

clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 641, H.R. 847, the James Zadroga 9/11 Health and Compensation Act of 2010:

Harry Reid, Kirsten E. Gillibrand, Charles E. Schumer, Robert P. Casey, Jr., Patty Murray, Al Franken, Jeff Bingaman, Benjamin L. Cardin, Joe Manchin III, Daniel K. Inouye, Michael F. Bennet, Jeanne Shaheen, Robert Menendez, Barbara Boxer, Frank R. Lautenberg, Christopher J. Dodd, Richard J. Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 847, a bill to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 42, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—57

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Bayh	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kerry	Rockefeller
Brown (OH)	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Shaheen
Carper	Lautenberg	Specter
Casey	Leahy	Stabenow
Conrad	Levin	Tester
Coons	Lieberman	Udall (CO)
Dodd	Lincoln	Udall (NM)
Dorgan	Manchin	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NAYS—42

Alexander	DeMint	Lugar
Barrasso	Ensign	McCain
Bennett	Enzi	McConnell
Bond	Graham	Murkowski
Brown (MA)	Grassley	Reid
Bunning	Gregg	Risch
Burr	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Snowe
Collins	Johanns	Thune
Corker	Kirk	Vitter
Cornyn	Kyl	Voinovich
Crapo	LeMieux	Wicker

NOT VOTING—1

Brownback

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 42.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Madam President, I enter a motion to reconsider the vote by which cloture was not invoked on the motion to proceed to H.R. 847.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. Madam President, for the benefit of Senators, I have had a number of discussions with the Republican leader, and we hope we can very quickly lay down the tax bill.

Mr. MCCONNELL. Would my friend yield?

Mr. REID. Yes, I will yield.

Mr. MCCONNELL. It is my understanding that it is complete and ready and, actually, we could move to that very soon—within the next hour or so.

Mr. REID. Madam President, the chairman of the Armed Services Committee gave a speech on the Senate floor. I have such admiration and respect for Senator LEVIN. He does such a wonderful job protecting America in so many different ways, not only as chairman of that important Armed Services Committee but on the Permanent Subcommittee on Investigations and all the other things he does. But he gave a speech today saying that if we don't get on the Defense bill today, we will not get it done this year.

So in the next little bit I am going to make a decision whether I am going to reconsider the vote on that bill, and I want everyone to know that is what I am going to do. I have a longer presentation I have worked on to make that presentation, but before getting into a lot of detail on this, I just want to say I appreciate everyone's help on this—Senator LEVIN, Senator LIEBERMAN, Senator COLLINS,—those who have worked with me in trying to see some way to get this completed. But I will make that decision in the next little bit.

So having said that, we will have more information later as to what the rest of the week holds as far as votes. If we are able to lay down the tax bill early today—and, of course, I have had a number of requests. Some people want something in it; some people want something out of it. But that notwithstanding, one of the most important things we need to do, as I have been told, is we have to make sure people don't think they are jammed—a word I just picked up from Senator KYL—on this legislation. We have to make sure people have the opportunity to read it.

That being the case, I will confer with my friend, the Republican leader, to find out what that means.

But let's assume we brought this to the floor and immediately filed cloture on it. That would mean a Saturday cloture vote. We will see what we can do to make sure people believe they have had an opportunity to look at the legislation and to make a considered decision on what should be done with their

vote on this very important piece of legislation. So as far as future votes—stay tuned.

I heard one of my colleagues say over here, we are in a normal situation in the Senate—a state of flux.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that we proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

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

Under the previous order, the Senator from Utah is to be recognized for 20 minutes or such time as he may consume.

FAREWELL TO THE SENATE

Mr. BENNETT. Madam President, there used to be a very strong tradition in the Senate that every new Senator gave a maiden speech, and in that tradition some Senators waited as long as a year before they gave the speech. Then, when the time came, the more senior Senators would gather and take notes and then critique the newcomer on how well he did.

Life has changed a good deal. I never gave a maiden speech. I plunged right into the debate when I got here. Now the tradition seems to be to give a farewell speech. So I am grateful to my colleagues who will gather for this occasion as I contemplate saying farewell to the Senate. But I will warn them, this is probably not my last speech. I intend to be heavily involved in the debate over whether we pass a continuing resolution or an omnibus bill.

I have a history with the Senate, and it began when I was a teenager as a summer intern. I remember sitting in the gallery and watching Bob Taft prowl across the back of the Senate, watching to make sure things were going according to his desire. He had been the majority leader. He had stepped down from that position because of the cancer he had contracted, but he was still paying attention to this body where he served with such distinction.

