

where the top 1 percent of earners already capture over 20 percent of the national income, while the bottom 50 percent take in only 13 percent. It will explode the deficit, starving our country of the resources it needs to invest in education, infrastructure, and scientific research—all the things that help the middle class.

After all of that, it will endanger Social Security, Medicaid, and Medicare. Then, 1 or 2 or 3 years down the line, Republicans will come back to slash those programs to pay for the deficit they have created.

Finally, our Republican friends say: Well, it will create a whole lot of jobs. Give money to the wealthiest corporations. As has been shown over and over again, the wealthiest corporations have a ton of money right now. They are not creating jobs. Give them more money? They will not create any more jobs. The only claim our Republican colleagues have for the middle class is trickle-down. Well, my friends, no one believes in trickle-down except for a handful of wealthy, greedy people who seem to be controlling what you are saying and doing in this tax bill.

This bill, in short, is a cynical one-two gut punch to the middle class. It raises middle-class taxes to pay for corporate tax cuts and decimates their earned benefits as a kicker. Surely we can do better than this.

Tomorrow Republicans will have a chance to vote down this tax bill, which is one of the least popular pieces of legislation in the last 30 years. My Republican colleagues have accomplished an amazing trick. A tax cut, usually popular, is 2-to-1 unpopular in America. Good work.

They know what is in it. The public knows. They know they are getting crumbs, if anything, and many are getting increases, while the highest income people do great. Well, let me just say, if by some miracle, our Republican colleagues get the good sense to vote this package down and really help the middle class instead of just helping the wealthy, we Democrats will be there. They will find a Democratic leader and a Democratic Party willing to work with them on real bipartisan tax reform.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations en bloc, which the clerk will report.

The legislative clerk read the nominations of J. Paul Compton, Jr., of Ala-

bama, to be General Counsel of the Department of Housing and Urban Development; and Owen West, of Connecticut, to be an Assistant Secretary of Defense.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 p.m. will be equally divided in the usual form.

The Senator from Texas.

TAX CUTS AND JOBS BILL

Mr. CORNYN. Mr. President, listening to my friend, the Democratic leader, leads me to conclude that he and his party have given up on the American dream. They want to settle for the status quo, which is stagnant growth of our economy and jobs where people haven't seen an increase in their wages for years. They even seem to be rooting for failure. That seems to be the attitude of our missing-in-action congressional Democrats on the Tax Cuts and Jobs Act.

We, on the other hand, think American families need more take-home pay, higher wages, more jobs, and a competitive economy, and we believe they shouldn't have to settle for less. I will come back to that in a moment.

I do want to talk about tax reform and make the perhaps obvious statement that tax reform is hard. That is the reason it hasn't been done since 1986. It is even harder when we have a political party that is determined to fight against every single proposal we have made in our tax cut and tax reform bill, including ones they themselves have championed in the past.

I have heard the ranking member of the Senate Finance Committee, Senator WYDEN, talk about corporate giveaways, and the Democratic leader just alluded to the same thing. Yet we are embracing the same sort of approach they took in previous proposals and that President Obama advocated for in his State of the Union Address in 2011, when he asked Republicans and Democrats alike to work together to lower the highest corporate tax rate in the industrialized world because he knew it was chasing jobs overseas, and he knew it was important to bring that investment and those jobs back to the United States. That is exactly what our bill does.

My friend KEVIN BRADY, the chairman of the House Ways and Means Committee, called tax reform a Rubik's Cube. He is right, but now, thankfully, we have figured out how to solve that Rubik's Cube.

We confess that this legislation is not perfect, but it is good, and it is much better than the status quo, which our Democratic colleagues seem to have settled for. Last week, the conference committee met between the House and the Senate, and members, including myself, had many difficult conversations about how to reconcile the differences between the two bills. Those discussions were necessary, they were prudent, and they were productive. We now have a consensus about how to get this bill across the finish

line and to the President's desk before Christmas.

We will vote on this final bill after the House does tomorrow—hopefully by tomorrow night. Perhaps it will carry over into Wednesday morning, but we will get it on the President's desk for him to sign into law before Christmas, as we pledged.

I want to talk for just a few moments about why I am so excited at the prospect—and so are so many other people across the country—because oftentimes their words get lost in the chatter, some of which is designed to mislead and presents an inaccurate picture of just how consequential this tax reform will be. Their voices—those who believe this good bill will help them—deserve to be heard.

Let me first talk about manufacturing. There was a survey released last week that showed historically high optimism among 14,000 small and large employers in the manufacturing sector. How long have we heard that we need to bring manufacturing back to the United States rather than outsourcing it to Mexico or China or other places around the world? Well, we tried to address that, and I think we met with some success because more than 94 percent of manufacturers are now positive about their company's outlook. Nearly 64 percent said that tax reform would encourage their company to increase capital spending. Capital spending is what goes into infrastructure, equipment, and things that allow them to become more productive and to create more jobs. A majority of these manufacturers said that they would indeed expand their businesses and they would hire more workers after this bill is signed into law by the President. In fact, manufacturers predict that the number of jobs could surge to 2 million by the year 2025. Now there are roughly 350,000 American manufacturing jobs, so a leap to 2 million is almost fantastic—hard to contemplate—but very exciting if true.

The second group I want to mention that is very excited about the Tax Cuts and Jobs Act is small businesses. We know small businesses are the economic engine of the country. Indeed, 70 percent of new jobs are created not by Fortune 500 company businesses but by small businesses. As one piece in the Houston Chronicle recently pointed out, the 2.6 million small businesses that call Texas home are enthusiastic because tax reform will provide them much needed relief.

Small businesses, of course, all have to pay taxes, which is burdensome enough, but they also have to spend hours and money to comply with our unnecessarily complex tax laws. According to a 2017 survey by the National Small Business Association, 58 percent of small businesses reported that the administrative burden of Federal taxes posed a greater challenge than the cost of the taxes themselves. The burden of compliance was worse than the check they had to write to the

Federal Government. The Houston op-ed put the matter succinctly. It said:

For large corporations that can afford a small army of lawyers and accountants, the tax laws are a nuisance. For small businesses, they are a nightmare.

Now that situation will change. Our bill will simplify the Tax Code by eliminating many special deductions and credits while broadening the base and bringing down rates.

To those cynics here inside the beltway who roll their eyes, who think that changes to the business provisions of the code don't matter, I would point out two more important pieces of news. First, the Federal Reserve, an independent government institution, recently said that this tax package is one of the factors that led them to increase their projections for growth next year. That is welcome, to say the least. Tax reform, said Federal Reserve Chair Janet Yellen, last appointed by President Obama, will boost spending and could do the same for productivity. So the Federal Reserve has raised its growth projections for next year, particularly in response to what we are doing.

For those who worry about deficits—that we are cutting taxes too much—who don't believe the economy will grow to compensate for those cuts in taxes, all they need to do is look at the projection of the Federal Reserve. They currently project the economy to grow at 2.1 percent, but she said that next year it could go to 2.5 percent. So even if you believe that very conservative estimate, that is enough growth to compensate for the cut in taxes and the loss of revenue next year, but we expect that will continue and will grow over the next 10 years.

It is another thing to note how the rest of the world is reacting to what we are doing here. To name but one example, China is worried, which should tell us something. According to a Wall Street Journal story printed last week, China sees these tax plans as making the United States a much more attractive place to invest, which means less investment will occur in China. One official in Beijing has called our tax plan a huge and imminent danger that can't be ignored. China is worried that job creators will relocate here in America, which is a well-founded concern and one of the goals of this tax bill. That is exactly what they will do when we lower the corporate rate and go to a territorial system. Rather than taxing these businesses twice and encouraging them to keep the money they earn and the jobs they create overseas, we encourage them to bring them back to America by making our businesses more internationally competitive.

So to summarize what we are seeing already, and we haven't even passed the bill yet—the conference report, at least—we have passed the Senate bill, the House bill, and now the conference report, which is the reconciled version between the House and the Senate versions, was released Friday.

To summarize what we have seen already, nationally, manufacturers are raving about the tax plan. In places like Texas, small businesses desperately need the relief this bill offers. The Federal Reserve, an independent financial body of the Federal Government, has increased their growth estimates, in part, based upon the tax relief provided in this bill. And our chief competitor in the global economy is startled by what we are doing and afraid of what it might mean in terms of America's competitiveness globally.

Put all this together and what do you have? A brief snapshot of the huge economic impact of the tax overhaul that will be signed by the President in the next few days. Signs of that impact are all around us, almost everywhere I look.

