

them, are more important than putting people back to work.

Here are some of the amendments they have filed: EPA water quality standards, lightbulbs, right-to-work laws, the estate tax, repeal of Wall Street reform, the United States-Mexico border fence. Yet, again, a handful of these amendments would delay or repeal health care reform. None of them are germane to the legislation before us.

My staff looked through all of these, and they found one arguably is germane, and that one is an amendment offered by Senator INHOFE which the chairman of the committee, BARBARA BOXER, agrees to. Again, they have amendments that would delay or repeal health care reform. It is a battle Republicans seem determined to fight over and over, no matter how many times they lose.

We have already voted on bank card swipe fees and ethanol subsidies, and we voted on the regulatory reform amendment offered once again by the senior Senator from Maine. Yet we could not reach agreement to consider this worthy bill.

This is not the first time Republicans have stopped the important work of job creation in its tracks. The small business innovation research bill died on the Senate floor because of amendments, none of which related to that bill. The Federal Aviation Administration reauthorization and patent reform bills, which would have put about a half million people to work, languish in the House. They are over there now someplace. Yet, still, unemployed Americans wait on this bill we are going to vote cloture on tomorrow—or try to.

The amendments are really hard to comprehend: the Consumer Financial Protection Agency, to do away with that; they repeal Dodd-Frank Wall Street reform, the Commission to Approve Oversight and Eliminate Wasteful Spending, debt instrument transparency, amend the NLRA with respect to States that have the right-to-work laws, national right to work, gainful employment regulation, termination of global climate change, permanently repeal the estate tax, substitute the Economic Development Administration, prohibit award and designation of funds to any area or entity named for a living Member of Congress, repeal position on withholding of certain payments made to vendors by government entities, extension of certain Outer Continental Shelf leases, removal of insurance moratorium for industrial banks, limit antitrust exemption, repeal Davis-Bacon wage requirements, prohibit printing of the CONGRESSIONAL RECORD, increase statutory limit of the public debt, enable States to opt out of health care reform.

Another one is, Stability Oversight and Council authority, inclusion of application to independent regulatory agencies, amend Unfunded Mandates Reform Act, border fence completion,

major rules of the legislative branch shall have no force for approval as enacted into law, delay implementation of health care reform until final resolution in pending lawsuits, securities laws amendments, rescind \$45 billion of unobligated discretionary appropriations, rescission of unobligated discretionary appropriation, reduce amounts authorized to be appropriated, prescribe fires in Flint Hills region, EPA water quality standard, repeal Bright Fields Demonstration Program, terminate global climate change mitigation.

Mr. President, these are amendments that go page after page. I have only mentioned a few of them. They have more than 90 of them. If there ever were an example of such a tremendous waste of the Senate's time and the indication that the Republicans don't care anything about the American people working—I guess their goal is to make things as bad as they can and, hopefully, the American people won't see through it, and maybe they will get somebody elected to replace President Obama. What other reason could there be?

People are desperate for jobs. The unemployed wait and wait. It would be different if they came here and offered amendments that had some relevance or germaneness to this legislation. But they don't.

Tomorrow, Republicans will get another chance to help us move forward on a bill that has a proven track record of putting people to work, for the amount of \$1.2 billion, and the last 5 years we have created 314,000 jobs. Why? Because it is good for the private sector. For every dollar we invest, they invest \$7. In the meantime, though, I urge my Republican colleagues to consider the cost of these delaying tactics.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

KENTUCKY COAL MINERS

Mr. MCCONNELL. Mr. President, I would like to say a few words to acknowledge the three coal miners who are trapped in a coal mine near Middlesboro, KY. They were trapped there as a result of terrible storms and flooding in the southeastern part of my State. A number of different communities have been affected by the flooding, and a lot of people are working hard to help folks recover from power outages and mudslides. From what I understand, rescue efforts for the three miners are now underway, and the people on the ground are hopeful they will be able to rescue all three men, but we want them and their families to know we are all thinking of them as the rescue efforts continue.

This is a vitally important industry in the region, and in moments such as this it is appropriate that we acknowledge the danger people who work in the coal mines subject themselves to every single day. They are a courageous and dedicated group, and we are very grateful for their work.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOMINATION OF MICHAEL SIMON

Mr. WYDEN. Mr. President, tomorrow, the Senate will vote on the confirmation of Michael Simon to serve as U.S. District Court Judge for the District of Oregon. Michael Simon is a good and decent man. In my home State where we have a judicial emergency by the standards of Chief Justice Roberts, it is vitally important that Michael Simon be confirmed. To begin, I wish to thank Chairman LEAHY; ranking minority member GRASSLEY; the majority leader, Senator REID, and minority leader MCCONNELL for bringing this nomination to the floor today.

Senator MERKLEY and I have been proud to put forward Mr. Simon's name for consideration by the President. We were enthused by his subsequent nomination, and we are now hopeful he will soon be able to continue his service to the people of Oregon in this new capacity.

Michael Simon is both a distinguished lawyer and a legal scholar with a diverse and impressive legal career. That career includes work as a public servant, as a litigator, a pro tempore judge, and as a professor. Michael Simon now is a partner at the firm of Perkins Coie in Portland, and he has worked there since 1986. After graduating summa cum laude from UCLA, Mr. Simon attended Harvard Law School where he again graduated with honors cum laude.

He began his legal career in the Department of Justice antitrust division where he served as a trial attorney for 5 years. During his time working in Washington, DC, Mr. Simon also volunteered for and served as special U.S. Attorney for the Eastern District of Virginia. It was through his work at the antitrust division that Mr. Simon made one of his most notable contributions, and that was a contribution to strengthening consumer protection law. The distinguished President pro tempore of the Senate knows from his days in Connecticut as attorney general how important it is that there be public advocates for consumer rights because so often this is a field that gets short shrift. People say they are for the rights of consumers, but these cases can be hard and time consuming to bring. That is what Michael Simon did and did so well.