Lyndon Johnson was sprawled out with his lanky frame at the Democratic leader's desk, and I was watching from the gallery, thinking what an extraordinary place this was.

Ten years later, I came back as a staffer, and I served here. I was sitting in my cubicle in the Dirksen Building when word came that John F. Kennedy had been shot in Dallas. We didn't know whether he was dead. We all rushed over to the Senate, where there was a ticker tape back in the back lobby, to see what was happening. I rushed in with the others to see what was there and then looked to see whom I had jostled aside in order to get to see the ticker tape. It was Mike Mansfield. I quietly withdrew, realizing I had done something that was not appropriate on that occasion.

But I was here in Washington when Martin Luther King gave his "I Have a Dream" speech. I was here as a staffer when the historic civil rights bill of 1964 was passed and was involved in the drafting of that bill at a very low kind of level and the conflict that occurred on that occasion.

Then I came back into government as the head of the congressional relations function for a Cabinet-level department and worked with Senator Dirksen in trying to pursue the Nixon administration's goals forward and ran into a bright young Senator from Kansas with a sharp wit named Bob Dole and had the opportunity of working with Dirksen and Dole and the others in that situation.

Watergate came along. I was given the dubious honor of being called to testify by a young Senator from Tennessee named Howard Baker. He assigned me to his staffer, who grilled me for 3 hours under oath—a fellow by the name of Fred Thompson.

There are great kinds of memories there. I did not realize I would come back to the Senate myself, and as a political junky, what could be better? I was involved in the debate, I had access to all of the activity, and they even gave me a vote. It was a great time, a great opportunity, and I have enjoyed it immensely and say farewell to it with kind of mixed feelings.

What have I learned out of all of this, both that past history and my own history in the Senate? I will not bore you with all of the things I have learned, but I have picked out several I want to highlight here today.

The first thing I have learned is that this is, indeed, an extraordinary place filled with extraordinary people. And the caricature we get from the press and the movies and other places that this is filled with people who have self-serving agendas and very low standards of ethics is simply not true. The Senate is filled with people with the highest standard of ethics—we have a few clunkers, I will admit that, but overall the highest standard of ethics the American people could want.

If I may dip back into my history to give you this example of how much better the present Senate is than some of the older ones, I remember that when I was prowling the halls in the circumstances I have described, I ran into a friend who was distraught.

I said to him: What is the problem?

He said: I am taking a group of schoolchildren through the Capitol, and I sent a note in to a Senator to ask him if he would come out and speak to them. And he did, and he is drunk. I can't get him to stop and get the schoolchildren back to the tour, and I don't know what to do.

You don't see that kind of behavior in today's Senate.

You don't see the kind of casualness toward personal campaign contributions that existed. Why do you think, when they built the Dirksen Building, they put a safe in every Senator's of-

fice? It was to hold the cash that would be brought into the office and handed to the Senator. And that was a routine kind of circumstance.

One of the things I enjoyed about the renovation of the Dirksen Building was being able to say to the Architect of the Capitol: Take the safe out because we don't need it anymore. I notice now that I started a trend. If I leave no legacy other than this, it will be that the safes are all coming out of the Dirksen Office Building, and I was the first one to do that.

This is an extraordinary place filled with extraordinary people who take their jobs very seriously and deserve the kind of respect that too often they do not get. Everybody says, when they leave this place, they will miss the people. I certainly will. The friendships that have been made here, the lessons I have been taught, and the mentors I have had have all been a major part of it. I will not name names because once I get started in that, I will not be able to quit. But I do recognize the mentors I have had in the leaders, in my senior colleague, Senator HATCH—and I will tell a story about him—and the staff. These are also extraordinary people who go to extraordinary lengths to serve the country. We should acknowledge that and give them the credit they deserve.

Senator HATCH gave me this piece of advice. We were talking one night about an issue, and we were on opposite sides. That didn't happen very often. Senator HATCH and I don't confer in advance of a vote very often. We come to our own conclusions, but, both being conservative Republicans, we usually end up in the same place. On this occasion, we were different. ORRIN was giving me his full court press. You have all been exposed to ORRIN's full court press on an issue.

Finally, he said to me: BOB, apply the driving home test.

I said: All right, what is the driving home test?

He said: After this is all over and the lights go out and you go get in your car and you are driving home, thinking back on the day and the votes you cast, the driving home test is, how will you feel driving home if you cast that particular vote?

