

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

Senate will proceed to executive session and resume consideration of the McFadden nomination, which the clerk will report.

The legislative clerk read the nomination of Trevor N. McFadden, of Virginia, to be United States District Judge for the District of Columbia.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

TAX REFORM

Mr. CORNYN. Mr. President, I came to the floor to talk about judges, and I will in just a moment because the majority leader has now filed for cloture—that is a process that will end up in an up-or-down vote—on four distinguished nominees for the circuit court of appeals.

Coming on the tail end of the remarks of the Democratic leader, I must say that sometimes I feel like Washington, DC, is a parallel universe that bears very little relation to the rest of the country or the rest of the world because to hear the Democratic leader talk about some tax plan being written in secret defies the facts. The facts are, this is going to be done in a very public sort of way.

I expect that as soon as Wednesday, the House of Representatives will release their proposal and then, shortly thereafter, the Senate will likewise release its proposal that will then be amended and debated in the Senate Finance Committee just like the House bill will be debated and amended in the House Ways and Means Committee. These will be very public, and indeed they should be because they are going to touch on the ways that I believe we can unleash this sleeping giant of an economy, get the economy growing again, get businesses invested here in the United States, and higher wages and jobs for American families, from which all Americans will benefit, regardless of their tax bracket.

I have read that some of our Democratic colleagues—we heard a little bit of this when the President invited the bipartisan Senate Finance Committee members over to the White House just a week or so ago. Some of our Democratic colleagues said: Well, we haven't been included in the process.

Well, they made it clear that they don't want to be included, but I hope they will change their mind, and they will have that opportunity during the course of the Senate Finance Committee debate and amendment process. No one will be prohibited from offering an idea or debating an idea as we work through the process of a tax reform package that will, as I said, hopefully bring down the taxes for hard-working American families, let them keep more of what they earn, and, in the process, improve their standard of living.

As we reform our business Tax Code—which, as President Obama pointed out in 2011, is literally a self-inflicted wound because we have the highest business tax rate in the world, which makes it more likely that businesses will want to invest abroad in

jobs and their infrastructure, rather than invest here in America—we want to bring all of that back here so that investors will invest in jobs in America and so that manufacturers can proudly stamp what they make here in America: “Made in America.” That is what we are striving for.

Again, I know our Democratic colleague, my friend, the Senator from New York, has a job to do on behalf of the Democrats. But it is, as I described at the outset, a parallel universe from what is actually happening. It does not bear any relationship to the reality that we have offered our Democratic colleagues to participate with us in growing the economy and giving hard-working American families the opportunity to keep more of what they earn and, thus, improve their standard of living.

Mr. President, at times this Chamber is marked by a spirit of hard work, cordiality, and bipartisanship. Unfortunately, this is not one of those times. Since President Trump's inauguration, our Democratic colleagues have been needlessly obstructing the confirmation of extremely qualified nominees, and lately their focus has been on obstructing nominees for our Nation's Federal courts. But, certainly, their obstruction has been across the spectrum of nominees—slowing down nominees, forcing us to burn time, and then finally confirming nominees which they, by and large, will vote in favor of. This is done for no other purpose than to make it harder for the President, now that he has been elected, to get his team on the field and to serve the interests of the American people and the President's administration.

Lately, as I pointed out, their focus has been on the Federal courts. The majority leader filed four nominations last Thursday, and we hope our Democratic colleagues will think better of dragging out the clock on what is already a certain outcome, which is confirmation of these four nominees. If they do, no one will be surprised.

This year, the Democrats have thrown up every obstacle they can, requiring procedural votes, needless debates, and a lot of time burned here on the Senate clock, with no one on the floor talking about anything one way or the other. It is what we call quorum calls here, when America tunes into what is happening on the Senate floor and there is nothing happening, other than the clerk calling the roll from time to time. That is time we could be using for bipartisan legislation. But the goal here for our friends across the aisle is to cause us to burn the time, keep us from doing the people's work, and obstruct the President's nominees to the Federal bench and beyond.

The irony here is that our Democratic colleagues have even obstructed judges originally nominated by President Obama, so they are not particularly picky in terms of the judges and the nominees they will obstruct. But all they have really accomplished so

far is wasting the Senate's time and trying the patience of the American people, who know that there is more productive work to be done than simply having endless quorum calls and silence on the Senate floor while we burn the time on the clock in order to get these nominees confirmed.

