

communities and small business owners receive better treatment from community banks. That is because in rural America a community bank is part of that community. A handshake still matters, and the folks on both sides of the table can look each other in the eye and be accountable to one another. We are not going to find that on Wall Street.

Community banks do the lion's share of lending with the youngest and smallest of small businesses—those best positioned to create new jobs as we merge from this recession.

Make no mistake about it. The price caps called for by this Durbin amendment will lead to fewer debit cards offered by community banks and credit unions. It will limit the size of debit card transactions, and it will end free checking for small businesses, as they rely on these institutions.

These changes will limit the ability of small businesses to conduct daily business. They will increase banking costs and could limit the lending capability of smaller institutions. These changes come at a time when many small businesses are already fully leveraged and have few other options available.

So what does this mean for small business in Montana?

For a contractor in Kalispell, it means he will not be able to use his debit card to buy lumber. It will mean the end of free checking. I know of too many businesses that do not have the option of increasing their lines of credit with their bank or that have maxed out a credit card weathering this recession. Those are the circumstances folks are forced into, and those are the circumstances that limit our economy.

What will this mean for community banks and credit unions that are competing for the business of these small businesses?

Community banks and credit unions play an instrumental role in our economic recovery by providing loans to small businesses so these businesses can grow and hire new employees.

Smaller banks treat small businesses better. But smaller banks do not have the means to make up for the lost revenue from this Federal mandate, and they do not have the volume to make up this revenue elsewhere such as bigger banks do.

One of the more troubling findings from the NFIB report I referenced earlier is the fact that community banks have been losing market share nationwide. The report found that the percentage of small businesses served by local banks fell from 31 percent to 25 percent between 2009 and 2010. My concern is that this proposed rule will further harm this loss of market share by community banks. It will lead to further consolidation in the banking industry.

Community banks and credit unions simply cannot compete against Wall Street unless they provide products such as debit cards. They simply can-

not make up this revenue elsewhere, and they cannot compete unless they provide these services.

This notion that some have raised that these proposed rules are a slam-dunk for small businesses—it is simply false. Unfortunately, this is one of the many misconceptions that have been put out there.

For example, based on statements I have heard, some would have you believe we have been working and analyzing the debit interchange issue for years, talking about all the hearings we have had on this topic.

The truth is, however, quite different. There has been just one Senate hearing on this issue since 2006, and it was regarding the interchange fees paid by the Federal Government. The Judiciary Committee has looked at anti-trust issues, but they have never addressed the ramifications of this amendment—never. No one has been able to explain to me why studying the impact of this rule is a bad idea.

Am I suggesting the debit interchange system is without fault? Absolutely not. But we should not move forward with a rule that will create a whole new set of problems and will hurt community banks and credit unions until we have fully studied the impact. If we do not measure twice and cut once, we are bound to create a whole new set of problems that will hurt small businesses and consumers.

I sure would not have stepped into the middle of this fight if I did not think it was critical to the survival of rural America, and to the jobs and livelihoods of the people who live there. I am in this job not because I am known as a guy who stands for big banks or Wall Street—far from it. I am the guy in my party who voted against TARP and against the automaker bailout.

I am in this job because rural America needs a voice at the table. Rural America needs someone on their side, to make sure rural communities and Main Street businesses do not get stuck with the short end of the stick when the Senate makes policies such as this one.

We need to stop. We need to study. We need to make sure we are doing the right thing. Therefore, I ask my colleagues for their bipartisan support on a responsible bipartisan bill to delay this rule so we can have time to study the consequences of this rule—both intended and unintended. Our economy cannot afford to let this go into effect.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

#### A SECOND OPINION

Mr. BARRASSO. Madam President, I come to the floor as someone who has practiced medicine in Wyoming, taking care of families all across the Cowboy State for almost one-quarter of a century. I come as a doctor giving a second opinion, as I have done week after week about this broken health care law

that people all around the country are now very concerned about and the impact it is going to have on their own personal lives.

We started the whole discussion and debate about health care that the American people knew what they wanted: They wanted the care they need, from a doctor they want, at a cost they can afford. What we have gotten is something that does not provide that at all.

I saw today in the Washington Post, under the headline "Budget Showdown," comments about the President's speech yesterday to the Nation. He did talk about Medicare and did talk about Medicaid. I believe that speech was very short, inadequate on the details.

It was interesting to see what the Washington Post said about Medicaid. It said:

... a senior administration official, speaking to reporters on the condition of anonymity, said that ... "the details have not been worked out."

