choctawhatchee Bay. 7,900' deployed last 24 hours.

State and Local Concerns

- Unified Incident Command and Liaison Officers working to address Local and State Officials' concerns about the plans for creating additional staging areas throughout the state as operations increase.
- Waste managment is a growing problem.
- CNN attending Town Hall Meeting in Port St. Joe on June 22.
- FL Responders: 87%. (Out-of-State workers include those brought in possessing pollution response expertise and include adjacent state residents.)

Future Operations - Next 72 Hours

WX: 60% chance of storms with highs around 90 degrees. Strong storms possible; producing heavy rain, frequent lightning, and strong gusty winds. Heat index 100-104.
OIL EXPECTED ASHORE: Coastal regions of Escambia, Bay, Wakulla, and Walton Counties.
OIL RESPONSE PRIORITIES: Continue ramping up beach cleanup operations in impacted areas across Okaloosa, Walton, and Bay counties. Continue night operations in Pensacola area. Shift boom priorities to protect marsh areas. Establishing deployment sites in eastern part of Area of Operations.

Shoreline Impacts (Verified by SCAT Assessments)

County	Current Shoreline Impacts (Miles)	Type of Impact	People Assigned	Estimated Clean Date (Range for County)	SCAT Assessed to Date
Escambia	35.7	Light	1,738	28-Jun	46.3
Santa Rosa	0.0		0		0.0
Okaloosa	2.7	Light	293	22-Jun	25.7
Walton	7.5	Light	349	22-Jun	24.6
Bay	7.9	Tarballs	400	22-Jun	42.5
Gulf	0.0		60		29.7
Franklin	0.0		39		0.0
Wakulla	0.0		3		0.0
Jefferson	0.0		0		0.0
Taylor	0.0		0		0.0
TOTAL	53.8		2,882		168.8

Claims Summary[1]

# of Claims	$ Disbursed	Denied	Checks Disbursed	> 30 days	Centers	People
20,024	$15,998,477	0	4,764	0	12	141

Wildlife

Type	Collected Alive	Collected Dead	Total	Released
Birds	56	297	353	2
Sea Turtles	10	39	49	0
Mammals	3	1	4	1

Resources

Boom Stats[2]	
Boom Required by Plan	583,700
Required (w/ wear & tear)	642,070
Boom Deployed	335,400
Boom Staged	49,450
Percent Complete	66%
Surplus/Shortfall	-198,850
Requested above Plan	0
Deployed above Plan	0
Boom rcvd in last 24hrs	0
Boom Ordered[3]	0

Personnel Totals ("Other" Category Includes Volunteers)	
Component	Number
USCG	101
Nat'l Guard	83
Contractors	7,231
BP	7
Other	66
Grand Total	7,488
SCAT/RAT	9

Equipment Assigned[4]

Platform	Number	Platform	Based (acft)	Spot/Recon (sorties)	Spray (sorties)	Logistics (sorties)
Vessels of Opportunity[5]	387	Fixed Wing	2	8	0	1
Barges	21	Helo	3	16	0	0
Other Vessels	209					
Skimmers	108					

[1] Deepwater Integrated Services Team meeting with state officials to clarify processes and data access.
[2] Boom requirement reflects agreed upon changes to the Florida ACP.
[3] 1M ft of boom on order for entire response and will be allocated as needed.
[4] Flight sorties conducted throughout the entire gulf region. Near/Offshore skimmers are UAC assigned assets.
[5] VOO is contracted and activated. It does not include 1,380 VOOs contracted and not activated.
Qualified Community Responders: To date, 3,390 volunteers have been trained to assist in land-based clean-up efforts.

Mr. LEMIEUX. The first of these, the Deepwater Horizon response from Monday, June 21, says there are 20 skimmers off the coast of Florida. The second, from the National Incident Command, says there are 108 off the coast of Florida. Last week, we had this same discrepancy between these two reports. We questioned the Coast Guard. The Coast Guard told us the information contained in the national incident report was not, in fact, correct. We can't get a straight answer as to how many skimmers are currently off the coast of Florida, but it appears from the most reliable information—and I am still waiting for a straight answer—that there are only 20. One percent of the skimmers of the United States are off the coast of Florida, with the worst economic and environmental catastrophe looming off our shores. Huge swathes of water are washing up tar balls all the way from Pensacola Beach, now to Panama City, FL.