I said: ORRIN, that is some of the best advice I ever got.

I voted against him, and I felt great while I was driving home.

That is one of the first things I have learned. This is an extraordinary place filled with extraordinary people who are dedicated to the country, dedicated to doing the right thing, and who uphold the highest ethical standards.

The next thing I have learned is that there are two parties and that there is a difference between the two parties. There are those who say: Oh, there is not a dime's worth of difference between the Republicans and the Democrats; they are the same people who say we are all corrupt. There is a significant difference. The Democrats are

the party of government. Going back to their roots with Franklin Roosevelt, they come to the conclusion that if there is a problem, government should solve that problem. The Republicans are the party of free markets, and they come to the conclusion that if there is a problem, it should be left to the markets to solve it. And they are both right. That is the thing I have come to understand here. There are some problems where government is the solution—but not always. There are some problems where free markets do provide the solution—but not always.

The tension between those two has run throughout the history of the Republic. You can go all the way back to Thomas Jefferson and Alexander Hamilton and the arguments they had as to what the proper role of government should be, whether it should be big government or little government, whether you should have this or that kind of power. It ran through the Constitutional Convention and arguments that occurred there.

It is appropriate that those who believe in government should have strong advocates on their side. Those who believe in free markets should have equally strong advocates on their side. And because I believe in free markets, I am a Republican, and I have been happy to be a Republican. I have been careful to stand up for those things I believe, and I have compiled a record that many of my friends on the Democratic side would consider fairly miserable in terms of wisdom on voting. But let us understand in the debate, as we go back and forth between these two concepts, that we do not question the motives or the patriotism of anyone on the other side—or within our own caucuses.

I remember an event where someone on the Republican side voted with the Democrats in a way that some on this side felt was betrayal, and there was a sense of, let's punish him, let's do this, that, and the other. Trent Lott taught me this lesson. He said: No, the most important vote is the next one. We are going to need his vote the next time. And if we punish him for this last vote, we won't get it.

Yes, there is a difference between the two parties. Yes, we disagree. But if we can disagree in an effort to solve the problems of the country and be willing on occasion to say maybe the other side is right, we will move forward.

Let me go back to the Civil Rights Act and that debate. Barry Goldwater was the Republican standard-bearer in the year that was passed. Barry Goldwater and many of his colleagues on the Republican side believed that the Civil Rights Act was an unwarranted intrusion on personal liberty, that you were entitled to pick your own associations. And the Democrats—some of them—believed the civil rights bill had to be passed to keep faith with the 14th amendment and government's role in securing liberty.

Everett Dirksen stood in the middle of that fight. The civil rights bill was

written in Dirksen's office. Lyndon Johnson gets historic credit for it, as he deserves, but within this body where the cloture vote determined whether it would pass, the key figure was Everett Dirksen.

My father, with me as his chief of staff, was caught in that pressure with the conservatives saying one thing, the liberals saying another, and dad trying to decide which way he would go. I remember a comment he made as he made his decision—and he made his decision to go with Dirksen, vote for the bill, vote for cloture. Being a businessman, he had thought it through. He believed in free markets as well as I do. But he made this comment which I have always held on to as an example of the way you deal with this challenge. He said: You know, I thought about it, and many of these companies that refuse to serve Black people are public companies with their stock available on the stock exchange. So what we are saying is, it is all right for the Black person to own the company but it is not all right for him to patronize it. That is unsustainable.

So on this occasion, he sided with the people who believed in government to solve the problem. He voted for the Civil Rights Act, and he got a challenger for his next nomination and the toughest primary he ever had within the party. He overcame that challenger, and he got his fourth term.

I made the decision to act in concert with George Bush and my leader, MITCH MCCONNELL, and the Democratic leader, HARRY REID, and the Republican standard-bearer, JOHN MCCAIN, to vote in favor of an act of government as opposed to free markets when I supported TARP. And I got a challenger as I sought a fourth term, and I was not as successful as my father, so my career was ended. My father never regretted his civil rights vote. I don't regret my TARP vote because it was the right thing to do.

For those who say: Oh, what a terrible thing it is that your career has ended, I go back again to the old Senate and a Senator named Norris Cotton, from New Hampshire. Norris Cotton was a Republican. He used to tell this story.

Three fellows were sitting on a bench in New Hampshire in their rocking chairs contemplating what would happen after they had died. The first one said: You know, after I die, I want to be buried next to George Washington, the Father of our country. I think it will be a great honor to be buried next to Washington.