I know of at least one major airline—Southwest Airlines—that has already announced big plans as to what they plan to do with their tax savings. With the benefits afforded by this tax reform, they said that they will purchase new aircraft. Well, this means more jobs for the people who build those aircraft. It means more jobs for the pilots and the flight attendants who travel on them. It means better customer experiences, and it may even mean lower fares for consumers.

Let's talk about what this bill does for Americans who get up and go to work every day and just try to eke out a living, providing for their families. Well, I will tell you, for those worried about how tax reform will affect real people's actual lives, let me give you a couple of concrete examples. Let's take a single teacher making \$50,000 a year. She will see a significant reduction in her tax burden—between 17 and 20 percent—less taxes that she will have to pay. This comes from a lower marginal rate and a higher standard deduction. How about a married couple with three children and with median earnings of \$75,000 a year? Well, their tax bill will decrease, as well, by as much as \$2,000 from a lower rate and a higher child tax credit.

As I have said before, maybe some of our Democratic friends don't believe this is a big deal; maybe they don't care about those American families living paycheck to paycheck, who would welcome an additional \$2,000 each year. Their actions make me think they are OK with the status quo because they have refused to even participate in the process, and they have been rooting for failure every step along the way.

Well, we saw the latest example of this over the weekend when a leftwing website, masquerading as a legitimate news outlet, led by a former staffer of the junior Senator from Vermont, published what it advertised as a breaking news story about the final bill. This story breathlessly claimed, without a shred of evidence, that a provision had been airdropped into the final draft in secret in order to secure the vote of a Member who would supposedly personally benefit from it. This is a salacious

tale from beginning to end. It was also completely false and invented.

As a member of the Senate Intelligence Committee, I have joined with my colleagues over the last year to investigate the efforts of Russian intelligence operatives to undermine public confidence in our last elections. Well, the way this phony news story broke and was picked up on social media and in the mainstream media would make a Russian intelligence officer proud. The whole purpose of this exercise—this false and invented story—was to undermine public confidence in this tax reform package that we will pass, perhaps as early as tomorrow, to be signed by the President, perhaps before Christmas.

Some of our friends on the other side of the aisle and their allies in the so-called mainstream media ran with it in a dishonest attempt to derail us from passing the bill and undermine the reputation or integrity of one of our fellow Senators—all from a made-up story. Again, the Russian intelligence officials—it is well-documented by now—through a combination of cyber theft, propaganda, creative use of social media, and a gullible mainstream media, undermined American confidence in our most basic obligation, an institution of our government, which is our election system. But what we saw happen this weekend, as I said, would have made a Russian intelligence officer proud.

As a letter from Chairman HATCH, who is chairman of the Senate Finance Committee, makes clear today, this website, which, by the way, also posted a false report about an amendment I had introduced several weeks ago and later had to correct it, spread a false story irresponsibly and dishonestly. In his letter, Chairman HATCH writes:

It takes a great deal of imagination—and likely no small amount of partisanship—to argue that a provision that has been public for over a month, debated on the floor of the House of Representatives, included in a House-passed bill, and identified by [the Joint Committee on Taxation] as an issue requiring compromise between conferees is somehow a covert and last-minute addition to the conference report.

It reminds me of another quote sometimes attributed to Mark Twain, perhaps apocryphally, who supposedly said: A lie can travel halfway around the world while the truth is still putting on its shoes. Well, a lie can travel even faster than that today because of social media.

Shame on those who would perpetuate lies in an effort to deny the American people a much needed tax cut and tax relief. Thank goodness that attitude isn't shared by most Americans and by the Texans I represent who want and deserve much better than the same old same old. They don't believe we have to settle for the status quo. We are going to give them something better. We are going to keep our promise, and I can't wait until this bill gets on the President's desk.

Let me just close by saying that I am a proud son of a World War II veteran.

My dad was in the Army Air Corps, flew B-17s out of Molesworth Air Force Base in England over Nazi Germany during the end of World War II. He was a member of the 8th Air Force, 303rd Bomb Group. On his 26th mission, he was shot down and captured as a prisoner of war. Thank goodness he survived, came home, met my mom, married, raised a family, and became a productive member of civilian society after his military service. But I remember, as if it were yesterday, what my parents said they wanted for me, my brother, and my sister. It is what parents of that entire generation wanted for their children and grandchildren. They wanted to know that their sacrifice, their willingness to fight and win America's wars against terrible tyrants, such as Adolph Hitler—that the consequence of their sacrifice and their service would be a better standard of living, a safer world, and a better quality of life. In short, what they wanted for us and what I want for my children and what I believe every American parent wants for their child or their children is exactly what my parents wanted for me and my sister and my brother. We sometimes call that the American dream.

Some of us believe that the American dream is still alive, that we don't have to settle for second place. We don't have to settle for the status quo. We don't have to settle for flat wages and fewer jobs. We can do better. We believe we have done better in this piece of legislation, which will help awaken the slumbering giant of the American economy. It will put Americans back to work. It will mean more take-home pay. It will mean a better standard of living, but, surprisingly—and disappointingly—our colleagues across the aisle want no part of it. I hope they haven't given up on that American dream. I haven't given up, and I don't believe Americans have given up on that dream.

I yield the floor.

I suggest the absence of a quorum.

THE PRESIDING OFFICER (Mrs. ERNST). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CORNYN. Madam President, I ask unanimous consent that the letter from Chairman HATCH be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,

Washington, DC, December 18, 2017.

Hon. BOB CORKER,
Washington, DC.

DEAR CHAIRMAN CORKER: Thank you for your letter dated yesterday.

I am disgusted by press reports that have distorted one particular aspect of the conference agreement on H.R. 1, the Tax Cuts

and Jobs Act. The reports have focused on the final version of the 20 percent pass-through deduction, the proposed new Section 199A. As the author of this provision and the vice chairman of the conference committee, I can speak with authority about the process by which the conference committee reached its final position.

There are two false assertions contained in these reports, and I would like to correct the record on both.

First, some have asserted that a new provision was crafted for real estate developers and was "airdropped" into the conference agreement. Second, reports have implied that you had some role in advocating for or negotiating the inclusion of this provision.

Both assertions are categorically false. With respect to the second, I am unaware of any attempt by you or your staff to contact anyone on the conference committee regarding this provision or any related policy matter. To the contrary, virtually all the concerns you had raised in the past about the treatment of pass-through businesses in tax reform were to voice skepticism about the generosity of various proposals under consideration.

The first claim—that a new pass-through proposal was created out of whole cloth and inserted into the conference report—is an irresponsible and partisan assertion that is belied by the facts. For more than a year, tax-writers in the House and Senate have worked to craft legislation that not only provided relief for "C" corporations, but also delivered equitable treatment for pass-through businesses. Though the two chambers came at this issue from different angles, our goal was the same: To provide tax relief to pass-through businesses at a level similar to that provided to regular "C" corporations. This policy goal was confirmed in the Unified Framework for Fixing Our Broken Tax Code, which provided in part:

"TAX RATE STRUCTURE FOR SMALL BUSINESSES The framework limits the maximum tax rate applied to the business income of small and family owned businesses conducted as sole proprietorships, partnerships and S corporations to 25%. The framework contemplates that the committees will adopt measures to prevent the re-characterization of personal income into business income to prevent wealthy individuals from avoiding the top personal tax rate."

The House Ways Means Committee and the Senate Finance Committee achieved this mutual goal by different means. Section 1004 of the House bill provided a special tax rate for pass-through income and included a "prove-out" option for capital-intensive businesses. Chairman Brady unveiled this approach on November 2nd, more than six weeks ago.

The Senate took a different approach, achieving the intended rate relief through a deduction patterned after current law Section 199. We also included measures to ensure that compensation could not be easily gamed into business income in order to qualify for the deduction. Similar to Section 199, the deduction in the Senate bill excluded compensation and guarantee payments to owners and was limited to 50 percent of compensation paid to employees, with an exception for small pass-through businesses, including service providers. The Senate bill did not include a prove-out option for capital-intensive businesses like the one contained in the House bill.

The Joint Committee on Taxation ("JCT"), the non-partisan congressional scorekeeper for tax legislation, released a side-by-side summary of the two bills for conferees. That summary, dated December 7, 2017 and available on JCT's website (JCX 64-17), described the House position in part:

"In the case of a capital-intensive business, a taxpayer may "prove out" a capital percentage by electing the application of an increased percentage for the taxable year it is made and each of the next four taxable years. The applicable percentage is determined by dividing (1) the specified return on capital for the activity for the taxable year, by (2) the taxpayer's net business income derived from that activity for that taxable year."