Our colleagues know that these tactics will not actually stop a nomination, but they insist on engaging in them anyway, to the detriment of everyone, including the American people. This year, they forced needless cloture votes on seven of eight district and circuit court nominees—more than in any other early Presidency—and they demanded that we use the full 30 hours of floor time per nominee, which Senate rules currently allow for. These are partisan roadblocks that never change the outcome. They are just dilly-dallying. They intend to grind this body's normal procedures to a snail's pace so that nothing much else gets done, and, oh, by the way, then they complain that not enough is being done. That is the tactic. That is the game plan.

By way of comparison, during the first year of President Obama's Presidency, only once did Senate Republicans require a cloture vote on one of the President's nominees. In this Trump administration, Senate Democrats have forced cloture votes on all of the President's nominees except for one. This is all a game to waste time—and maybe a little bit for show.

These tactics don't change the outcome—which is confirmation—ironically, because of the even more cynical ploy adopted by Democrats under President Obama. The Senate used to require 60 votes for confirmation of judges. This permitted the minority to block judges who were truly out of the mainstream or who did not enjoy the support of their home State Senators. Senator Harry Reid, when he was majority leader—just a few years ago—changed all that. But it seems as though it backfired on him. He tore up the rule book when he invoked the so-called nuclear option in November of 2013 and changed the Senate rules to jam through three nominees to the DC Circuit Court of Appeals, eliminating the so-called filibuster because Democrats were upset that the DC Circuit was blocking regulatory overreach by the Obama administration.

Now the filibuster is gone, and I hope that going forward, our Democratic colleagues will recall their previous actions as our caucus proceeds with filling these vacancies. It is good that these outcomes are not in doubt because these positions are too crucial to be left open any longer, even if it means we stay in session over the weekend or at night.

On appellate nominations, we are going to move forward with four—whether the Democrats cooperate or not—because these are nominees who are highly qualified, well-respected jurists and academics. They are the

Notre Dame law professor, Amy Barrett, nominated for the Seventh Circuit; Michigan Supreme Court Justice Joan Larsen, nominated for the Sixth Circuit; Colorado Supreme Court Justice Allison Eid, nominated to the Tenth Circuit—that is the seat vacated by Judge Neil Gorsuch, elevated now to the Supreme Court of the United States—and the University of Pennsylvania law professor, Stephanos Bibas, nominated for the Third Circuit.

I look forward to talking in more detail about the high intellectual caliber and remarkable qualifications of these four nominees in the coming days. This is going to occupy the rest of this week. It is worth noting at the outset that the four include three of the most accomplished female lawyers in the United States.

For now, the important thing to note is our determination to get this done. Under Republican leadership, we are working to deliver for the American people, and confirming judicial nominations is just one example.

Today, the Senate is scheduled to confirm Trevor McFadden to the U.S. District Court for the District of Columbia. Mr. McFadden was voted out of the Senate Judiciary Committee—on which I serve—unanimously in July. He is Deputy Assistant Attorney General in the Criminal Division of the Department of Justice. He graduated from the University of Virginia School of Law and has extensive experience in law enforcement. This is someone who was voted unanimously out of the Senate Judiciary Committee, yet Senate Democrats are denying him a voice vote or other expedited process—again, forcing us to burn the clock just to get his nomination voted on.

Last week, though, we confirmed Scott Palk of the U.S. District Court for the Western District of Oklahoma, despite the same sorts of games. Mr. Palk was originally nominated to the same seat by President Obama in 2015, so one would have thought that our Democratic colleagues would relent and ditch their procedural gimmicks. But no, they didn't, even for a judge originally nominated by President Obama. Fortunately, it didn't matter because Mr. Palk ultimately was confirmed by a substantial margin of 79 to 16. So why the delay? Why the obstruction? Why the foot-dragging if 79 Senators, on a bipartisan basis, are going to confirm the nomination?

I, for one, would like to commend the President on his sterling picks, not only of the recent district and circuit court nominees but also of a judge I mentioned a little bit earlier, now Supreme Court Justice Neil Gorsuch. To date, four of President Trump's appellate nominees have already been confirmed: two for the Sixth Circuit, one for the Eleventh, and one for the Eighth, respectively. This is an excellent addition to our Nation's Federal judiciary. All of them, I believe, will faithfully interpret the Constitution. They know their job is to say what the

law is, not what they believe that it ought to be.