We received a briefing this morning from the Navy and the Coast Guard. I thank Secretary Mabus of the Navy, who provided RADM John Haley as well as a captain from the Coast Guard and other folks from the Navy to brief me on the status of what skimmers the Navy has and what they are doing in the gulf. We found out there are 23 naval skimmers, relatively small skimmers that can fit on the back of a truck or be put on a train or in an airplane. That is how they were transported to the gulf. They are welcome. We are happy they are there. There are 6 on the way and 29 skimmers total.

There are another 35 skimmers they would like to bring down, but they are under a category called legally constrained. What does that mean? That means that for some reason, the law is prohibiting the Navy and the Coast Guard from getting these skimmers here. Why hasn't this been waived? Why hasn't the President signed an Executive order? Where is the sense of urgency 62 days into this to get these skimmers to the gulf coast? We are going to look into what Federal law may be prohibiting and legally constraining the Navy and the Coast Guard from getting the skimmers. I will offer legislation, if need be, to waive that. I have already offered legislation to waive the Jones Act, which has been cited as a prohibition or perhaps an obstacle to bringing in skimmers from foreign countries.

Let's talk about that issue. We know there are 2,000 skimmers in the United States. Yet only 20 are off the coast of Florida, if that is the correct information. We know the Navy wants to bring an additional 35 skimmers, but they are legally constrained and we have not yet undone that or secured those skimmers, some 62 days after the oil started flowing.

Let's talk about foreign offers of assistance. There was a State Department report last week: 17 countries have made 21 offers of assistance. The Associated Press reported that they had not been responded to or had been declined. We have more current information than that. The State Department reports about 56 offers of assistance from 28 countries and international groups. Of the 56 offers of assistance, 5 have been accepted. That includes booms—people could use the Internet to send a message about navigation in the gulf—and skimmers or skimmer equipment. BP has accepted three offers of assistance, including booms and skimmers. Two offers are categorized as ''unknown'' or ''declined.'' Forty-six offers are currently under consideration, 62 days into this incident. Where is the urgency? Where is the alacrity of the response to get this done and get these skimmers in the gulf?

I have a document, ''U.S. Department of State Chart on Deepwater Horizon Oil Spill Response: International Offers of Assistance from Governments and International Bodies,'' dated June 18, 2010. I ask unanimous consent that it be printed in the RECORD.

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

U.S. Department of State Chart on Deepwater Horizon Oil Spill Response: International Offers of Assistance from Governments and International Bodies
June 18, 2010

Country/Entity	Date of Offer	Resources Offered	Status of Offer	Reimbursement Required?
Belgium	15 June 2010	Skimmers	Under consideration	Yes
	14 June 2010	Fire Boom	Under consideration	
Canada		Dispersant	Under consideration	Yes
		Containment and Fire Boom	Accepted 9,843 ft containment boom accepted June 4. Arrived on scene and now in the field for staging. *More boom offered 14 June, under consideration.	
	30 April 2010	People/technical	Unknown. This offer was made directly from British Columbia to the Gulf Coast States.	
China via IMO	14 June 2010	Containment Boom	Under consideration.	Yes
Croatia	5 May 2010	People/technical – proposed solution	Proposed solution has been shown to engineers and technical experts, will be incorporated into response as needed.	Yes
European Maritime Safety Agency	13 May 2010	Containment Boom	Under consideration	Yes
		Skimmers		
		Vessels	Under consideration. Only the USCG can accept this vessel offer.	
		Sweeping arms	Under consideration	
France		Dispersant	Declined. These chemicals are not approved for use in the U.S.	Yes
	19 May 2010	Containment and Fire Boom	Under consideration. *More boom offered 14 June,	

U.S. Department of State Chart on Deepwater Horizon Oil Spill Response: International Offers of Assistance from Governments and International Bodies June 18, 2010

