

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

than Floyd. His efforts sum it up very well.

Last week, Missoula County set up a flood hotline to help people face the rising floodwaters. Before long, the hotline received dozens of calls from volunteers wanting to help. Missoula's former rural fire chief, Curt Belts, stepped up to help. This is Curt. He has a smile on his face right now. He didn't have a smile on his face when he was helping out with the flood.

Curt worked with the United Way to organize over 60 volunteers daily. He made sure sandbags were placed at key locations around Missoula. He worked very hard—14-hour days—to minimize damage from flooding in Missoula. If we ask any volunteer around Missoula, they will tell you it was Curt who made all the difference, even down to the finest details such as sunscreen and bug spray for volunteers. Runoff is expected to swell again in Missoula. Thanks to Curt, they are much more ready.

In Lewistown, John Bebee's home was safe and dry, but his neighbors near the river were in danger. For the last 3 weeks, John has been sandbagging homes in Lewistown that are most in danger. No one needed to ask him for help. No one went to John and said: John, can you help out? He just knew what was needed. He knew on his own, and he headed out to provide that help.

In the Upper Missouri River Breaks in north central Montana, there are a lot of cottonwood trees. The cottonwood trees need floods to regenerate. Floods along the Missouri clear away rich, bare soil for new cottonwoods to take root. Hydrologists with the U.S. Bureau of Land Management in Lewistown said this year's floods could help establish a new generation of cottonwoods. The aging stands had been in danger of disappearing altogether.

So like the cottonwood, Montana will return from these floods stronger than ever. That is because of hundreds of unsung heroes stepping up to help. I am asking Montanans to share their stories of ordinary folks doing extraordinary things for their friends and neighbors. Whether on Facebook or by calling my office, we want to hear those inspiring stories.

In closing, I wish to share a humble thank-you. Thank you to all of Montana's heroes. I do not know what we would do without you. Thank you for your service. You are wonderful. You are aces. We all deeply appreciate all you are doing.

I yield the floor and 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. KYL. 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.

DEBT CEILING

Mr. KYL. Mr. President, as you know, there is a great deal of discussion going on right now in different forums on whether to increase our debt limit and, as a part of that, how we can reduce this government's spending practices so that we won't have to keep extending the debt ceiling in the future. Those conversations include a lot of focus on reducing spending in the near term and finding ways to reform some of the entitlement programs so that spending will also be reduced over the long term because I think everyone agrees that the current way we spend money—40 cents of every dollar has to be borrowed—is literally going to result in bankruptcy if we don't bring it under control.

There are those who say: Well, actually, the answer to the problem is to increase revenues—meaning raise taxes. The problem with that is we didn't get into this problem because we didn't tax enough; we got into this problem because we have been spending too much.

The simplest way to think about it is that historically we spend about 20 percent of the gross domestic product. Under the Obama budgets, we are going to be spending—and we almost spend this much now—25 percent of the gross domestic product, and that is a spending increase that is not sustainable.

Even under the largest of deficits, when President Bush was President, it was less than $\frac{1}{2}$ trillion. But under the Obama budget, it is \$1.5 trillion almost exactly for every year for the last 3 years and on into the future. The result is that under this President we will have doubled all of the debt this country has accumulated from the time George Washington was President all the way through the time George Bush was President. We will double that under the Obama administration.

The problem is spending; it is not taxes. Evidence of that was presented last Thursday in an op-ed piece in the Wall Street Journal. At the conclusion of my remarks, I am going to ask unanimous consent to have the article printed in the RECORD because I think it makes the point. I will quote from it or at least discuss some of the arguments in this piece right now.

It was put together by a Cato Institute senior fellow Alan Reynolds, who has written on this subject in the past and is a real student of the effect of tax rates on economic growth and on revenues for the country. One of the points he discusses in this op-ed is what happens when you raise tax rates, as some of our friends—particularly on the other side of the aisle—want to do as part of this deficit reduction exercise. Do you necessarily increase revenues if you raise tax rates? What are the impacts on the economy? What happens, on the other hand, if you are able to reduce tax rates?

Now, there is no plan on the table to actually reduce tax rates, but I think the arguments he presents make it

clear that lower rates do not necessarily produce less revenue and, in fact, can have a salutary impact on economic growth and therefore job creation, which is, of course, what we are trying to be all about here.

He has studied tax rates for the last six decades, and here is some of the factual information he comes out with. The conclusion is this: Higher tax rates do not necessarily lead to more revenue. In fact, recent history has often shown the opposite. Here are some specific examples.

Back when the highest tax rate in this country was 91 percent—if you can just think about that, a 91-percent tax rate. Why would anyone work to make that last \$1 when 91 cents of the \$1 you earn goes to Uncle Sam? That was the highest tax rate. The lowest tax rate was 20 percent. Today, the lowest tax rate is zero and the next one is 10 percent and then 15 percent and so on. So this was a much more progressive Tax Code. Individual income tax revenues during that time were 7.7 percent of the gross domestic product.

President Kennedy came along and proposed cutting both the highest and the lowest rates. So they went from 91 down to 70 and from 20 down to 14 percent. What happened to the 7.7-percent revenues? They rose to 8 percent of gross domestic product. So the rates were reduced, but the revenue to the Treasury was increased.

What happened a few years later when that was done, when President Reagan first cut the top rate from 70 percent down to 50 percent? Did revenues fall? No. Revenues to the government increased to 8.3 percent of the gross domestic product.

Third example, 1986, when the top rate was slashed again from 50 percent down to 28 percent, almost in half. You would think revenues would decline. No. They remained almost exactly the same, from 8.3 to 8.1 percent.

So his research clearly demonstrates that the link between lower rates and lower revenues is very weak, if not actually a converse relationship. The relationship between higher taxes and economic difficulty could not be more clear.

Let's talk about what happens when you have increases in the tax rates. In the early 1990s, the top rate was increased to 31 percent—which, by the way, is more comparable to about 35 percent in today's dollars because of hidden taxes—the country fell into a recession and revenues actually dropped to just 7.8 percent of GDP. So you think you are going to raise more revenue and reduce the deficit by raising tax rates? Wrong. We raised taxes, revenues actually dropped, and the country went into a recession.

When the top two tax rates were raised later to 36 and 39.6 percent and taxes on Social Security increased as a part of the Clinton tax hikes, revenues again barely moved to 8 percent—so from 7.8 to 8 percent. The government actually collected more tax revenue when the top rate was just 28 percent.