

Why has the majority leader done it? The hard right, frustrated by the failure of repeal and replace, has, for months, been pressuring Senator MCCONNELL to do something aggressive. Senator MCCONNELL, once again, despite his desire to make the Senate work—and I believe that is sincere—is bending to the hard right of his party by jamming through these judges, breaking the norms and traditions of the Senate in the process. I intend to oppose these extremist nominees.

REPUBLICAN TAX PLAN

Mr. SCHUMER. Finally, Mr. President, on taxes, the Republicans have promised to release the details of their tax plan this week. After months of talking about a plan with very few specifics, we will finally get to see how the Republican leadership plans to rewrite the Tax Code. From all indications so far, the details of the Republican tax plan will be cheered by those in the country clubs and corporate boardrooms. Working Americans, on the other hand, might not have very much to cheer about.

The top 1 percent, law firms, hedge fund managers, can celebrate a lower top rate and an enormous new tax loophole in the form of lower rates on passthroughs. People who will most take advantage of these passthroughs are not small businesses. They can't afford all the lawyers and stuff. It will be the biggest, the most powerful, the richest, the wealthiest 5,200 families in America—those with estates over \$5 million—who can celebrate the absurd repeal of the estate tax. Corporate America can celebrate hundreds of billions in tax cuts, which large corporations usually spend, not on new jobs—it is not what the history shows—but on CEO bonuses, stock buybacks, dividends. So while the wealthy and well-off will be busy celebrating the new tax breaks they might get if the Republican plan passes, working America will be looking over their shoulder at some real tax hikes.

Republicans are debating how to eliminate or reduce State and local deductibility—a bedrock, middle-class deduction claimed by nearly one-third of all taxpayers, the vast majority of whom make less than \$200,000 a year. The Republican framework says they are going to eliminate the deduction, which totals tens of thousands of dollars a year for many working families. That is why removing State and local raises \$1.3 trillion in revenue, and the GOP plans to spend that tax increase they are getting from the middle class on tax cuts for big corporations and the superrich. To be clear, it is a \$1.3 trillion hike on middle-class families.

Now, there is a compromise on State and local deductibility that has been floated in the press. It is hardly much better. The Republicans are talking about continuing to allow State and local deductibility for property taxes but not income and sales taxes. That

compromise raises \$900 billion, meaning that Republicans, even with the compromise, are instituting nearly a trillion-dollar tax hike on working families to pay for breaks at the very top.

No matter how they construct this compromise, Republicans are still socking it to the middle class and the upper middle class but this time picking winners and losers. Sales taxes hit consumers the hardest. Ending the State and local deductibility for sales tax would fall on the backs of working-class and middle-class Americans, particularly in States like Tennessee, Florida, and Nevada, which don't have an income tax but have a large sales tax. States like Chairman BRADY's, Texas, on the other hand, which have very high property taxes, would be much better off.

Worse still, the tax hike from this so-called SALT compromise would heap pressure on State and local governments across the country to make the agonizing decision about whether to raise taxes or cut spending for services—education, law enforcement, hospitals, highway building—on which their middle-class constituents rely.

A warning to my Republican colleagues from high sales tax States like Tennessee, Florida, and Nevada and high-income States—a lot of Republican Congressmen in those States of New York, New Jersey, California, Minnesota, Virginia, Colorado—that this State and local compromise will not solve your problem. The compromise does not solve your problem. It will still hit your constituents right in their wallets.

Now, another debate on the other side of the aisle is how to cap Americans' pretax contributions to their 401(k) plans. Can you believe it? Here in America, where we want to help the middle class save, where we want to encourage savings, we are making it harder? In layman's terms, here is what our Republican colleagues want to do. They want to tax your 401(k)s. I can't believe my Republican friends are even considering such a bad idea. We have had bipartisan support on expanding the ability to retire, particularly now that so many companies are no longer giving pensions.

Giving Americans the ability to put away pretax dollars for their retirement is one of the few provisions in our Tax Code that encourage early savings. Capping the amount Americans can contribute pretax or, in other words, turning every 401(k) into something more like a Roth IRA, will discourage Americans from saving and handicap their ability to retire with dignity and security now that defined benefit plans are declining.

For years, we Democrats—often joined by Republican colleagues—have fought for policies that would make 401(k)s more attractive, provide greater benefits—in other words, the exact opposite of what the Republican leadership is considering. We have put for-

ward proposals on autoenrollment, increasing incentives for businesses that enroll workers and match contributions and letting small businesses pool together to offer plans. Each of these ideas would encourage more Americans, particularly younger families who have great burdens on them, to start saving early for retirement, which everyone agrees is essential to building up enough of a nest egg to live out your golden years in some degree of dignity and comfort.

The Republican proposals say to every future retiree that they don't care about your ability to retire. They just want to get your tax revenue into Federal coffers as soon as possible so they can give a tax break to the very wealthy—that top 1 percent.

The contrast could not be clearer. Democrats want to expand and enhance 401(k) plans, not cut them and cap them. That is a better deal for American workers and for middle-class families.

So instead of this one-party, secretive approach, Democrats and Republicans should be meeting with each other, talking about tax reform in a bipartisan setting to forge a bipartisan proposal. That is what committees were designed to do. That is what regular order was designed to produce. Just like on healthcare, our Republican friends are straining the legislative traditions of this body and risking their ability to govern effectively—we saw what happened with healthcare—by going at it alone.

The American people expect more of their elected officials than that of an assembly line of partisan legislation, crafted in secret, considered with such haste. I know why our Republican colleagues want to rush this through. They know the more the American people learn about this bill, the more it favors the wealthy over the middle class, the less they will like it. Just like with healthcare, once this bill is unveiled—now only 30 percent of the American people support it and even fewer will. Maybe our Republican colleagues will see the light and work with us to get good tax reform that focuses on the middle class, not on the top 1 percent.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the