It takes a great deal of imagination—and likely no small amount of partisanship—to argue that a provision that has been public for over a month, debated on the floor of the House of Representatives, included in a House-passed bill, and identified by JCT as an issue requiring a compromise between conferees is somehow a covert and last-minute addition to the conference report.

I have sat on a number of conference committees, too numerous to remember. In each case, conferees have come into the conference expecting to achieve their chamber's position or negotiate a reasonable compromise. This conference committee was no exception. The House entered the conference with an interest in preserving, in some form, the prove-out alternative as an option for capital-intensive taxpayers. Through several rounds of negotiations, the House secured a version of their proposal that was consistent with the overall structure of the compromise.

The prove-out alternative included in the conference report was derived from the House provision and is the product of a negotiation between the House and Senate tax-writing committees. It is that simple.

If you have any further questions, please feel free to contact me.

Very Truly Yours,

ORRIN G. HATCH,

Chairman, Senate Finance Committee.

Mr. CORNYN. Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

DEADLINES

Mr. KING. Madam President, I rise today to talk not about legislation or about the tax bill—well, I may talk about the tax bill a little—but I do wish to talk about deadlines and how we all do our work, whether it is in the Senate, in our businesses, or in our personal lives. I wish to talk about deadlines missed and deadlines that don't exist.

One of the realities of this place that I think is very unfortunate is that we rarely make our deadlines. These are self-imposed deadlines. These are deadlines that we create. We pass a law that says something has to happen by September 30. We set the deadline, and then we don't make it.

Most notoriously, it happens with budgets. I don't know the last time we had a budget on time. I think it is about 17 years ago. I suspect there are probably less than a dozen Senators in this Chamber who were here when we last passed a budget on time. There is

no excuse for that. The problem is that when we put it off, we don't know anything more than we did at the time of the deadline. We could have done it, and yet, because we are able to, we put it off. That is human nature, unfortunately. Who among us would not have put off the deadline for a book report if we could have said to the teacher: Gee, I don't think I can make that Monday morning deadline. I will just do my book report on Tuesday.

Life doesn't work that way. In the real world, there are deadlines. There are consequences if you don't get your work done on time. Things happen, and if you don't get your work done on time, usually, those things that happen are bad. I don't know where else, other than in this body, where deadlines, which have enormous implications and enormous importance, are simply ignored.

I just sat down in the last day or so and put together real deadlines that we have in the law right now. What are they? Well, the Children's Health Insurance Program's deadline is September 30, 2017. That is gone. That has passed. I can give you 23,000 reasons that we should have met that deadline. That is the number of young people in Maine who are covered by the Children's Health Insurance Program, and there are 9 million nationwide. But we missed the deadline. Why? I can't find any reason. We don't know anything now that we didn't know in the middle of September or in August when we could have passed this program, but we just blew right by it. Maybe it is because none of our kids are in this program. I venture to say that if the children of the Members of the Senate were in the CHIP program, we would have met that deadline, but we didn't.

What is another one? Community health centers had another deadline of September 30, which was missed. I will give you 200,000 reasons that we should have met that deadline. That is the number of people in my State of Maine who are served by federally qualified health centers. I was at one just on Friday. They serve people who otherwise wouldn't get care. They fill an enormous gap, particularly in a rural State, to provide healthcare to people who need it, but we didn't make the deadline. There was no particular reason not to make this deadline. We just blew right by it. It was not all that important. I venture to say that if our families were covered under this program, we would have gotten it done. No Senators' families are covered by federally qualified health centers. If they had been, we would have gotten it done.

Of course, the granddaddy of all of deadlines mentioned is the budget: October 1, 2017. We missed it—no deadline. We just went right by it. Nothing happened. Well, what we did was to pass a continuing resolution. A continuing resolution really should be called a "cop-out resolution." It is basically saying that we are not going to

make the hard decisions in a budget. We are just going to push them forward for a month or two. But the problem is that the month or two comes. In fact, it is coming this Friday, and now we are talking about another continuing resolution to go into January or February. No business would do this. Families can't even do this.

Some time ago, I was the Governor of Maine. I remember vividly. I can practically tell you where I was standing in my office. We have a deadline in Maine of July 1 for our budget. We always make it. Members of the legislature of one of the parties came to me. They were having a hard time getting a budget. It was very contentious, as it is every year. He said: Governor, let's just do a continuing resolution like they do in Washington, and we can solve this problem in the next 2 weeks. I said: Not on your life, because if we do, once we open the Pandora's box of continuing resolutions in Maine or in Iowa or in Mississippi or Florida, then we are stuck. We will never get a budget on time again because it is too easy to put off the hard decisions. What do we know now about the budget that we didn't know in August? What will we know in January that we don't know now?

By the way, a continuing resolution for the entire budget is bad for the government and disastrous for national security. I serve on the Armed Services Committee. We have hearings both from our civilian leadership and our military leadership, and they have told us repeatedly: Please get us a budget. The continuing resolution doesn't allow us to plan. It locks us into last year's priorities. It doesn't allow us to look forward and make commitments that will save the taxpayers money if we have the authority. It is a disaster for national security, but a deadline was missed on September 30. It looks like we are going to miss another deadline on December 22, and we will be here talking about funding the government, doing the budget, sometime in January or maybe in February. There is no reason for it. There is no reason for it except that we are simply avoiding making difficult decisions.

The next one is DACA, or Deferred Action for Childhood Arrivals. The real deadline started on October 6. That is when people started to lose the ability to re-up their qualifications for DACA. Over 100 people a day are losing their DACA status. In the last week it has been, I think, something like 1,700—in the last week or 10 days. These are people who are going to go into the holidays unsure about whether they are going to be able to continue to live in this country. These are young people, as we all know. This is the only country they know. They were brought here as little kids. They weren't illegal immigrants. They were brought here as children, and they are contributing to our society, and they are working and paying taxes. But we missed the deadline starting in October.

Now, even the President said we should fix this program, and he gave us 6 months. He said: I am going to disallow the program, but not until March 5, 2018. I don't know whether it is legal to bet in the District of Columbia, but I would be willing to bet that we are still struggling with this question on March 4, 2018. I deeply hope not because lives are being toyed with here unnecessarily. We could make the decisions now. We could decide to reach a compromise agreement on this program, which Members of both sides of the aisle think needs to be done, including the President. Let's get it done. But it is one more missed deadline.

Next is the National Flood Insurance Program, with a deadline of December 22, which is 4 days from now. I don't think we are going to make it. If ever there was a time of importance for the National Flood Insurance Program, it is now. We have had enormous flooding issues with the hurricanes in Texas, Florida, Puerto Rico, and the Virgin Islands. Yet the flood insurance program expires on December 22. Why don't we get it done? Because it is not our houses. It is not our houses that are at risk to get the flood insurance. I suspect if we had the houses that were part of this problem, it would be solved.

Medicare extenders expire on December 31 of this year. Are we going to get those done? I deeply hope so, but I am not so sure.

FISA section 702, one of the most important national intelligence provisions that we have, also expires at the end of the year. Are we going to get that done? I deeply hope so, but I am not optimistic.

Next, we have the wildfires and FEMA disaster aid for Harvey, Irma, Maria, and the wildfires. These are huge disasters. We have partially funded them, but certainly not to the point that is going to be required. Those deadlines were all this fall.

At the bottom of my chart of priorities is tax reform. Boy, are we going to make that deadline. The only problem is that it doesn't exist. There is no deadline for that. There was no deadline. It is not December 22. It is not Christmas. It is not New Year's. It is a self-imposed deadline that is not in law anywhere.

I agree that we need to do tax reform, but we have been doing it on an unprecedented scale and speed that is unnecessary. We have missed and ignored all these real deadlines in exchange for focusing all of our attention on a fake deadline. Sure, it would be nice to get it done, and we could have gotten it done. It could have been done on a bipartisan basis. We could have started last summer, and we would have had a bill just like the bill that emerged from the HELP Committee with regard to healthcare, on a bipartisan basis. But instead it was a closed process, done with unprecedented speed, with virtually no hearings—well,

no hearings, no real hearings on the bill, no serious outside experts, no analysis of what is in it. We have been given a 500-page bill that we are going to vote on in probably a day or so. Yet we are racing to meet a deadline that didn't exist.

It is boring to talk about process, but that is what I am really talking about today. I just don't understand an institution that doesn't make its real deadlines and yet races and throws everything aside to try to make a deadline that just came out of the air. It is not in any law, any rule, any expectation—let's do it by Christmas or by the end of the year. It is no way to run a business, and it is certainly no way to run the government on behalf of the American people.

