

billing practices and reducing administrative costs that waste so many billions of dollars.

I strongly support the bill's language continuing the prohibition on Federal contracts with "inverted" corporations. Corporate inversions—the practice of incorporating some or all of a U.S.-based company's businesses overseas—are transparent tax-avoidance schemes. There is no reason we should provide taxpayer dollars to firms that dodge their tax obligations, and I am pleased that we will continue to bar such companies from Federal contracting unless doing so would damage national security.

The bill also includes an increase of \$151 million in funding for the Securities and Exchange Commission. This increased funding will support enhanced enforcement, capital market oversight, and investor protection activities, including investigations of accounting fraud, market manipulation, insider trading, and investment scams that target seniors and low-income communities. This is a wise investment in protecting our citizens and our economy from those who seek to profit by fraud or from taking excessive risks that endanger the financial system.

Also included are a number of important education provisions. The legislation would increase the maximum Pell grant award by \$200, to \$5,500; provide funding for disadvantaged, disabled and first-generation college students; and restore \$1.5 billion in title I funding for disadvantaged public school students. Of particular importance is \$11.5 billion in funding for Individuals with Disabilities Education Act programs, which marks a historic Federal commitment to education of those with disabilities.

There are also important measures that will help boost Michigan's economy and its future. I am pleased that this bill includes \$1 million I requested for the Thunder Bay National Marine Sanctuary and Underwater Preserve in Alpena. Part of the National Oceanic and Atmospheric Administration's sanctuary system, the Thunder Bay Sanctuary protects well-preserved shipwrecks that are a valuable piece of Michigan's history and our Nation's. The funding provided in this bill will allow for expansion of the Great Lakes Maritime Heritage Center to include a Science Hall and other facilities that will allow more people to explore and learn about Michigan's maritime history.

The bill also includes important language that will bring the Woodward Avenue Light Rail Project closer to reality, an important economic development project in the heart of metropolitan Detroit. The conferees retained language regarding the Woodward Avenue project similar to language I authored for the Senate bill.

These all are important provisions worthy of support. But I am disappointed that the legislation includes a provision requiring General Motors and Chrysler to submit to binding,

third-party arbitration in disputes with auto dealerships closed as part of those companies' restructuring efforts.

There is widespread agreement among auto industry analysts that GM and Chrysler needed to consolidate their dealer structure in order to compete. The Federal Government has made a substantial—and wise—investment in these companies, which are key components of our manufacturing sector. Submitting to arbitration of decisions already approved in bankruptcy court risks hampering the recoveries these companies and their workers are fighting so hard to achieve. My vote in favor of this act follows reassurances I received from the chairman of the Financial Services and General Government Appropriations Subcommittee, Senator DURBIN, in response to my concerns about a number of provisions in the arbitration language.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be divided equally.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

All time has expired.

The question is on agreeing to the conference report.

Mr. HARKIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. DORGAN), the Senator from Oregon (Mr. MERKLEY), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. BUNNING), the Senator from Oklahoma (Mr. COBURN), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Ohio (Mr. VOINOVICH).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "nay."

The PRESIDING OFFICE. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 35, as follows:

[Rollcall Vote No. 374 Leg.]

YEAS—57

Akaka	Burr	Collins
Baucus	Byrd	Conrad
Begich	Cantwell	Dodd
Bennet	Cardin	Durbin
Bingaman	Carper	Feinstein
Boxer	Casey	Franken
Brown	Cochran	Gillibrand

Hagan	Levin	Schumer
Harkin	Lieberman	Shaheen
Inouye	Lincoln	Shelby
Johnson	Menendez	Specter
Kaufman	Mikulski	Stabenow
Kerry	Nelson (NE)	Tester
Kirk	Nelson (FL)	Udall (CO)
Klobuchar	Pryor	Udall (NM)
Kohl	Reed	Warner
Landrieu	Reid	Webb
Lautenberg	Rockefeller	Whitehouse
Leahy	Sanders	Wyden

NAYS—35

Alexander	Enzi	McCain
Barrasso	Feingold	McCaskill
Bayh	Graham	McConnell
Bennett	Grassley	Murkowski
Brownback	Gregg	Risch
Burr	Hatch	Roberts
Chambliss	Hutchinson	Sessions
Corker	Isakson	Snowe
Cornyn	Johanns	Thune
Crapo	Kyl	Vitter
DeMint	LeMieux	Wicker
Ensign	Lugar	

NOT VOTING—8

Bond	Dorgan	Murray
Bunning	Inhofe	Voinovich
Coburn	Merkley	

The conference report was agreed to.

Mr. DURBIN. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Republican leader is recognized.

SERVICE MEMBERS HOME OWNERSHIP TAX ACT OF 2009

Mr. McCONNELL. Mr. President, I think you are going to report the bill. Regular order.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. McCONNELL. Mr. President, is not the regular order to return to the health care bill?

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

Pending:

Reid amendment No. 2786, in the nature of a substitute.

Dorgan modified amendment No. 2793 (to amendment No. 2786), to provide for the importation of prescription drugs.

Crapo motion to commit the bill to the Committee on Finance, with instructions.