The second one said: Well, that is fine, but I am more loyal to our State. I want to be buried next to Daniel Webster.

OK. They rocked for a while, and they turned to the third fellow and they said: What about you?

He said: I want to be buried next to Elizabeth Taylor.

They said: But, Joe, Elizabeth Taylor is not dead yet.

He said: Neither am I.

I appreciate the opportunity to give this farewell speech and your willingness to come listen to it. But I am not dead yet. The demographers are saying, within the next three or four decades, the number of Americans over the age of 100 will be in the millions. I intend to be one of that number. I have loved being in the Senate. I have loved the association. I have enjoyed hearing about the issues and being in the arena to try to solve them.

I do not intend to leave the arena of public debate and public affairs. I simply have changed venues. I am grateful to the Senate and to all my friends for all the things you have taught me. I view the Senate not as the end of my career but as the education and preparation for the next stage.

My father lived until he was 95, my mother 96. I only have to beat the demographic laws by a very small percentage to beat my goal. I appreciate the opportunity of being here and your courtesy in listening to me here today.

THE PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I am humbled to follow my great, good friend, the eloquent orator, the wonderful Senator from Utah, Mr. BOB BENNETT, a man who has been a giant in this Senate, not only terms of height but of intellect. We have followed his lead on many issues. I know the Senate will miss him.

THE ECONOMY

Mr. BOND. Madam President, I am going to take advantage of the attention Senator BENNETT brought to give some of my views on the economy and the compromise bill that we hope will be pending before the Senate. My apologies for lowering the grade of discourse by moving down to such a mundane but nevertheless important subject.

Madam President, it has been more than 2 years since the severe crisis beginning in the housing and mortgage markets nearly brought down the financial system, and with it the entire economy, in late 2008.

The American people are still struggling from the effects of this crisis. Unemployment continues to rise and is nearly a staggering 10 percent, millions of families continue to face home foreclosure, and many more are having difficulties finding financing to make large purchases or run businesses.

We face no more important task than stabilizing the economy. On November 2, Americans sent a clear message to Washington.

They have had enough of the runaway spending, the exploding debt, the bailouts, and the job-killing policies coming out of this Congress and administration. The recent election showed us that Americans will not settle for a Washington agenda that does not make economic recovery, fiscal restraint and job creation the top priority.

We need new jobs now. Plain and simple I cannot be any clearer about this point. As I have said repeatedly on this floor, government cannot create jobs, but it can create the conditions to allow the private sector to flourish through low taxes, commonsense regulations, and enhanced trade opportunities.

Unfortunately, for the past 2 years, Washington has moved in the opposite direction, seeking to raise taxes, increase regulation, and allow trade agreements to wither.

We now have an opportunity to move towards more commonsense approaches that will help in job creation. And we can start now, during this lameduck session.

We must address the looming tax hikes scheduled to hit every American on January 1.

The proposal the President outlined earlier this week is an important step. His efforts to stop the crippling tax hikes in January from hitting American families and small businesses show he has gotten the message.

I only hope he can convince Democrats in Congress what Republicans and the American people understand, raising taxes on the people and small businesses that create jobs is a really bad idea. The President's plan first and foremost ensures that our small businesses will not face the largest tax increase in American history.

Why is this important? Because our small businesses: Represent 99.7 percent of all employer firms, employ just over half of all private sector employees, pay 44 percent of total U.S. private payroll and, have generated 64 percent of net new jobs over the past 15 years.

As my colleagues know, most small businesses are taxed as individuals through their proprietorships, partnerships, or subchapter-S corporations. So if you raise taxes on those earning above \$200,000 or \$250,000, you are raising taxes on small business owners—the ones most able to create jobs.

The President's compromise also ensures the death tax will not come back to life at the sky-high rate of 55 percent. This is an important provision, because the death tax is anti-savings, anti-family, and anti-investment. It is quite simply unAmerican, and it should be eliminated entirely. The President's plan increases the estate exemption from \$3.5 million to \$5 million and maintain the 2009 rate of 35 percent is a step in the right direction. It will keep families production farms and businesses from having to sell the farm or business to pay estate tax. We need to pass this compromise before we leave town.

Extending tax cuts is one way we can help the private sector create jobs. That alone is not enough.

There is another area that Congress has direct control over, and that is spending. For the economy to recover and create jobs in the long term, Congress simply must control spending. Today, our debt totals more than \$13.8