I have never been in an institution or in a group of people who are as capable as the people who are here, and I find it genuinely puzzling as to why we perform so poorly and why the public opinion of us is so low. These are good people on both sides of the aisle. Yet something about the way this institution works keeps us from meeting the rules and expectations that the rest of society takes for granted, such as making deadlines, doing your job, doing what you are paid to do.

One of the most fundamental responsibilities is to pass a budget. We have members of our Appropriations Committee who have been working for a year to put the budget together. It is done, and we could do this, but instead we are putting it off and putting it off and putting it off. I wouldn't be surprised if, come January or February—assuming we don't make it by this Friday—there are going to be people who say: Let's just do a continuing resolution for the rest of the year—a cop-out resolution, a nonresolution, a nondecision on behalf of the people of this country.

I think we can do better. I think we can begin to regain the trust of the American people by going back and doing things the way we are supposed to according to the old norms, with hearings and considerations and making deadlines and meeting our obligations to our citizens and to our country.

I deeply hope that as the year turns, we also make a turn and that we make a turn to do this place better, to do our work that the American people hired us to do, to do it on a timely basis, and to meet our responsibilities. I believe we can do it. I believe we can do it better, and I deeply hope that we do so.

Thank you, Madam President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

TAX CUTS AND JOBS BILL

Ms. COLLINS. Madam President, I rise to express my support for the conference agreement on the Tax Cuts and Job Act, the first major overhaul of our Tax Code since 1986. This legislation will provide tax relief to working families, encourage the creation of jobs

right here in America, and spur economic growth that will benefit all Americans.

Let me start by discussing the effects of this bill on individuals and families. Throughout this debate, I have emphasized that reforms to our outdated Tax Code must help working families. I, therefore, authored three key amendments that were retained in the final package.

My amendments allow families to deduct up to \$10,000 in State and local taxes, increase the deduction for medical expenses, and protect tax-free contributions for retirement savings.

The original Senate bill would have eliminated the deduction known as SALT that allows taxpayers to avoid paying a Federal tax on State and local taxes that they have already paid. This provision has been in the Tax Code since 1913, when the income tax was first established. It is intended to prevent double taxation. My amendment, which was adopted by the Senate, restored the deduction for property taxes up to \$10,000. I am pleased that the final bill goes a step further by allowing the deduction of property and income or sales taxes up to this level, which will assist even more Americans.

My work to restore this deduction is especially important to families living in high-tax States like Maine, which has one of our Nation's highest tax burdens; yet Maine's per capita income ranks only 31st, which is nearly \$5,200 below the U.S. average. Maintaining this deduction therefore provides important tax relief for those Mainers who itemize.

My second amendment included in the conference agreement is a very important one. It is aimed at helping Americans struggling with high, unreimbursed healthcare costs, including seniors paying for long-term care for a loved one and those with expensive chronic healthcare conditions. My amendment lowers the threshold for claiming this deduction for these unreimbursed expenses from 10 percent to 7.5 percent of income for 2017 and 2018.

The House bill would have eliminated this longstanding deduction used by approximately 8.8 million Americans annually, nearly half of whom make less than \$50,000 per year. Retaining this important deduction and lowering the threshold will provide relief for those experiencing particularly high healthcare costs. That is why AARP and 44 other consumer groups strongly endorsed my amendments, stating: "It provides important tax relief which helps offset the costs of acute and chronic medical conditions for older Americans, children, pregnant women, disabled individuals and other adults, as well as the costs associated with long-term care and assisted living."

At a time when we need to be encouraging Americans to save more for their retirement, I am encouraged that the final agreement preserves the pretax contribution limits for retirement savings plans. We are in the midst of a si-

lent but looming retirement security crisis in this country. According to the nonpartisan Center for Retirement Research, there is a \$7.7 trillion gap between the savings that American households need to maintain their standard of living in retirement and what they actually have saved.

We should be doing everything we can to encourage more saving, not less. For this reason, I am pleased that the final bill will include my third amendment, which struck the original Senate language eliminating the ability of public employees, such as firefighters, schoolteachers, and police officers, as well as clergy and those employed by charities and nonprofit organizations, to make what are called catch-up contributions to their retirement accounts. These employees are generally paid less than their counterparts employed by for-profit companies and thus are less able to save for their retirement. My provision would allow them to continue making these important extra investments toward a secure retirement.

The conference agreement benefits lower and middle-income taxpayers significantly, while simplifying the tasks that no one relishes of completing their tax returns.

Significantly, this bill nearly doubles the standard deduction to \$12,000 for single filers and \$24,000 for those filing jointly. The child tax credit will be doubled from \$1,000 to \$2,000. Thanks to Senator RUBIO's efforts, which I strongly supported, up to \$1,400 of that tax credit will be refundable in order to benefit low-income families.

Let's be more concrete. What do these reforms mean to families across our country? The 72 percent of Mainers who already use the standard deduction will have their taxes reduced. A family with \$24,000 in income will pay no Federal income tax. A single mom earning \$35,000 a year with one child will see her taxes drop by nearly 4,000 percent. Instead of paying money back to Washington, she will be getting back nearly \$1,100 to help her make ends meet. A couple with no children earning \$60,000 will see their taxes fall by more than \$900. A couple with two children earning \$60,000 will get a tax cut of about \$1,700. That is a reduction of more than 100 percent. The bottom line is that most Maine households will see their taxes go down.

I was very concerned about a number of important deductions for individuals that would have been eliminated under the House bill.

Having worked at Husson University in Bangor before my election to the Senate, I am well aware of how critical education deductions and credits are to our students and their families; therefore, I had several fruitful discussions with a key conferee, Senator ROB PORTMAN, about preserving those deductions that help students afford higher education. I appreciate his strong advocacy for these provisions that I care so much about as a result of

my direct experience working with college students. In fact, one of the very first bills that I introduced in the Senate as a new Senator in 1997 was to provide a deduction for interest paid on student loans. The conference agreement maintains that deductibility of interest on student loans, as well as the tax exemption for employer-provided tuition assistance and for graduate student tuition waivers. All of those important deductions are maintained in this bill and will help Americans improve their earnings because of the increased education they will have.

The bill also maintains a \$250 deduction—a provision I authored some 15 years ago—that allows teachers to deduct the costs of classroom supplies they purchase with their own money. Having visited more than 200 schools in the State of Maine, I know firsthand how dedicated teachers dig deep into their own pockets to buy supplies to enhance the education of their students.

In addition, this bill would modernize the ABLE accounts, which are tax-preferred savings accounts essential for providing long-term support for individuals with disabilities and their families.

The bill also continues the tax credit to encourage adoptions.

The final agreement also preserves a number of deductions and credits that are so important to our communities. I worked hard to preserve the historic tax credit so businesses rehabilitating older buildings in communities like Lewiston, ME, will continue to do so.

I am also pleased that private activity bonds, which are vital to many hospitals and institutions of higher education, are continued, as are the affordable housing and new markets tax credits. We have found proven ways to encourage public-private partnerships, and we ought to continue to incentivize these important partnerships.

How this legislation treats employers has also been the subject of much debate, but the reality is the United States cannot continue to have the highest corporate tax rate in the developed world at 35 percent. We are losing jobs as businesses make the calculation to invest overseas.

I have talked to the executives of General Dynamics, which owns Bath Iron Works in Maine and employs more than 5,000 Mainers; to United Technology, which employs more than 1,900 people in North Berwick at its Pratt & Whitney plant; to General Electric, which has a major plant in Bangor; to Proctor & Gamble, which employs 400 workers in Auburn; and to Idexx, which is such an important high-tech employer in Westbrook, about the positive difference this legislation will make in their ability to create jobs in America.

New Balance, which has about 900 workers in Maine manufacturing footwear, describes the tax reforms as follows: “New Balance will be more competitive and manufacture more foot-

wear in Maine that we can export across the globe.”

This significant Maine employer went on to say: “Companies like New Balance, which already has a strong domestic manufacturing presence, will be able to increase investments in their facilities and be more globally competitive while remaining a U.S. company hiring U.S. workers.”

These words are echoed by the manager of the Pratt & Whitney plant who wrote to me: “The reforms . . . will allow companies like ours to bring home earnings from abroad to invest in research and development, advanced manufacturing, energy efficiency, and workforce initiatives. . . . Pratt & Whitney plans to hire thousands of people over the next several years across our U.S. operations, and this tax reform will further support our efforts.”

Isn't that what we seek? Isn't that what tax reform should bring about—more jobs, right here in America?

