

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

The PRESIDING OFFICER. The majority leader.

#### MARKETPLACE FAIRNESS ACT

Mr. REID. Mr. President, the Senate operates by cooperation and consent. So it is unfortunate that we could not reach an agreement yesterday to consider amendments to the Marketplace Fairness Act, a measure that will provide parity between brick-and-mortar retailers and online stores.

A few Senators have held up this important legislation—and I mean a few—legislation which proponents have advocated for 11 years. The able sponsors of this bill—Senators ENZI, DURBIN, and ALEXANDER—are continuing to work to get an agreement on a list of amendments upon which the Senate could vote.

Three-quarters of the Senate support this measure. A number of those who do not vote with us do not oppose this legislation, they are doing it for other reasons. This is overwhelmingly important legislation, but, as we saw with the background check measure and the other gun matters last week, here in the Senate a minority of Senators can block even measures with overwhelming support. We found that on background checks. This bill is no exception. Despite 75 votes to proceed to the Marketplace Fairness Act, just a few individual Senators are vowing to derail this legislation. Absent consent, we will vote on closure on this measure an hour after we convene tomorrow.

I remain open to an agreement to consider amendments to this legislation. The proponents of this legislation have worked for a long time to move forward. They worked all day yesterday and the day before to come up with a list of amendments. No one is trying to prevent amendments, except a handful of Senators. I am eager to conduct an open debate on this bill, but time is winding down. One way or another we are going to finish work on this measure before we leave for our in-state work period, even if it takes the weekend. Those people—that handful of people—should understand that. The calendar is simply too full to allow this important measure to hold over until next month.

The Senate must complete work on job-creating water resource legislation and a farm bill during the May work period so we can move forward on the immigration debate in June. We have had eight Senators who have spent days, weeks, working on an immigration bill. We have a bipartisan bill coming to the Senate with a system to fix our broken immigration system, just like we have a bipartisan bill on the Senate floor today.

The only way we get things done around here is with Senators working together. The immigration bill is a good example of that, and this bill is a

good example. We cannot let a few people stand in the way of fairness. That is what this is all about.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

#### HEALTH CARE

Mr. MCCONNELL. Mr. President, last week one of our most senior Democratic colleagues, a primary author of ObamaCare, referred to the law's implementation as "a train wreck." He warned: "Small businesses have no idea what to do." They have no idea "what to expect." He also expressed concern that the health insurance exchanges for consumers and small businesses could turn into a fiasco. I agree with him. I think just about everyone in my conference agrees with him.

Here is the difference. This is not some grand revelation to Republicans. We have been saying this since day one. We said a government takeover of health care would raise health care costs and premiums. We said it would raise taxes on the middle class. We said it would force millions of Americans to give up insurance plans they liked and wanted to keep. We said it would bury families and small businesses in a literal mountain of regulations, and we said it would cost our country jobs. We shouted these things from the rooftop throughout the health care debate. A few of us have even said it would be a "train wreck."

Until now, the President's allies mostly ignored or brushed off our concerns. But do you know what. With each passing day, it appears clearer and clearer that we were right to sound the alarm.

Only now are Washington Democrats starting to come around to the reality of what they passed. Perhaps they thought a "yes" vote on this bill would somehow magically cure our country's health care challenges without any cost increases, without hurting the middle class, and without the massive, unmanageable bureaucracy that is being erected literally as I speak.

That is the problem. That is why we are stuck in this mess. Our constituents did not send us here to robotically fall in line behind bad legislation and then pat ourselves on the back for "doing something." They sent us here to eventually elevate public policy and to think about the medium- and long-term consequences of our actions.

Look, ObamaCare's mounting challenges shouldn't come as much of a surprise. It is not just that Republicans have warned about them for so long or that experts echoed our concerns. A lot of the problems in this 2,700-page bill should have been pretty self-evident right from the start.

In some ways I am glad to see more and more Washington Democrats and their allies come around to the reality of what they have done.

Earlier this year Democrats helped us repeal the CLASS Act, for instance. Last month, the Senate voted overwhelmingly, 79 to 20, to repeal the law's job-killing medical device tax. Last week we saw a union reverse course and come out for repeal of the law. I would hope more would come out and join us in repealing it in its entirety, root and branch. I am optimistic we will see more common sense take root in the days to come as the country learns more about this law and the harm it is causing families, businesses, and taxpayers. I suspect we will.

When administration officials are reduced to hoping that the law's implementation will not amount to "a third world experience," then you know there is trouble on the way.

That is why I have also called on the President to address the Nation and give an honest accounting of what many Americans can expect as this law starts to come online: the higher costs, the premium increases, the taxes, the loss of health care plans they like and want to keep. All of that is happening. We asked him to do this in his State of the Union speech. He should have, because the longer he waits to lay out the truth for the American people, the more people are going to get blindsided by all of this. That is simply not right. The President shouldn't waste any more time. In the meantime, Americans can rest assured Republicans will keep working to repeal this law. I hope more of the President's allies will join us in this fight as well, because all of us owe our country better than this.

For the sake of my constituents in Kentucky and for the sake of Americans across the country, I urge my friends on the other side to join with Republicans and stop the train wreck, stop this train wreck before things get even worse.

#### MARKETPLACE FAIRNESS ACT

On the matter currently before the Senate, I wish to make the following observation about the Internet sales tax bill. Earlier this week I announced my opposition to this bill, which I don't think is in the best interests of Kentuckians or its taxpayers in general. I know everyone in the Chamber doesn't feel that way. This bill may pass. There are Members on both sides who support it. Before it does, I hope the Senate will at least have some chance to offer amendments.

Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order the Senate will be in a period of morning business until 10:30 a.m., with Senators permitted to speak

therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half.