The PRESIDING OFFICER. The Republican leader is recognized.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, we have been trying for days to get an agreement to have votes on the health care measure, which our friends on the other side have said is so important to the American people and must be acted upon before Christmas. Specifically, the pending Crapo amendment has been there since last Tuesday. It now becomes clear to me the majority simply does not want to have any more votes, presumably pending these discussions that are going on behind closed doors on a bill that almost nobody in the Senate has seen.

Therefore, I send a cloture motion to the desk on the Crapo amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The 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 pending Crapo motion to commit H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees.

Mitch McConnell, Chuck Grassley, Judd Gregg, Lamar Alexander, Johnny Isakson, David Vitter, Sam Brownback, George S. LeMieux, Pat Roberts, Jeff Sessions, Bob Corker, John Barrasso, Jon Kyl, John McCain, Saxby Chambliss, Thad Cochran, Lindsey Graham.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I hope we can bring to fruition a consent agreement to allow us to begin to vote. Yesterday, against considerable opposition on my own side, I basically backed down and offered the consent agreement the majority leader had offered a few days ago, which would have allowed our Democratic friends to have a side-by-side with their own amendment on the issue of drug reimportation and a side-by-side with Senator CRAPO's amendment on taxes. The majority objected, essentially, to the consent that they had previously offered a few days before.

I hope we can get back on track. The commitment was made by the majority at the beginning of this debate that we would have plenty of amendments. We had a process where we went from one side to the other, back and forth, smoothly. Either side was able to offer side-by-side amendments if they chose to. I think it is not fair to the American people—not fair to the American people to deny them the opportunity to have votes on what has been called the most important issue of our era, so important it has to be done before Christmas.

In the meantime, they are in some secret meeting, trying to come up with a bill that not only not all Senators have seen, not even Democratic Senators, but the American people have not seen it. We know what the core of the bill is. There are amendments the American people would like to see us debate and vote on and that is why I filed cloture on the Crapo amendment. Hopefully, we will not have to have that cloture vote, we can get back on track, as we were until things began to bog down midweek.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois, the majority whip.

Mr. DURBIN. Mr. President, the majority side offered a unanimous consent, I believe on three successive days, to the Republican side, which they did

not accept. Then yesterday the minority leader offered a variation on that, which is being considered at this moment by the majority leader. We are not prepared—I am not prepared to make a statement until the majority leader has made a final decision, having talked over the new offer with our members. The time may come. I cannot predict whether it will.

I do believe we have to work on it some more. In the meantime, I think the floor should be open for comments. I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. DURBIN. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Arizona.

HEALTH CARE REFORM

Mr. KYL. Mr. President, given the season, maybe we should spend a little time talking about what Americans are wishing for Christmas. I don't think very many people in the Chamber have had much chance to go do their Christmas shopping. At least maybe we can consider what folks are telling us they would like to have. We have certainly heard it. They want jobs. They want the economy to improve. They want meaningful health care reform that will drive down costs and increase their access and avoid harming a full economic recovery. What they don't want is to be burdened with a litany of new taxes. Unfortunately, the health care bill we have been debating is layered with new tax after new tax.

What I hope is that the majority will eventually agree to considering more amendments, including, for example, amendments such as the Hutchison-

Thune amendment which will limit the taxes in this bill, taxes that will hit families, seniors, the chronically ill, small businesses, those who use flexible spending accounts, and those, for example, who use medical devices. In total, there are 12 new taxes in this bill, many of which will take effect right after the bill passes, though the other components will not go into effect until 2014. The Internal Revenue Service estimates it would need between \$5 and \$10 billion over the next 10 years to oversee collection of these new taxes.

Americans know their taxes are going up if this bill passes. In fact, 85 percent believe that will happen, according to a new CNN poll. They are right. Surely that helps to account for the fact that a full 61 percent disapprove of the bill, according to that same poll, with just 36 percent supporting it. Think of that, a CNN poll, brand new, 61 percent of the American people oppose the bill, only 36 percent support it. Every week, the numbers get worse.

I spoke recently about the adverse impact of a new payroll tax on job creation, especially for small businesses. Today, I want to talk about how three additional taxes would hurt Americans: one, the new tax on the chronically ill; two, a new tax on flexible spending accounts; three, a new tax on medical devices.

First, let's talk about the chronically ill. These are the sickest Americans, the chronically ill and seniors who tend to have more medical problems. These folks would be hurt by a change in the Tax Code that actually raises the amount of money they owe the Federal Government every year.

Here is how it works. Currently, taxpayers can deduct the costs of their catastrophic medical expenses if those expenses exceed 7.5 percent of their income. The bill would raise that threshold to 10 percent. So people, especially seniors and the chronically ill, would have to spend a lot more of their own money on these kinds of expenses before they could begin to take advantage of a tax deduction.

The Joint Committee on Taxation says this change would cost taxpayers more than \$15 billion over the next 10 years. We are talking about a lot of money. It would raise taxes on 5.8 million taxpayers, 87 percent of whom earn under \$100,000 a year. So we are not talking about, for the most part, the wealthy. In fact, because of this problem, the Nelson amendment was adopted in the Finance Committee that would at least exempt seniors until the year 2016. Obviously, it isn't only seniors who pay the tax. Secondly, we don't want to impose it on them after 2016 either.

According to the CRS:

The deduction can ease the financial burden imposed by costly medical expenses. For the most part, the federal tax code regards these expenses as involuntary expenses that reduce a taxpayer's ability to pay taxes by absorbing a substantial part of income.