So we have an anonymous source, working in the White House, talking to reporters, admitting that the details have not been worked out.

Yesterday, people heard the President's speech on spending, but it seemed to be higher on political attacks than it was on substantive speech—the things we need to be seriously discussing and debating in this country about a huge debt problem with which we are living. The President did mention one bit of substance, though, that should concern the American people. He said:

We will slow the growth of Medicare costs by strengthening an independent commission of doctors, nurses, medical experts, and consumers who will look at all the evidence and recommend the best ways to reduce unnecessary spending while protecting access to the services seniors need.

What this is is a Washington commission—a commission created in the health law that many know as IPAB. It may sound harmless. It stands for the Independent Payment Advisory Board. Americans, I believe, need to know more about the details as to how this will actually work.

Many Americans may not remember that the health care law created this unelectable, unaccountable board of Washington bureaucrats who will be appointed by the President, and the sole purpose is to cut Medicare spending based on arbitrary budget targets. These are cuts above and beyond the \$500 billion that was taken from a nearly bankrupt Medicare Program, not to save Medicare for our seniors but to create a whole new government entitlement program for someone else. This board empowers 15 unelected Washington bureaucrats to make these Medicare cuts, all without full transparency and accountability to America's seniors and to elected officials.

So, once again, this board proves that the President and the Democrats in Congress who voted for the health

care law simply didn't have the political courage to make the tough spending decisions themselves. Instead, they took the easy road. They pulled the classic Washington maneuver—to create a board and punt the decisions to them.

Congress gave this board its authority to manage Medicare spending. I didn't vote for it. Members of my side of the aisle didn't vote for it. But this is part of the health care law that was crammed down the throats of the American people. Congress abdicated its responsibility to explain to the American people specific payment changes necessary to keep Medicare solvent.

Let's take a look at what happens when this board actually makes a recommendation. The recommendation becomes law. The recommendation becomes law. How can we prevent that from becoming law? The recommendation will become law unless the House and the Senate each adopt—not by simple majority—each adopt by a three-fifths majority a resolution to block them. That is not enough. First, three-fifths of the House, then three-fifths of the Senate, resolutions to block what this board is recommending. Then the House and Senate have to pass legislation to achieve equivalent savings of what this board claims to be saving by the care they deny.

This is an incredible concentration of power that should belong in Congress to a board of unelected—unelected—individuals who are appointed by the President.

Is there concern about this? In the House of Representatives, there is. There has been a repeal provision created that would repeal this board, and I will tell my colleagues it is a bipartisanly cosponsored attempt to repeal this provision.

So that is what we are looking at now. Why? Because the President and the Democrats refused to take a leadership role and chose to punt this down the road. They simply threw up their hands and said let someone else do it. This is not health reform that is good for patients, for the providers, the doctors and nurses who take care of those patients, or for the taxpayers.

Fortunately, Senator CORNYN of Texas has introduced the Health Care Bureaucrats Elimination Act. This bill would repeal this board in order to ensure that the doctor-patient relationship that is important to quality health care for all Americans is maintained. I am happy to cosponsor that with Senator CORNYN. We will continue to fight to repeal and replace this very broken health care law.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, shortly we are going to be having three votes. One vote will be on the budget for our current fiscal year that began on October 1 and ends on September 30

of this year. I think we have talked about that vote at some length. I took the floor yesterday and explained how the negotiated budget for this year is far better than the Republican-passed budget in the House of Representatives, the original H.R. 1. I pointed out how a budget represents the vision for our future, that it is a policy document. I far prefer the agreement that was reached that preserves America's ability to have a competitive workforce.

I pointed out yesterday, and I will repeat again today, that the budget we will vote on will maintain most of the funding for NIH basic research, which is critically important for innovation in America. That is the basic research that is used by our high-tech companies so America can outinnovate our competitors, whereas the House-passed budget would have cut \$1.4 billion from NIH research, or how the agreed-to budget will provide for job training and Job Corps pretty much at the current rates, whereas the Republican-passed House budget would have eliminated most of the funds for job training and 40 percent of the funds for the Job Corps; or, for our students and Pell grants, maintaining the funding so students can continue to receive \$5,550 maximum under Pell grants. As I pointed out, college education tuition is going up. The House-passed budget would have cut 15 percent off of that program.

I think perhaps the one that really points to the major difference between where the Republicans were on the budget and what we finally ended up with is the Head Start Program. The Head Start Program has worked very effectively in all of our States. Children who participate in Head Start do much better in life. We know that. The House-passed budget would have cut the number of children in Head Start by 218,000, eliminating 55,000 teachers and assistants from the Head Start Program. I am pleased the agreement reached will maintain all services at Head Start so all of our children can continue in that program.