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

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

(The remarks of Mr. DONNELLY pertaining to the introduction of S. 810 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DONNELLY. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### EXCESSIVE GOVERNMENT WASTE

Mrs. FISCHER. Mr. President, a recent Washington Post headline has grabbed national attention. It reads: U.S. Government spends \$890,000 on nothing.

It almost sounds like a bad joke, but this is no laughing matter. The Post reported:

This year, the government will spend at least \$890,000 on service fees for bank accounts that are empty. At last count, Uncle Sam has 13,712 such accounts with a balance of zero.

The American people are no strangers to reports of excessive government waste, from robotic squirrel research to Moroccan pottery classes. This latest example, however, comes at a particularly frustrating moment, as thousands of Americans are stuck waiting for hours in airport terminals with delayed flights—the result of the Federal Aviation Administration's decision to furlough thousands of air traffic controllers due to sequestration. The Post astutely noted:

If you are a federal worker on furlough this week—or an airline passenger delayed by federal furloughs—you might want to save your blood pressure and go read another story.

Federal law requires the government to reduce overall spending by 5 percent in each agency, totaling \$85 billion for the remainder of this fiscal year. While the \$890,000 currently spent on unused bank accounts may seem like a drop in the bucket, it nonetheless proves there is plenty of fat to trim in Federal spending. We can do that, and we can do it without directly impacting essential government services and jobs.

The same holds true with the FAA. Similar to many Nebraskans, I remain

concerned about the Federal Government's failure to effectively target these required but necessary budget cuts. Of particular concern is the FAA's complete mismanagement of the cost reductions which has resulted in unnecessary travel delays all across this Nation. Since 1996, the FAA's operations budget has grown by an astounding 109 percent, from \$4.6 billion to \$9.7 billion. A mere 5-percent budget cut would simply return the FAA to the 2010 funding levels.

Despite 2 years to prepare for these budget reductions, the FAA chose to provide Congress and the airline industry with less than 1 week's notice regarding its plans to furlough its workforce, showing complete disregard for the traveling public.

The FAA has insisted on targeting air traffic controllers, rather than solely focusing on lower priority personnel to ensure morale. I wonder if anyone has checked in with the folks waiting in airport terminals—and waiting in those terminals for hours—to determine their current morale. The FAA has 47,000 employees, of which 15,500 are air traffic controllers. While I appreciate the hard work of many Federal employees, air traffic controllers should be the last ones on the FAA's budgetary chopping block.

Rather than selectively ratcheting up the pain of Federal budget cuts on American citizens with these long delays, the FAA should, instead, focus on cutting its \$500 million consultant slush fund or the \$325 million spent on supplies and travel.

For months, the administration has argued it lacks the flexibility to target the required budget cuts in a smart, responsible manner—in a smart, responsible manner—that mitigates the impact on the public. To that end, I have cosponsored several legislative efforts to provide this administration with the tools to ensure that essential Federal employees continue to provide these vital services, such as our control tower operations.

Most recently I cosponsored the Essential Services Act, which would simply require each Federal agency head to identify and exempt essential employees from any furlough policies by using the same standards that were created by multiple administrations during previous government shutdowns.

Unfortunately, the President and my Democratic colleagues continue to oppose any of these measures to both achieve needed savings without tax hikes and preserve our important government functions.

Notably, FAA Administrator Michael Huerta recently testified at a Senate hearing that he does, in fact, have discretion to prioritize the spending cuts. If that is true, then it appears the FAA is more interested in scoring political points rather than cutting its \$2.7 billion in nonpersonnel operation costs.

I am very disappointed in Administrator Huerta's lack of forthrightness

with this Congress. When asked at the same hearing about the FAA's possible furlough strategy, Mr. Huerta provided only general statements. Hours later, FAA officials provided detailed furlough plans to airlines—a disturbing move to hide the ball from lawmakers, who were left without the opportunity to mitigate the impact of these extensive furloughs.

I stand here ready to work with the President and any of my colleagues who are committed to making these budget cuts in a smart, effective, and efficient manner, a manner that preserves essential government services.

I thank the chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise today to discuss a serious problem confronting the American traveling public and our economy, and later today I will be introducing a bill to remedy this problem. I am very pleased to be joined by several of my Senate colleagues as original cosponsors, including Senator MARK UDALL, Senator RISCH, Senator ROBERTS, Senator ISAKSON, and I expect several more cosponsors to join in this effort over the course of the day.

As the ranking member of the Transportation Appropriations Subcommittee, I have followed the issue of FAA delays and furloughs very closely. In fact, the first thing this morning I met with Secretary of Transportation LaHood and FAA Administrator Huerta to discuss this problem and my proposed solution.

The challenges the FAA faces this fiscal year are daunting. Not only is the agency operating under a continuing resolution but sequestration compounds the problem. It is important that sequestration be implemented in a way that ensures safety and minimizes the impact on travelers as well as on jobs in the hospitality and airline industries.

The FAA recently announced its plans to achieve its sequestration savings by implementing furloughs of air traffic controllers, closing contract towers, eliminating midnight services, among other cuts.

I personally believe the FAA had other choices and could have avoided many of these disastrous outcomes, but there is no doubt that personnel does make up a great deal of the agency's budget and that some furloughs undoubtedly would have been necessary. Whether it was necessary for the FAA to concentrate so many of the cuts in the area of air traffic controllers is an entirely different question. In any event, my bill would restore funding for these essential programs and would do so—and this is an important point—without increasing the funding for the FAA or for the Department of Transportation.

Let me give a little bit of background. The FAA began furloughing 47,000 employees this past Sunday, including nearly 15,000 air traffic controllers. This is essentially 10 percent of its