The bill also includes changes important for our small businesses which employ nearly half of all workers and generate two out of three net new jobs in our country. They are the true engine of our economy, especially in the great State of Maine. The bill would provide tax relief that enables them to create more jobs, increase paychecks, and grow our economy.

As the president of the Retail Association of Maine recently commented about this tax reform bill, “For Maine and its nearly 9,000 retail establishments and the more than 80,000 retail jobs, this is welcome relief for small businesses.”

According to the National Federation of Independent Business, Maine ranks fifth in the Nation for the share of workers employed by passthrough businesses, as most small employers are structured. The NFIB, our Nation's small business advocacy group, has strongly endorsed this final bill.

Small businesses make an outsized contribution to our Nation's economy; yet they face a tax burden that can reach nearly 40 percent at the Federal level and can be significantly higher than the corporate tax rates paid by larger firms. Small businesses are forced to devote more resources to tax payments and fewer resources to creating good jobs and investing in their communities. This bill provides important tax relief to small businesses that are the backbone of our economy.

Let's listen to the words of some of the small businesses from Maine that have written or talked to me. The owner of Windham Millwork, an architectural woodworking company, described the relief for small businesses and how it will help manufacturing workers and families this way: “Most importantly, it means Windham Millwork will have more money to spend on what matters—our workers and community. With the money we'll save, we can create new jobs or offer better pay to our workforce . . . which

helps everyone in our community and contributes to a growing Maine economy.”

The innkeeper of the Nonantum Resort in Kennebunkport noted: “This tax reform bill helps level the playing field for small businesses not only in the hotel industry, but across the economy. With a lower tax burden, small businesses in all industries can continue to grow, creating more jobs.”

Moreover, a family-owned business in southern Maine described for me how the bill would benefit Maine companies and the people who work for them: “When [companies] become more profitable, they reinvest faster, grow faster, and increase profit-sharing. Employees benefit when companies grow. There are more jobs, more opportunities, more security, more mobility, more innovation.”

Tax reform should spur this kind of economic growth. The weak growth and stagnant wages we have seen in recent years cannot be accepted as the new normal for our country. It is clear where the current path would lead if we do not act. CBO projects the current slow growth of just 1.9 percent per year will continue throughout the next decade—far below the historic average of 3 percent. This would result in our public debt exceeding 90 percent of GDP by 2027, just as our obligations to the baby boom generation begin to crest.

Surely, we can do better. Tax relief and reform will lift our economy, leading to higher wages for workers and more revenue for government. Extrapolating from a CBO estimate, an increase of just four-tenths of 1 percent in economic growth could produce revenues that are in excess of \$1 trillion over the next 10 years.

If we remain on our present trajectory, however, growth will remain stagnant. Continued slow growth will crowd out many funding priorities, harm our national security, place significant strain on Federal programs, and impose a burden on our children and our grandchildren. We must act now to reignite the engine of growth, to provide for the next generation the same promise of a brighter future we received from those who came before us.

Finally, let me discuss the critical issue of healthcare. It has been deeply disturbing to see seniors frightened about the possibility that this tax bill could trigger an automatic 4-percent cut in the vital Medicare Program. Although I knew that the law that could cause this reduction has been waived 16 times, I felt it was essential that our leaders publicly commit that Medicare reductions would not be triggered by this legislation. I don't know of any Senator on either side of the aisle who is seeking to have an automatic 4-percent cut in Medicare go into effect.

I ask unanimous consent that my exchange of correspondence with the Senate majority leader be printed in the RECORD at the conclusion of my statement.

This pledge is ironclad and, I hope, reassuring to our seniors.

I am also concerned about the inclusion of the repeal of the individual mandate of the Affordable Care Act as part of this tax bill. I don't think the two issues should have been combined, but let me be very clear: I have never supported the individual mandate. There is a big difference between fining people who choose to go without health insurance versus the bills considered last summer and fall that would have taken away insurance coverage from people who have it and want it. Those bills also would have made sweeping cuts in the Medicaid Program.

The financial penalty under the individual mandate for failing to comply with it falls disproportionately on lower-income Americans. Eighty percent of those who pay the fine make under \$50,000 a year. For many of these individuals, the cost of insurance under the ACA is simply unaffordable. Individuals making 250 percent of the Federal poverty level—that is just over \$30,000—are not eligible for the subsidies to reduce deductibles and other out-of-pocket costs that are known as the cost-sharing reductions. So, essentially, the insurance they are being fined for, if they don't buy, is virtually useless to them because the deductibles and the copays are so high, and if they make over 250 percent of the poverty level—over \$30,000 a year—they cannot afford it.

I want to make an important point that has been overlooked in this debate. Any Senator, Democratic or Republican, could have offered an amendment on the Senate floor to strike the repeal of the individual mandate. None—not one—chose to do so. That is telling, indeed, and reflects both how unpopular the mandate is and how burdensome its impact is.

Nevertheless, repealing the individual mandate without other healthcare reforms will almost certainly lead to further increases in the costs of health insurance premiums that are already too expensive under the ACA.

For these reasons, I have made it a priority to secure passage of two bipartisan bills that will help make health insurance more affordable. Shouldn't that be a goal that all of us can embrace? Both of these bills have the support of the President, the Vice President, and the Senate Republican leaders. In fact, Majority Leader McConnell and I engaged in a colloquy affirming that commitment.

The first bill, the Bipartisan Healthcare Stabilization Act, sponsored by Senators ALEXANDER and MURRAY, will provide vital funding to help low-income families pay their out-of-pocket costs, including deductibles and copays associated with certain ACA health insurance. I am proud to be one of the 22 cosponsors of the bipartisan Alexander-Murray bill.

The second is a bipartisan bill that I introduced with my friend and col-

league Senator BILL NELSON. It would protect people with preexisting conditions while lowering the cost of health insurance through the use of high-risk pools. This plan will provide \$5 billion annually for 2 years in seed money for States to establish invisible high-risk pools or traditional reinsurance programs.

We don't have to guess about the impact. I am going to quote some actuarial studies shortly. The fact is that we know from experience in States like Maine and Alaska that high-risk pools can help to lower premiums substantially, by an average of 20 percent.

Analyses show that enactment of these two bills together will reduce the cost of health insurance, thus making it more affordable. According to analysis by experts at Oliver Wyman, the passage of these bills will more than offset the premium increases caused by the repeal of the individual mandate. In fact, Oliver Wyman suggests in its estimate that the \$5 billion in funding would be sufficient to allow States to leverage more than \$15 billion in reinsurance coverage, and it would result in premiums that were more than 20 percent lower than if the individual mandate were repealed and the package of provisions were not implemented.

Furthermore, analysis by experts at Avalere project that "in combination, CSR funding and \$5B in annual reinsurance could lower 2019 premiums by 18% and increase enrollment by 1.3M people."

The National Association of Insurance Commissioners wrote that these two bills would significantly reduce health insurance premiums and help promote more stability in insurance markets. The NAIC said: "Providing reliable federal funding to reimburse health insurance carriers for the Cost-Sharing Reduction (CSR) program assistance they give to low-income consumers and grants for states to establish invisible high risk pools or reinsurance programs would reduce premium increases as much as 20 percent and could encourage some carriers to stay in the market."

In evaluating this bill, the question we should ask is not, Does this tax cut make Washington better off? The right question to ask is, Does this tax cut make the American people better off? The answer to that question is yes.

The bill puts money back into the pockets of American taxpayers with tax cuts beginning January 1. As soon as the IRS updates withholding tables this winter, taxpayers will see the benefit of this bill in their paychecks. Over time, Americans will also see more benefit from this legislation in the form of higher wages. Businesses, small and large, will make the investments that will create more jobs.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. COLLINS. Madam President, I will cast my vote in support of the conference agreement on the Tax Cuts and

Jobs Act. While it is by no means perfect, on balance, this reform bill will provide much needed tax relief. It will benefit lower and middle-income families, while spurring the creation of good jobs and greater economic growth.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, November 28, 2017.

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER MCCONNELL: I write to express my deep concerns with the Congressional Budget Office's determination that an automatic four percent cut to Medicare, estimated to be roughly \$25 billion for fiscal year 2018, could be triggered by the passage of tax reform legislation as a result of the Pay-As-You-Go Act of 2010 (PAYGO) even though there is no intention for such a reduction to occur.

Since I do not believe it is anyone's intention to allow automatic cuts to Medicare to occur, I urge swift action to waive the PAYGO requirements. Medicare provides essential benefits to our nation's seniors, and we must remove immediately the threat that an automatic reduction in the program's funding could occur.