			Under consideration.	
	18 May 2010	People/technical	Under consideration	
		Bird rehabilitation equipment	Under consideration	
Germany	12 May 2010	Containment and Fire Boom	Under consideration *More boom offered 15 June, under consideration.	Yes
		People/technical	Under consideration	
International Maritime Organization (IMO)	05 May 2010	People/technical	Accepted. Requested IMO to send communication to all 169 Member States and the maritime community generally regarding use of websites provided by the U.S. to assist in safe navigation in the Gulf of Mexico	n/a
Ireland	30 April 2010	General offer of assistance	Under consideration	Yes
Israel (via IMO)	14 June 2010	Containment Boom	Under consideration.	Yes
Italy	17 June 2010	Facilitation - private companies offering vessels, people/technical	Under consideration	
Japan	12 May 2010	Containment Boom	Under consideration	
Joint UNEP OCHA Environment Unit	29 April 2010	People/technical – technical and resource facilitation	Under consideration	Yes
Kenya (via IMO)	14 June 2010	Fire Boom	Under consideration.	Yes
Mexico	03 May 2010	Dispersant	Under consideration	Boom was offered gratis, other materials and equipment were purchased
		Containment Boom	BP purchased 13,780 feet of boom and two skimmers in early May. Arrived in field and now on scene.	
		Skimmers		
Monitoring and Information Center (EU	30 Apr 2010	People/technical – coordination of offers among member states	Accepted	n/a

U.S. Department of State Chart on Deepwater Horizon Oil Spill Response: International Offers of Assistance from Governments and International Bodies June 18, 2010

MIC)				
Netherlands	30 April 2010	Vessel w/ storage capacity	Under consideration	Yes
		Skimmers	Accepted on May 23. BP purchased three rigid Koseq sweeping arms accepted May 23.	
		People/technical	Under consideration	
Norway	30 April 2010	Dispersant	Under consideration	Yes
		Containment and Fire Boom	Purchased by BP directly	
		Skimmers	Eight skimming systems accepted in early May	
		People/technical	Under consideration	
Romania	30 April 2010	General offer of support	Under Consideration	Yes
Russia	7 May 2010	Containment Boom	Under consideration	Yes
		Vessels		
		Oil storage containers		
		People/technical		
Republic of Korea	2 May 2010	Dispersant	Under consideration	Yes
		Containment Boom	Under consideration	
		Skimmers	Under consideration	
		People/technical	Under consideration	
Spain	30 April 2010	Containment and Fire Boom	Under consideration *More boom offered 14 June, under consideration.	Yes
		Sweeping arms	Under consideration	
Sweden	30 April 2010	Containment Boom	Under consideration	Yes
		Skimmers	*More skimmers offered 15 June, under consideration.	
		Vessels – 3 barges, 3 recovery boats	Under consideration *Another vessel offered 15 June,	

U.S. Department of State Chart on Deepwater Horizon Oil Spill Response: International Offers of Assistance from Governments and International Bodies June 18, 2010

			under consideration	
		People/technical	Under consideration	
Tunisia (via IMO)	14 June 2010	Fire Boom	Under consideration	Yes
Qatar	14 June 2010	Boom	Under consideration	Yes
UAE	10 May 2010	Dispersant	Under consideration	Yes
		Containment Boom	Under consideration	
		Skimmers	Under consideration	
		People/technical	Under consideration	
United Kingdom	30 April 2010	Dispersant	Under consideration. Only 11 tons of chemicals offered are licensed for use in the U.S.	Yes
		Containment Boom	Under consideration	
Vietnam	05 May 2010	Vessel w/ sweeping arms	Under consideration	Yes

Mr. LEMIEUX. This document goes through the various offers of assistance and what is the current status of the response. So if we go to the European Maritime Safety Agency, skimmers, under consideration. May 13 is the date of the offer. As of last Friday, no response. Republic of Korea, skimmers, under consideration. May 2, the offer is made. As of last Friday, no response. Sweden, April 30, skimmers; more skimmers offered on June 15. Under consideration. No response. United Arab Emirates, skimmers, under consideration, offer made May 10. No response. Why are we not welcoming all of these offers of assistance to bring these skimmers and put them in the Gulf of Mexico to suck up the oil?

I wish to show an example of an offer of assistance made to the United States. The ship here is from a Dutch company called Dockwise. The name of this vessel is the *Swan*. Unlike some of the skimmers being used and deployed by the Navy, which can be put on a train car or flown on an airplane to the location—and although very welcome are relatively small—this is a massive ship that could take in 20,000 tons of oil or an oil-water mixture off of the water. They rig the ship with skimming equipment that hangs off the sides.