Working on behalf of the Department of Justice on the case of United States v. American Airlines, Mr. Simon successfully argued for extending the reach of the Sherman Act to include monopolization and attempted monopolization. In my view, this extension is one that benefits consumers each and every day across this country. Frankly, to have someone on the bench who has this kind of expertise in fighting monopolies and protecting the rights of consumers is a very special qualification that I would simply commend to the Senate as we consider the nomination of Michael Simon.

Throughout his work both in the public sector and in private practice, Mr. Simon has been an active member of our community. In fact, I have had many conversations with him in his capacity as the immediate past president of Congregation Beth Israel in my hometown where he constantly is the leader of the congregation, reaching out to conscript volunteers for a host of projects, particularly those that involve children. He has engaged in extensive pro bono work. He has volunteered for many local nonprofit organizations. I would call him the official champion of voluntarism, because when we look at some of the causes he has volunteered for—he has been a past board member of the Waverly Children's Home; he has been past president and current board member of the Classroom Law Project—we see that he consistently comes back to recognizing the importance of the well-being and security of children in our community. That, too, is a special area of expertise and advocacy that he will bring to the bench, confirmed by the Senate, and another area that I wish to commend Mr. Simon to the Senate for as we look at his candidacy this week.

This seat has been vacant for nearly 2 years. As the distinguished President pro tempore of the Senate knows, there is a process by which one actually determines a judicial emergency. It has essentially been defined by Chief Justice Roberts, and we clearly have such an emergency in my home State of Or-

gon. So it is very welcome news for Oregonians that we have this opportunity to have a full bench, to have all justices on deck, and it is my view that Mr. Simon is an outstanding nominee. I have absolutely no reservations that he will be a superior judge.

I strongly urge my colleagues to join me in supporting an exceptional individual—a person who is fair and thoughtful and who brings years and years of expertise and a host of very important legal assignments. I am especially grateful that he is a resident of my hometown where he has distinguished himself with extraordinary volunteering for a whole host of causes that are important, especially the future of our children.

Mr. President, I yield the floor.

I see the distinguished chairman of the Finance Committee here, so let me yield the floor at this time.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MONTANA FLOOD HEROES

Mr. BAUCUS. Mr. President, Christopher Reeve once said that "A hero is an ordinary individual who finds the strength to persevere and endure in spite of overwhelming obstacles."

Today I wish to call attention to five Montana heroes—everyday folks making a superheroic effort to help their friends and neighbors. I enjoy sharing these stories. I am proud of these stories because they tell the story about what it is to be a Montanan.

For all the flooding that is going on in my State of Montana and in other States of the Nation, I am happy to mention the names of many Montana heroes who have been rising above and beyond the call of duty and are following Christopher Reeve's definition of what it means to be a hero.

We in Montana pride ourselves in helping our fellow neighbors. I know that is true in States all across our country. I don't want to say it is just in the State of Montana, but I can say that in our State it is special. We in Montana sometimes say we are one big small town. It is a big State, not a lot of people. We tend to know each other. There is a strong sense of camaraderie and community which I think is even stronger in my State than perhaps in some others.

My home State continues to face severe flooding. The Jefferson River, which is one of the three rivers that form the headwaters of the Missouri River, is over its banks at Three Forks,

MT. The Milk River, where Lewis and Clark traveled—up the Missouri and part of the way up the Milk River—continues to flood, and the Missouri River is flooding in Toston. As we know, downstream the Missouri flooding has been very significant. Rain is also in the forecast for the rest of the week. We have record snowpack levels in our State. We have a lot of flooding, and there is going to be more.

But Montanans all across our State continue to do all that is necessary and beyond to help. As we can see, this is the Rocky Boy's Indian Reservation that is underwater for the second time in a year. This is the problem. The floods come and then they recede; the rains come and melt the snowpacks, so it is flooding again. This is the Rocky Boy's Reservation, one of the seven major Indian reservations in the State of Montana.

This is Bruce Sun Child, interim chairman of the Chippewa Cree Tribe. I have known Bruce for many years. He has been working around the clock to help his tribe through this emergency. For those who lost their homes, he helped them find a place to sleep. For the sick, he found a way to get them to the hospital. He is one of those guys who cares.

Dave Dickman owns a business in Great Falls called Dickman Excavation. After flooding threatened homes in Great Falls—this happens very often, usually in the Sun River which is one of the tributaries of the Missouri River. It flows into the Missouri in Great Falls. Dave Dickman donated thousands of sandbags to Montana families working to protect their homes from rising waters. This is classic. This is typical. When we asked him why he did all this and why he is working so hard, he humbly said, "I know my neighbors would do the same for me if I needed a helping hand."

Floyd Fisher is another Montana hero. I have been mentioning many heroes in Montana individually and specifically by name over the last couple of weeks. This is Floyd Fisher. He does it all. Floyd Fisher is the Golden Valley sheriff. He is also the county coroner. Floyd is the county fire chief. He is also the disaster emergency services director. He works as an EMT responding to ambulance calls. Floyd is a busy guy. Floyd cares. He likes to help people. After learning of a pending flash flood in Ryegate, MT, last week, we initiated the county's reverse 911 alert system. He then rushed across town door to door with an evacuation order. Shortly thereafter, 2 feet of water flooded the streets of Ryegate.

After the floods, Floyd Fisher kept at it. He directed traffic away from washed out roads. He picked up a broom to help clean out Super D's Grocery. He provided emergency medical care.

Floyd has been working around the clock, catching 2 or 3 hours of sleep when he can find it. If you want to understand Montana, look no further