Since PAYGO was enacted, sixteen laws that would have otherwise triggered PAYGO's automatic spending cuts have included provisions to exclude all or part of the law's budgetary impact, including the American Taxpayer Relief Act of 2012 that was enacted under the previous Administration.

I look forward to working with you to ensure that no Medicare cuts are triggered under PAYGO, a goal I believe is supported by members on both sides of the aisle. Thank you for your attention to this critical issue.

Sincerely,

SUSAN M. COLLINS,
United States Senator.

U.S. SENATE, MAJORITY LEADER,
Washington, DC, December 1, 2017.

Hon. SUSAN COLLINS,
Washington, DC.

DEAR SENATOR COLLINS: Thank you for your letter expressing concern about the across-the-board spending cuts. You will be pleased to know that Speaker Paul Ryan and I issued the following joint statement earlier today:

"Critics of tax reform are claiming the legislation would lead to massive, across-the-board spending cuts in vital programs—including a 4-percent reduction in Medicare—due to the Pay-Go law enacted in 2010. This will not happen. Congress has readily available methods to waive this law, which has never been enforced since its enactment. There is no reason to believe that Congress would not act again to prevent a sequester, and we will work to ensure these spending cuts are prevented."

Again, thank you.

Sincerely,

MITCH MCCONNELL,
Majority Leader.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Madam President, does the Senator from Maine need some more time?

Ms. COLLINS. Madam President, I thank Senator NELSON. I say, through the Chair, that is very gracious of the Senator. I have completed my statement. Thank you.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Madam President, while the Senator from Maine is still here, let me just say what a great Senator she is and what a pleasure it is to do business in a bipartisan way, as the two of us have now done for several years here in the Senate, including the legislation the Senator from Maine just talked about.

I just want to say to the Senator from Maine that it is my hope, regarding the statements that have been made to the Senator, that these two pieces of legislation she referenced will be passed. I do believe the majority leader, Senator MCCONNELL, will honor that with regard to the Senate. It is this Senator's concern that at the other end of the hall, in the House of Representatives, they may not honor that. I certainly hope the Senator feels like she has the statements of commitment by the leadership in the House of Representatives that they will do as Senator MCCONNELL has indicated.

Madam President, I wish to talk about the tax bill. Needless to say, you are going to hear a different version from me than my good friend and the very distinguished Senator from Maine, because last Friday night we got the conference agreement on the tax bill. You can wonder why it was held until late Friday night, when nobody was paying attention to the details of the bill.

What is becoming increasingly clear is that this tax bill is not for ordinary folks. It is going to give a few nuggets to the middle class, but that is to mask the true intent. The real purpose of the bill is to give huge tax cuts to multinational corporations and to make it easier for them to shift jobs overseas. That is the bottom line.

Right now, under current law, corporations that send jobs overseas have to pay taxes on the money they bring back into the United States, but now, what this new GOP tax bill says is that corporations that send jobs overseas can bring that money back to United States tax-free. Once this bill passes, companies will come under increasing pressure to take advantage of the tax savings in the bill by sending their jobs overseas to low-wage countries—particularly those jobs that can't already be automated.

This is the exact opposite of what we should be doing. Instead of passing this version of the tax bill that will inevitably send American jobs overseas, we should be working on a bill that cuts taxes permanently for hard-working middle-class families.

Supporters of the bill will argue that a lower corporate rate will encourage companies to keep jobs here. They will argue that, rather than going to a country with a higher corporate rate, America's corporate rate will be lower. But that is ignoring the attraction that companies have to send jobs overseas, because of cheaper wages and lower environmental standards.

Take China. China has a corporate rate of 25 percent, except that they make exceptions for certain companies at 15 percent. So the 21 percent in this tax bill for corporations on income earned in the United States may still be higher than in China, and the pressure on corporations is to take it to a country that has lower environmental standards and lower wages.

I think our friends on the other side of the aisle know this is a head fake. We are not fooled by this. We know what you are trying to do with this bill. The more people learn about it, the worse it looks. That is why they waited until Friday night to let the spotlight shine on it—so that over the weekend people weren't paying a lot of attention.

There is a reason why my friends on the other side of the aisle are in such a rush to get this passed. It is because they want to get it enacted before all of the new loopholes and sweetheart deals for the special interests and the bottom line of encouraging jobs to go overseas are discovered. And, starting right now, it is going to be discovered.

It would be nice if our colleagues showed as much urgency for some of the other things we should be doing in the Senate, such as providing millions of kids with health insurance through the CHIP program or helping folks recover from the massive hurricanes this year, including the millions of people in Puerto Rico who are still without reliable electricity or drinking water. What about the hundreds of thousands of Dreamers in the United States who are here in a deportable status? That is what we ought to be worrying about.

It has been over 3 months, going on 4 months, since Hurricanes Irma and Maria devastated the Puerto Rican island. It has been months since Harvey and Irma devastated farmers in Texas, Florida, and Puerto Rico. While the Congress has passed two disaster supplemental funding packages, neither of them has included any relief for Florida's agricultural community. They are hanging on by a thread. They can hardly make payroll. They are having to lay off people. They desperately need our help, which I hope we are going to address in this next disaster aid funding package.

Instead of spending all of our energy on cutting corporate taxes and making it easier to send American jobs overseas, we should be focused on reauthorizing the Children's Health Insurance Program, CHIP, so that 9 million children across the country, including nearly 400,000 in Florida, can continue to have access to the health coverage they desperately need. Or we should be negotiating permanent protections for the Dreamers before they are kicked out of the only country they have ever known. Unfortunately, the only thing this Republican-led Senate seems to care about is helping out large multinational corporations.

The truth is, these multinational corporations are doing just fine. We

shouldn't be moving Heaven and Earth—adding \$1.5 trillion to the national debt or upending our Nation's healthcare system—just to make it easier for them to send American jobs overseas. That is not right. That is not fair. The American people deserve better.

I yield the floor.

The PRESIDING OFFICER (Mr. MORAN). The Senator from Maryland.

Mr. CARDIN. Mr. President, first, I want to thank my friend Senator NELSON for his comments from the floor in regard to the tax bill that we will be voting on later this week. The experience I had this morning underscores the issues that Senator NELSON has brought to the floor. I had a meeting with the Greater Baltimore Committee. We had business leaders, labor leaders; we had advocates from different segments of our community; and we had graduate students there. They all expressed concern about our voting this week on a tax bill that we first saw on Friday evening—the latest version.

It is still fundamentally flawed, as Senator NELSON has pointed out. I say that it is fundamentally flawed because it gives significant, big tax cuts to corporations and high-income taxpayers and leaves middle-income taxpayers footing the bill.

The conference report makes it worse because they lower the highest tax rate from 39.6 percent to 37 percent—another advantage for high-income taxpayers. In addition, the estate tax is doubled, which affects 0.2 percent of the wealthiest people in this country. Corporations not only get the lower tax rates cut from 35 percent to 21 percent, but they also get relief from the alternative minimum tax. To make matters even worse, the tax relief for middle-income families is temporary, whereas the tax relief for businesses is made permanent.

It is definitely a tax bill that is going to hurt middle-income taxpayers. In my own State, independent analysis shows that 800,000 Marylanders will end up paying more in taxes. Guess who is going to foot the bill, who is going to pay for the big deficit.

If you look at the corporate tax cut alone, that is somewhere close to the \$1.15 trillion we have been talking about, which is baked into the bill to increase the national debt by \$1.5 trillion. I think that is unconscionable; I think it is unconscionable to say that we can afford tax cuts when we already have these large deficits that are going to make us borrow more money and make our economy more dependent.

The truth is, even the Republicans are telling us, even with dynamic scoring, we are going to have a \$1 trillion tax gap in the deficit. In reality, the \$1.5 trillion is conservative. When you look at the individual tax relief, it is temporary; it expires. Some expire in 2 years.

Most of my Republican friends have said: Just extend it. If you extend it,

there will be even a deeper hole in the deficit—closer to \$2 trillion. Who is going to pay for that? Middle-income families are going to pay for it. They are not just being left out as far as tax relief is concerned; they are being asked to foot the bill for the tax cuts for corporations and high-income taxpayers.

In addition, it will affect other elements that middle-income taxpayers depend upon. This is a direct attack on Medicaid and Medicare. We see that. We saw that in the budget instructions, where we had to cut Medicare and Medicaid. We see that in the pay-go rules. We see that the next chapter of this tax reform bill will be, well, now we have these deficits, and we have to pay for it. Who is going to be held responsible for paying for it?