So on May 7, Dockwise offered the *Swan* to the United States. The offer went under consideration. After 48 days, the offer for this massive ship with 20,000 tons of skimming capacity is still under consideration. But the ship is not available anymore because Dockwise now has employed the ship for other purposes because the U.S. Government, from all the information we have, never got back to them. Here is a Dutch company offering us a massive ship to skim 20,000 tons of oil and water off the top of the Gulf of Mexico, and the U.S. Government doesn't return the phone call. They never hear whether we want the ship. People involved with the situation believe the *Swan* was rejected due to Jones Act considerations and that a similar vessel, the SEAcorp vessel named the *Washington*, was chosen instead. The *Washington* is an American flag vessel. Its capacity is 1,000 tons, one-twentieth the capacity of the *Swan*. I am for America first, but why aren't we using both of them? There is plenty of oil to skim up. Use the American vessel, but don't fail to respond to the Dutch company that has this massive ship that has a 20,000-ton skimming capacity. Why would we not employ both?

I could not be more frustrated with the lack of response. I could not be more frustrated with the lack of a sense of urgency from this administration in getting this job done.

The people of the State of Florida are scared to death about the oilspill. When I was in Pensacola last week, I met a woman who works at the pier on Pensacola Beach. I asked her how things were going. She serves food at the pier.

She said: It has been very harrowing for us.

I asked her: Are people coming out?

She said: People from north Florida are coming to the beach. These are people who haven't been to the beach in a long time.

I said: Why are they coming?

She said: They are coming to see the beach one last time, as if they were going to visit a friend who was on his or her deathbed. They don't believe the beach will ever look the way they remember it looking.

Why we are not deploying every available national asset, military asset, and accepting every offer of assistance from foreign countries is beyond belief, and it is not acceptable. I will continue to meet with the Coast Guard and the Navy. When I see the President tomorrow at the White House, I will raise this issue with him. I will do everything I can to keep clamoring for this. It is not acceptable that in this, the greatest country in the world, our response would be this anemic.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:28 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent to speak as in morning business.

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

MORNING BUSINESS

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business until 5 p.m. with the time equally divided between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Wyoming.

SELF-EMPLOYMENT TAX

Mr. ENZI. Mr. President, the Reid-Baucus tax extenders bill before the Senate includes several provisions that, to my knowledge, have never been vetted by congressional tax writers either in the Senate Finance Committee or in the House Ways and Means Committee. As an accountant with practical expertise in tax matters, this disturbs me greatly. It should also disturb the small business owners because there is a provision in this bill that would slap them in the face with a 15-percent tax increase. I am talking about the provision that would apply a 15.3-percent self-employment tax to the distributions of certain subchapter S corporations. Those are the small business corporations. This self-employment tax would apply when 80 percent of the gross income of the small business is attributable to three or fewer professionals in a professional services corporation. We are talking about the smallest of the small businesses.

This is a $9.1 billion hit on a small subset of small businesses engaged in a service trade. I wonder, the next time an offset is needed, will the Senate go after all the small businesses, changing the Tax Code this same way?

My colleagues on the other side of the aisle call this a ''loophole closer'' or an ''anti-fraud provision.'' I assure my colleagues this is neither. These words are convenient labels my colleagues use to defend tax-and-spend policies. The small business corporation provision is, however, a massive tax increase on small business.

This new payroll tax on nonwage income would hurt the ability of small businesses to reinvest and to create jobs. At nearly 10 percent unemployment, I don't think the Federal Government is in any position to pursue job-killing tax increases. Small businesses are the lifeblood of our economy. It is imperative that we nurture their growth, not hinder it, so they can create jobs and get our economy back on track.

None of us is in favor of fraud, but that is not really what we are talking about.

If the IRS wants to improve compliance with the self-employment tax, they have the right tools. They just need to use them. For example, the IRS Revenue Ruling 74–44 that specifically addresses the tax treatment of dividends in lieu of compensation gives them all they need.

I ask unanimous consent to have the IRS revenue ruling printed in the RECORD following my statement.

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

(See exhibit 1.)

Mr. ENZI. I also have pages and pages of case law of which the IRS has successfully litigated the issue of dividends in lieu of compensation and the applicability of employment taxes.

Plus, Congress has codified the economic substance doctrine which says a transaction must have an economic purpose aside from the reduction of tax liability in order to be considered valid. In my opinion, this is the IRS's ace-in-the-hole card. The IRS can close any loophole—real or imagined—with the power of the new law.

Why can't the IRS do its job with the volumes of legislative regulatory and judicial tools it already has? For example, the IRS revenue ruling could be codified somehow, but then it wouldn't provide an offset for new programs, would it? Nor would it permit my colleagues across the aisle to reduce the tax on venture capitalists for their carried interest. I don't like the carried