The list goes on and on about the compromises that were reached. I wish to make clear this was a true compromise. It is not what the Democrats wanted or what the Republicans wanted. It is going to be painful. There is a lot I would like to have seen done differently.

I wish to point out that the GSA budget is going to be reduced by \$1 billion. At the White Oak facility in Maryland for the FDA, we are doing some critically important construction work to bring together the different participants for the safety of Americans. That program is going to be severely slowed as a result of the cut to the GSA budget.

I pointed out yesterday that on the environmental front regarding the Endangered Species Act, there is a provision that delists the great wolf. That shouldn't be targeted for congressional

action. That is a dangerous precedent for us to set.

I pointed out that the Community Development Block Grants are cut. Even though the EPA budget which would have been cut by 30 percent with the House-passed budget—we bring that down by 50 percent, so it is only a 15-percent cut, but a 15-percent cut is too large of a cut for the Environmental Protection Agency. The good news is we were able to remove those policy riders that would have prevented the Environmental Protection Agency from protecting the environment, protecting our public health. Those were eliminated.

I wish to speak for the next few minutes about the other two votes that will be taking place on the floor in a few moments. They are votes on what are called correcting resolutions. Let me explain this, because I think it might surprise some of the people to learn we are not talking about the amount of dollars that is going to be appropriated in this current year's budget. These are restrictions as to how money can be spent, so it deals with a philosophical agenda, not a budget agenda. This is not about reducing the deficit; this is about trying to impose a philosophical position on the budget for this year. Let me talk about the two correcting resolutions which I am going to urge my colleagues to vote against. One would restrict funds going to Planned Parenthood—women's health care issues—which I call the war on women. This deals with title X funding.

Title X funding is used for preventive health services such as cervical cancer screenings, breast cancer screenings, immunizations, diabetes and hypertension testing, sexually transmitted disease testing and treatment, HIV testing and referrals. Not one dime of Federal money can be used for abortions. That is the current law, the current prohibition.

Currently, there are approximately 5 million people who benefit from title X funding with over 4,500 clinics across the Nation. Ninety-one percent of the people who take advantage of these clinics have no health insurance. Less than 25 percent of title X funds go to Planned Parenthood. Planned Parenthood spends approximately 3 percent of its total budget on abortion services, not one dime of which is Federal funds—not one dime of which is Federal funds. So this is not about abortion; this is about whether we are going to be able to provide preventive care to our most vulnerable in America. It is an attack on women, because women are the basic beneficiaries of title X funds. It is going to cost us more money for the use of emergency room services. It makes no sense at all. It is certainly counter to what we all say we want, and that is gender equity in health care in America.

I urge my colleagues to vote no on that correcting resolution.

The second correcting resolution is an attempt to repeal the affordable

care act that we celebrated the anniversary of a few weeks ago. If you are a senior, you should be concerned about this vote, because now you have a wellness exam annually under Medicare that is reimbursed, so you can take care of your own health care needs. That would be put in jeopardy.

If you are one of the 3.2 million Americans who fall within the so-called doughnut hole, or the coverage gap for prescription drug coverage, you should be concerned about the repeal. If you got \$250 last year, you are going to get 50 percent of the cost of your brandname prescription drugs covered and, by 2020, we are going to close the doughnut hole altogether. That would be eliminated if this correcting resolution were passed. Seniors should be pleased that at least we were able to extend the solvency of the Medicare Program by 10 years.

Frankly, you should be worried about whatever efforts are being made here to privatize the Medicare system, making seniors pay more for their health care. It starts with this vote later today where we can reject the efforts to turn back the clock on Medicare where seniors would have to pay more.

If you are a small business owner, you should be pleased by the tax credits that are now available and which this correcting resolution would take away, making it more expensive for employers to provide health care for their employees.

If you are a consumer and are now able to cover your child up to age 26—1.2 million Americans—the correcting resolution would turn the clock back on the progress we have made on fighting the abusive practices of private insurance companies in dealing with pre-existing conditions. If you have a child with asthma, now you can get full coverage. If we turn the clock back by approving that correcting resolution, you will be at the mercy of private insurance companies to provide coverage, which is very unlikely to happen.

I can talk about emergency room visits where some insurance companies require preauthorization. I don't know how you get preauthorization when you need to go to an emergency room. We corrected that in the affordable care act. Once again, the correcting resolution we are being asked to vote on will turn the clock back on that, putting people at the mercy of private insurance companies as to whether they will cover emergency room visits.