We know that it is going to affect our own budgets. I am now hearing that we are going to take it out on our own Federal workforce, deny them a pay raise for next year or have fewer Federal workers to carry out their mission or make them pay more for benefits. We know that is going to come. The argument is going to be that we have these large deficits now, and we have to do this.

How are we going to respond to the issues Senator NELSON talked about on disaster relief when we have these large deficits? We know that we are going to be asking middle-income families not only to make a sacrifice on the tax cut, not only to pay for the deficit created directly by this but, also, in the future, to pay with cuts in government spending.

In addition to that, we have 13 million Americans who will lose their health coverage under this bill because of the elimination of the individual mandate—13 million. That is going to affect 13 million families. It is going to affect more than that. Guess what these families do. They use emergency rooms rather than going to their family doctors. They enter the healthcare system in a more expensive way. They don't have the money to pay for the visits, and it becomes part of uncompensated care. All of us pay higher premiums, and our healthcare system becomes more expensive.

That has been one of the bright spots of the Affordable Care Act—reducing the number of uninsured. Now we are going to be moving in the opposite direction. The Affordable Care Act has worked. The Republicans tried to dismantle it, and they couldn't succeed. The worst part is, you are counting the loss of insurance of 13 million as a revenue gain for the Treasury and then spending that money. That is unconscionable.

In Maryland, we have particular problems with this bill. Not only will we see a problem for the Federal workforce—a large number who live in Maryland—but also the State and local tax deductions. Maryland has the largest number of taxpayers who take advantage of State and local tax deduc-

tions on their Federal tax returns. In other words, you don't have to pay a tax on a tax. That makes sense. It has been in our Tax Code since its beginning because we recognize federalism, and it is morally wrong to pay tax on tax.

Maryland has the most taxpayers who take advantage of State and local tax deductions, close to 50 percent. The average for Maryland—this is the average—is \$12,900 that they deduct for State and local taxes. Under the conference report, that is going to be limited to \$10,000. That means the average Maryland taxpayer will have to pay taxes on \$2,900 more, but think about all those who have a lot more in State and local taxes who are going to be denied that help.

I was talking to some of our local government officials over the weekend. They are going to be disadvantaged by it. It was an interesting analysis. We don't think about what this bill is going to do and all the consequences, but if you are in a State that has its own itemized deductions, like Maryland—we have itemized deductions on our State income tax return, and our standard deduction will be significantly lower than the standard deduction under this conference report.

You are going to have Marylanders who are not going to be able to take their State deductions because you can't take State deductions unless you use the Federal itemized deductions. It is estimated that nationwide only 5 percent of the taxpayers will be using itemized deductions. Guess what. If you don't use the itemized deduction at the Federal level, you can't take the State itemized deductions. This is going to have a direct impact on our State and local governments. Yet that hasn't been considered.

Quite frankly, the consequences of this bill haven't been debated. We haven't gone through public hearings because of the process that was used—the partisan process, called reconciliation. We haven't seen daylight. We haven't had a chance to know what the impact will be. What impact will it have on property values? We now limit property tax deductions, and we have a further limit on interest deductions on mortgages. What impact does it have on property values? What impact does the reduction of property values have on our economy, have on the individual values for people who have loans on their homes? Are we going to be creating a problem? We don't know because we haven't had any hearings on it.

On Friday, I was with a group of nonprofits that do very valuable work. They are worried about what impact this tax bill will have on charitable giving. When only 5 percent of the taxpayers in this country use itemized deductions, it means a great number of people who were able to take advantage of charitable deductions on their tax returns no longer will have that ability. Does that change their chari-

table giving? If it changes their charitable giving pattern, what does it do for nonprofits? If our nonprofits can't do that, there is additional pressure on governmental services. Have we thought that out? I doubt we know the consequences. Yet we are not prepared to have hearings on this.

One of the major issues that has had very little discussion is the pass-through. You have heard a lot about it. The reason for this is that 95 percent of American businesses don't use corporate tax returns. They use passthroughs, S corporations, individual proprietorships, partnerships, et cetera. This bill provides a lower tax rate for their passthrough business income at 20 percent. Here is the problem. In an effort to make sure that this isn't a way of getting around paying taxes on salaries, there are certain guardrails that have been put into this bill based upon a person's income, based upon the type of business they are in, based upon the assets of the business, based upon the amount of salaries that are paid in the business. And you are trying to tell me that can't be manipulated in order to shelter income? We are creating a whole new industry in sheltering income under this bill.

I have heard so many of my colleagues talk about the fact that we don't want to outsource jobs. None of us want to outsource jobs. Having competitive rates helps us in that regard, but moving toward a territorial tax structure rewards companies for doing their business offshore. Even if tax rates might be the same, they can use labor costs, or some other costs, to outsource jobs.

Have we thought about that under a territorial tax? No. Do we know what impact it will have? No. There are a lot of issues we don't fully understand. We do know there are individual provisions put in here—for example, drilling in the Arctic. That, to me, should not be part of this bill. I worry about that being expanded to the Atlantic coast and other areas. I think we all should be concerned about it.

The bottom line is this. When you do tax reform, you would hope you would simplify the Tax Code and make it predictable. That is what I hear the most: Let's simplify the Tax Code, and let's make it predictable. Neither will be accomplished with this conference report. With all these temporary tax provisions, you know that we are going to have to deal with extenders. You are not going to be able to plan as to whether this Tax Code will stand the test of time. If you think this is simplification, try to figure out whether you are eligible for the passthrough 20 percent on your business taxes. It is anything but simple.

This bill fails in its principle test of helping middle-income families, which it does not do. It is for corporations, big corporations, and high-income people. It is fiscally irresponsible to add to the debt. It makes our Tax Code more

complicated and doesn't give us the predictability we need in the Tax Code, and it should be rejected.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

COMPTON NOMINATION

Mr. BROWN. Mr. President, I rise to oppose the nomination of Paul Compton, which came out of the Banking, Housing, and Urban Affairs Committee. I might add that he is President Trump's nominee to serve as general counsel of the Department of Housing and Urban Development.

Mr. Compton is a longtime affordable housing and financial services attorney in the State of Alabama. Mr. Compton, if confirmed, would bring a deep familiarity with affordable housing to the Office of General Counsel. That part I like. With 11 million families paying over half their income for rent and with homelessness on the rise for the first time in years, a nominee who appreciates the importance of affordable housing could be a positive addition at HUD. Think about that. There are 11 million families who pay more than half their income on rent.

In a book written by Matthew Desmond called "Evicted: Poverty and Profit in the American City," the author said of the people at that income level: When your paycheck comes, the rent eats first. Everything depends on being able to stay in your home and not being foreclosed on. When 11 million people pay over half their income on rent, homelessness is going to be on the rise.

I appreciate Mr. Compton's commitment to me during our Banking, Housing, and Urban Affairs Committee hearing that he would look out for the interests of renters and homeowners if confirmed, but I am voting against him because I am concerned about the administration's approach to fair housing protections and the role that he will likely play in helping to carry that out.

I was troubled to learn that Secretary Carson had said that he plans to "reinterpret" HUD's affirmatively furthering fair housing—or AFFH—rule. Since 1968, the Fair Housing Act has required HUD and its grantees to affirmatively further fair housing. Unfortunately, in the 50 years since our country passed the Fair Housing Act, HUD has not provided enough direction to help communities meet this goal.

A 2010 General Accountability Office report recommended that HUD improve its processes for meeting its obligations to affirmatively further fair housing. In response, HUD developed a revised rule to finally help local governments across the country support and foster fair housing policies throughout their communities.

The rule gives clearer guidance to communities to help them think in new ways about how to create housing opportunities for all of their residents regardless of race or religion or disability or the size of their family. The

rule helps them to assess their own fair housing needs, and it provides them publicly available data with which to inform their decisions while they set their own goals and timelines.

Since its adoption 2-plus years ago, HUD has been working with communities to implement the new guidelines. That is the good news. The bad news is that the Secretary has said that he wants to reinterpret, but he is not elaborating on what he meant by his plan to reinterpret the rule. If the Secretary intends to reinterpret the rule in a way that undermines HUD's efforts to help communities fulfill their longstanding obligations under this 50-year-old law, Mr. Compton will be called upon to carry out this vision.

I voted against his nomination in committee because of my concern that he could help guide administration efforts to reverse progress on this fair housing rule. More recent activities by administration officials have only heightened the concerns that many of us have about their approaches to fair housing.

In 2013, HUD issued its discriminatory effects rule. This rule formalized HUD's longstanding prohibition against practices with discriminatory effects under the Fair Housing Act and provided uniform guidance for applying standards across the country.