The majority leader has been unyielding in his goal of moving forward a productive schedule for the good of the country here in the Senate and moving as swiftly as our rules allow. Stall tactics will not work. They will not prevent us from moving forward with these nominees and confirming them before the week's end. You can count on it.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### RUSSIA INVESTIGATION

Mr. NELSON. Mr. President, everybody in Washington now knows that the special counsel has announced charges against two of President Trump's former campaign aides in connection with the ongoing investigation into whether Russia interfered with the 2016 election.

After painstaking investigations in the intelligence community, we now know that, in fact, Russia did interfere in the election. Since they have continued this pattern in other countries' elections, what many of us are concerned about is the fact that they will interfere in the next elections coming up. We have already seen attempts in the special election down in Alabama. They have been trying to increase the number of hits going to a Facebook or Twitter account. So they interfered.

We also learned this morning that a third former Trump campaign aide has pled guilty to lying to the FBI in January when he was asked about his interactions while he was with the Trump campaign.

These are very serious charges, and we should be united against any individual who helped further Russia's interference in our elections. Yet, sadly, the response to these indictments has been seemingly split along partisan lines. That doesn't make sense. Defending America isn't a partisan issue. In fact, everyone in the Senate—all of our Democrats, Republicans, our two Independents—has sworn an oath to do exactly that, to defend the Constitution against all enemies, both foreign and domestic. So charging these individuals shouldn't be seen as a victory for one party or another. It shouldn't be seen as a defeat for a party. These individuals are charged with crimes against the United States, crimes against all of us Americans.

The fact is that Russian President Vladimir Putin interfered in our election, and in so doing, he has attacked the very foundation of our constitutional democracy. We know that, and we also know that we are not the only

country he has attacked. According to the U.S. intelligence community, he will continue this type of behavior unless he is stopped, and that is why we have such a heavy responsibility to defend America from these kinds of attacks and to defend our American constitutional foundations that are built on a process of free and fair and unfettered elections.

It doesn't matter whether you are a Democrat or a Republican, it should be clear: If you help an enemy of the United States meddle in our democracy, you will be held accountable.

Here in this Senate and throughout the country as a whole, too often we find ourselves suddenly divided on issues because of party politics. That shouldn't be the case. There should be no disagreement when it comes to protecting America because we should be Americans first—not Democrats or Republicans first; we should be Americans first.

We must continue to be patient with the Mueller investigation and allow it to follow the facts wherever they may lead because finding out what happened is the only way we are going to be able to prevent this from happening again, and it is the only way we are going to be able to keep our country safe.

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

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

Under the previous order, all postcloture time is expired.

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

Mr. BARRASSO. 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 legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. MCCASKILL), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Oregon (Mr. MERKLEY), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

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

The result was announced—yeas 84, nays 10, as follows:

[Rollcall Vote No. 253 Ex.]

## YEAS—84

Baldwin	Fischer	Nelson
Barrasso	Flake	Paul
Bennet	Franken	Perdue
Blumenthal	Gardner	Portman
Blunt	Graham	Reed
Boozman	Grassley	Risch
Burr	Hassan	Roberts
Capito	Hatch	Rounds
Cardin	Heinrich	Rubio
Carper	Heitkamp	Sasse
Casey	Heller	Schatz
Cassidy	Hirono	Schumer
Cochran	Hoeven	Scott
Collins	Inhofe	Shaheen
Coons	Isakson	Shelby
Corker	Johnson	Stabenow
Cornyn	Kaine	Strange
Cortez Masto	Kennedy	Sullivan
Cotton	King	Tester
Crapo	Klobuchar	Thune
Cruz	Lankford	Tillis
Daines	Leahy	Toomey
Donnelly	Lee	Udall
Duckworth	Manchin	Van Hollen
Durbin	McConnell	Warner
Enzi	Moran	Whitehouse
Ernst	Murkowski	Wicker
Feinstein	Murphy	Young

## NAYS—10

Booker	Harris	Warren
Brown	Markey	Wyden
Cantwell	Murray	
Gillibrand	Peters	

## NOT VOTING—6

Alexander	McCaskill	Merkley
McCain	Menendez	Sanders

The nomination was confirmed.

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

## CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Amy Coney Barrett, of Indiana, to be United States Circuit Judge for the Seventh Circuit.

