

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.