Because homeowners' insurance is central to the ability to obtain housing, HUD and the courts have held for decades that the Fair Housing Act applies to discriminatory practices in insurance—a very easy-to-understand, logical step. Nevertheless, insurance industry representatives sued to block HUD's application of the discriminatory effects rule—also known as disparate impact—to their industry. HUD and the Department of Justice have been fighting this suit ever since. As general counsel, Mr. Compton would guide HUD's enforcement and litigation strategy.

In response to a written question, Mr. Compton declined to provide his views on the discriminatory effects rule and whether it should apply to the insurance industry. He noted that "it would be inappropriate" for him to comment on the matter given the pending litigation.

The administration, it seems, does not share his reluctance to comment on pending litigation. A month and a half ago, the Treasury Department issued a report entitled "A Financial System that Creates Economic Opportunities—Asset Management and Insurance." In this report, Treasury recommends that HUD reconsider the use of the disparate impact rule.

It is not that this administration decides to support the side of big insurance companies every time—maybe it doesn't every time—but it seems like it almost always does. It did it in this case. Yet Mr. Compton thinks that he shouldn't comment when other already confirmed Trump appointees have. The Treasury's report sides with arguments

that have been made by the insurance industry despite the fact that litigation is pending, and HUD and the Department of Justice, at least until now, have been defending the rule. The next court date for the suit is scheduled for later this week.

If the administration continues its drive to reconsider fair housing protections that are opposed to by industry, Mr. Compton will likely be called upon to help the administration in its efforts. Because he declined to answer my question, we don't know what his thinking will be.

While I might be inclined to give Mr. Compton the benefit of the doubt, we have seen too many officials in this administration who are working against the missions of the agencies to which they have been appointed. Financial regulators so often come from Wall Street. Environmental regulators so often come from the chemical industry and the oil industry. We have seen it time and again.

This is happening at a time when we see the administration taking steps to remove protections for average Americans and consumers in order to carry out the bidding of its supporters on Wall Street. These include sending in Mick Mulvaney, who once called the Consumer Financial Protection Bureau a "sick, sad joke." He is now serving as its Director. It is his moonlighting job, as he is also the Director of the Office of Management and Budget. His first act as Director of the CFPB was to block the payments of funds that were owed to consumers—consumers who were cheated or wronged by Wells Fargo and other big banks or big financial institutions. The consumers, in many cases, were servicemembers who had been cheated by these financial institutions. On Mulvaney's first day on the job, he said: No, we are not going to move forward in collecting those penalties and in paying those consumers and those servicemembers and those seniors and those families.

I am concerned about this emerging effort to roll back protections for consumers. I hope that Mr. Compton proves me wrong. I hope that he is a strong advocate within the agency and the administration for fair housing, for consumer protection, and for affordable housing. When given the chance to demonstrate his commitment to fair housing, he took a pass. These matters are too important to far too many Americans for us to leave their futures to chance. I urge my colleagues to join me in opposing Mr. Compton's nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I ask unanimous consent to speak on behalf of Mr. Compton and to conclude my remarks before the vote.

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

Mr. CRAPO. Mr. President, I rise in support of Paul Compton to serve as HUD's next general counsel.

Mr. Compton has dedicated his entire legal career to affordable housing and community development and for many years has headed the affordable housing practice of a prominent Alabama law firm. Over his distinguished career, Mr. Compton has played a direct role in over 70 transactions that have led to the creation of more than 5,000 units of affordable housing throughout the Southeastern United States. Among peers, he has come to be recognized as an industry-leading expert on the low-income housing tax credit, the new markets tax credit, public-private partnerships, and the regulatory environment surrounding housing production.

Mr. Compton's extensive track record, his experience, and his intimate familiarity with HUD programs make him an ideal fit to join the leadership team at HUD. As general counsel, Mr. Compton will not only serve as the principal legal adviser to Secretary Carson, but he will have a hand in nearly every departmental initiative. Once confirmed, I look forward to working with Mr. Compton to find solutions to our Nation's housing challenges, to eliminate barriers to safe and affordable housing, and to reform our housing finance system.

This confirmation vote is long overdue and is sorely needed. Following the storms that ravaged through Houston, Florida, Puerto Rico, the Virgin Islands, and elsewhere, HUD has been deployed on the frontlines, alongside FEMA and other agencies, and has worked to provide emergency and transitional housing to the thousands of families who have been displaced. This work is far from over, and I urge this body to confirm Mr. Compton today, as well as to confirm the various other HUD nominees who are awaiting votes so that they can get to work for the American people.

Thank you.

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the Compton nomination?

Mr. WICKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from West Virginia (Mrs. CAPITO) and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting the Senator from West Virginia (Mrs. CAPITO) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Illinois (Ms. DUCKWORTH) are necessarily absent.

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

The result was announced—yeas 62, nays 34, as follows:

[Rollcall Vote No. 318 Ex.]

YEAS—62

Alexander	Flake	Nelson
Barrasso	Gardner	Paul
Bennet	Graham	Perdue
Blunt	Grassley	Portman
Boozman	Hatch	Risch
Burr	Heitkamp	Roberts
Carper	Heller	Rounds
Cassidy	Hoeven	Rubio
Cochran	Inhofe	Sasse
Collins	Isakson	Scott
Coons	Johnson	Shaheen
Corker	Kennedy	Shelby
Cornyn	King	Strange
Cotton	Lankford	Sullivan
Crapo	Lee	Tester
Cruz	Manchin	Thune
Daines	McCaskill	Tillis
Donnelly	McConnell	Toomey
Enzi	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Murphy	

NAYS—34

Blumenthal	Hassan	Sanders
Booker	Heinrich	Schatz
Brown	Hirono	Schumer
Cantwell	Kaine	Stabenow
Cardin	Klobuchar	Udall
Casey	Leahy	Van Hollen
Cortez Masto	Markey	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Murray	Wyden
Gillibrand	Peters	
Harris	Reed	

NOT VOTING—4

Baldwin	Duckworth
Capito	McCain

The nomination was confirmed.

VOTE ON WEST NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the West nomination?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Illinois (Ms. DUCKWORTH) are necessarily absent.

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

The result was announced—yeas 74, nays 23, as follows:

The result was announced— yeas 74, nays 23, as follows:

[Rollcall Vote No. 319 Ex.]

YEAS—74

Alexander	Corker	Hassan
Barrasso	Cornyn	Hatch
Bennet	Cotton	Heinrich
Blumenthal	Crapo	Heitkamp
Blunt	Cruz	Heller
Boozman	Daines	Hoeven
Burr	Donnelly	Inhofe
Cantwell	Enzi	Isakson
Capito	Ernst	Johnson
Cardin	Feinstein	Kaine
Carper	Fischer	Kennedy
Cassidy	Flake	King
Cochran	Gardner	Lankford
Collins	Graham	Lee
Coons	Grassley	Manchin

McCaskill	Risch	Tester
McConnell	Roberts	Thune
Moran	Rounds	Tillis
Murkowski	Rubio	Toomey
Murphy	Sasse	Udall
Nelson	Scott	Warner
Paul	Shaheen	Whitehouse
Perdue	Shelby	Wicker
Portman	Strange	Young
Reed	Sullivan	

NAYS—23

Booker	Hirono	Sanders
Brown	Klobuchar	Schatz
Casey	Leahy	Schumer
Cortez Masto	Markey	Stabenow
Durbin	Menendez	Van Hollen
Franken	Merkley	Warren
Gillibrand	Murray	Wyden
Harris	Peters	

NOT VOTING—3

Baldwin	Duckworth	McCain
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The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table and the President will be immediately notified of the Senate's action.

The Senator from West Virginia.

LEGISLATIVE SESSION

MORNING BUSINESS

Mrs. CAPITO. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each and for debate only.

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

Mrs. CAPITO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

REPUBLICAN TAX BILL

Mr. BENNET. Mr. President, I come to the floor tonight, once again, to talk about this tax bill being rushed through the House and the Senate. This is the first time in 31 years that a tax bill of this magnitude has been considered. I don't refer to this as tax reform because it is barely reforming anything.

It seems a shame that we didn't follow in the footsteps of what then-President Reagan chose to do when he had the opportunity to reform the Tax Code. The bill he worked on, which was every bit as consequential as the one in front of us, commanded the vast majority of votes in this Chamber—Democrats and Republicans voting together—after years of process, years of committee hearings, years of hearings even out in the country, listening to business owners, economists, and citizens talk about what they thought our