Mitch McConnell, Orrin G. Hatch, John Cornyn, Chuck Grassley, Thom Tillis, Pat Roberts, John Barrasso, Johnny Isakson, Roger F. Wicker, John Thune, Marco Rubio, James Lankford, Richard Burr, Steve Daines, Todd Young, Ben Sasse, Mike Crapo.

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

The question is, Is it the sense of the Senate that debate on the nomination of Amy Coney Barrett, of Indiana, to be United States Circuit Judge for the Seventh Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant 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 Missouri (Mrs. MCCASKILL), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

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

The yeas and nays resulted—yeas 54, nays 42, as follows:

[Rollcall Vote No. 254 Ex.]

## YEAS—54

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

## NAYS—42

Baldwin	Franken	Nelson
Bennet	Gillibrand	Peters
Blumenthal	Harris	Reed
Booker	Hassan	Schatz
Brown	Heinrich	Schumer
Cantwell	Heitkamp	Shaheen
Cardin	Hirono	Stabenow
Carper	King	Tester
Casey	Klobuchar	Udall
Coons	Leahy	Van Hollen
Cortez Masto	Markey	Warner
Duckworth	Merkley	Warren
Durbin	Murphy	Whitehouse
Feinstein	Murray	Wyden

## NOT VOTING—4

McCain	Menendez
McCaskill	Sanders

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 42. The motion is agreed to.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant bill clerk read the nomination of Amy Coney Barrett, of Indiana, to be United States Circuit Judge for the Seventh Circuit.

The Senator from Tennessee.

## HEALTHCARE

Mr. ALEXANDER. Mr. President, when the 18 million Americans in the individual insurance market—those are Americans, shopkeepers, songwriters, farmers, men and women who don't get their health insurance from the government or on the job—begin enrolling on Wednesday, they will discover something very strange.

The Wall Street Journal, in a week-end story, explained exactly how strange this phenomenon will be. Some of these 18 million Americans will be able to get their insurance for free. They will pay absolutely nothing for their premium, but others will see their premiums skyrocket far beyond the increases they have seen in recent years.

Here is what the Wall Street Journal says:

In nearly all of the 2,722 counties included in the data, some consumers will be able to obtain free health insurance because they qualify for larger federal premium subsidies that cover the full cost of the plan, according to the new analysis.

The Wall Street Journal continues:

In the coming weeks, insurers are gearing up to promote the no-premium option. . . . On the flip side, those who don't get premium subsidies under the 2010 law may be responsible for the full brunt of steep rate increases, though they may be able to mitigate the impact by staying away from silver plans.

Insurers are gearing up to shepherd Americans into plans that will cost zero because taxpayers will be paying much higher subsidies. Meanwhile, the 9 million Americans in the individual health insurance market who do not have subsidies may be responsible for what the Wall Street Journal calls the "full brunt of steep rate increases."

What is causing this strange phenomenon? It is happening because Congress—us—has not funded cost-sharing reduction subsidies, or CSRs, for the 2018 plan year. Cost-sharing reduction subsidies are payments in the Affordable Care Act which the government makes to insurance companies to reimburse them for deductibles and copays for many low-income Americans. According to the U.S. District Court for the District of Columbia, the President of the United States can no longer make these payments himself without the approval of Congress so President Trump ended those payments this month.

Insurance companies have raised premiums to make up the difference, loading most of the increase on the silver plan premiums. They did that because, under the Affordable Care Act, subsidies are based on silver plan premiums. So as premiums go up, subsidies go up. If silver plan premiums skyrocket, then the subsidies skyrocket, and then you can use your giant subsidy to go buy a bronze plan and pay nothing in premiums.

In California alone, according to the Wall Street Journal article, about half of the 1.1 million who buy health insurance with subsidies can get their insurance for free next year. To be clear, because Congress didn't provide temporary funding for the cost-sharing reductions for 2018, more than half of Californians on the ACA exchange can get free government-paid healthcare.

For the last few weeks, I have been saying that the chaos we are going to see, if we don't continue the cost-sharing payments, will be a four-lane highway to single-payer insurance. Now we see why. Premium-free private insurance for millions funded by the taxpayer—I am not sure what is conservative about that.

We don't need to worry about the insurance companies. They obviously know how to take care of themselves. As the article details, if the cost-sharing payments aren't made over 2 years, insurance companies shouldn't lose a penny. They have to pay, under law,