If you are a taxpayer, which is what we are talking about today with the budget, you should be very much concerned about this correcting resolution because by turning back the clock on the affordable care act, it will cost the taxpayers over \$1.5 trillion over the next 20 years. So it is tailored to your need. If you have pride, as I do, that America has at long last said that health care is a right, not a privilege, and recognize that we need to do more to improve our health care system, you want us to move forward and talk

about the health care issues and try to improve our health care system; you don't want us to turn the clock back.

The large number of people who have no health insurance or have restricted coverage because of the abusive practices of private insurance companies or the inability to cover children after they graduate from college—that has now been corrected. We certainly don't believe a correcting resolution would take that away from us.

We are going to have three votes. I urge my colleagues to vote against both of these correcting resolutions. They are attacks on women's health care issues and attacks on quality health care for all Americans. We need to pass the budget, and these correcting resolutions should be defeated.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I ask unanimous consent for 5 additional minutes.

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

#### WHISTLEBLOWERS

Mr. GRASSLEY. Since January, I have been investigating allegations from whistleblowers at the Bureau of Alcohol, Tobacco, and Firearms. The allegations I have received are shocking, but sadly they appear to be true. Praise the Lord for the whistleblowers in this government because we don't know where the skeletons are buried, and they help us to do our constitutional role of oversight and the checks and balances of government.

The ATF, which is supposed to stop criminals from trafficking guns to Mexican drug cartels, was actually making that trafficking of arms easier for them. That would be bad enough if it happened because of incompetence or turf battles, but it looks as if the agency was doing this on purpose. The government actually encouraged gun dealers to sell multiple firearms to known and suspected traffickers.

Two of those guns ended up at the scene of a murder of a U.S. Border Patrol agent in Arizona. His name was Brian Terry. His family deserves answers from their very own government. I have been fighting for those answers. I have written eight letters to the Justice Department. I have asked for documents. I have asked that specific questions be answered.

At first, the Justice Department simply denied the charges. Then one of the whistleblowers went on television. He risked his career to tell the truth on "CBS Evening News." He had a sense of duty to Agent Terry's family and, in turn, to the entire population of this great country. He could not believe his own government refused to come clean and tell the truth when questioned by this U.S. Senator. He went public to set the record straight.

Other whistleblowers have confirmed what this whistleblower said. In fact, I

received internal government documents that confirmed what he said. Anonymous patriots tried to ensure that the truth would come out. You know, that is about the only crime whistleblowers commit—committing truth. Isn't that sad?

I forwarded many of those documents that I received clandestinely to Attorney General Holder and Acting Director Melson. I asked them how to square the denials from that Department with the evidence I have received both orally and on paper.

At Attorney General Holder's confirmation hearing—now 2 years ago—I told him:

I expect that you will be responsive to my oversight work and that my questions and document requests will be taken seriously. . . . I hope that I have your assurance that if you are confirmed, you will assist me with oversight activities, be responsive to my requests, and help me make the Justice Department accountable.

Now, the Attorney General, who was the nominee at that time, responded:

I will try to do all that I can to make sure that we respond fully and in a timely fashion to the very legitimate questions that I know you have propounded to the Department.

But now, ironically, I have provided more internal documents to the Justice Department in this investigation than the Justice Department has provided to me. Now, instead of issuing denials, do you know what happened? It happens all the time when you are doing oversight work, with almost any agency. But in this case, the Justice Department has circled the wagon. They have clammed up.

The President of the United States admitted on Spanish language television that "certain mistakes" may have been made here in the instance of this investigation. He and Attorney General Holder say they didn't authorize a policy change that allowed criminals to walk away with guns. But there was a change in policy that went tragically wrong. The prophecy of a lot of whistleblowers turned out to be fact, sadly. So Congress needs to find out what did the highest senior officials know and when did they know it.

The purpose of the policy change was to go after leaders high up in the chain of command and bring down a drug cartel. Nobody can find fault with that. But prosecutors didn't want to just go after criminals who just lie on Federal forms to buy guns for trafficking; they wanted to go after the really big fish. The problem is this: They let so many little fish keep operating that between 1,300 and 1,700 guns got away. That is just in this one case in Arizona that I can document. Hundreds of these guns have, in turn, turned up in crimes on both sides of the border—some in Mexico and some in the United States.

Federal agents often have to walk a fine line in trying to catch the bad guys. They sometimes have to allow a crime to progress to make sure everyone involved in the conspiracy gets caught. I understand that. That can be