

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

legitimate, but you have to look at it this way. It is very serious business. It is quite a gamble, you might say. There have to be careful controls in an operation like I just described. Law enforcement should not cross the line into actually assisting criminals just for the simple process of gathering information. Operations should be carefully focused on stopping crime without risking public safety. Seizing contraband and making arrests are the most important goals. Big, headline-grabbing cases to advance some prosecutor's career should take a backseat in any of these gambles.

Yesterday, I sent a letter to Attorney General Holder with some more documents. So I am sending the Department documents I would like to have them send me. These are documents that maybe the Attorney General himself didn't know about.

There are e-mails between a federally licensed firearms dealer and the supervisor in this Arizona case known as "fast and furious." In one e-mail, the dealer raises, for a third time now, his concerns about how the case is being handled. This time, he was prompted by a story on FOX News about the growing firearms problem on our border with Mexico. The dealer wrote—and this is a long quote which I will start now:

The segment is disturbing to me. I shared my concerns with you guys that I wanted to make sure that none of the firearms that were sold per our conversation with you and various ATF agents could, or would ever, end up south of the border and in the hands of the bad guys. I want to help ATF with its investigation, but not at the risk of agents' safety, because I have some very close friends that are U.S. Border Patrol agents in southern Arizona.

Now, maybe one of those friends, for all I know, was Agent Terry, and he got murdered—or at least we think he did—with one of these guns. These guns were at the scene, at least. That e-mail I quoted was sent to the supervisor of the case 6 months before guns from that case were found at the scene of Border Patrol agent Brian Terry's murder.

The government put these firearms dealers in a completely unfair position. Let me explain that. On the one hand, these gun dealers rely upon the Bureau of Alcohol, Tobacco, and Firearms for their license to even be able to be in business. So of course these dealers want to cooperate with the government when they have this big club hanging over their head: Will you be licensed or not? On the other hand, the government asks these gun dealers to keep selling to the bad guys even after the dealers warned it might end in tragedy.

I am going to do whatever it takes to get to the bottom of this. The House Oversight Committee has joined in my effort and issued a subpoena for documents because it might duplicate the process in the House.

I have not sought any subpoenas or hearings in the Senate Judiciary Committee yet. I have not exercised my

right to object to any unanimous consent request on nominations because of this issue yet. However, I want my colleagues and officials at the Justice Department to hear this loud and clear: If that is what it takes, then I will take those actions. I hope it doesn't have to come to that. I hope the Justice Department will decide to cooperate and provide the information we need, doing our constitutional responsibility of oversight, to make sure the checks and balances of the system of government under our Constitution is working. It has been nearly 3 months since I first raised this issue. It is past time for the Justice Department to come clean.

I ask unanimous consent to printed in the RECORD a copy of this letter to Attorney General Holder.

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

U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, April 13, 2011.

Hon. ERIC H. HOLDER, Jr.,  
Attorney General, U.S. Department of Justice,  
Pennsylvania Avenue, NW., Washington,  
DC.

DEAR ATTORNEY GENERAL HOLDER: At approximately 1:30 p.m. yesterday, my staff learned that the Justice Department was making four documents available at 2:00 p.m. for Chairman Darrell Issa's staff to review regarding the controversy over ATF's Project Gunrunner, Operation Fast and Furious, and the death of Border Patrol Agent Brian Terry. These documents are among those I requested in February of this year. Yet, the Justice Department refused to make them available for my staff to review. In fact, the Justice Department has produced not one single page of documents in response to my inquiries.

Thus far, I have not requested that Chairman Leahy join in any document requests, consider any subpoenas, or schedule any hearings into this matter in the Senate Judiciary Committee. Any such request would be unnecessary and duplicative of the process on the House side, so long as any documents provided there are also provided to the Senate Judiciary Committee at the same time.

The Department's failure to cooperate with my requests is especially troubling in light of the February 4, 2011, reply to my initial letter. In that reply, the Justice Department took the position that those allegations were "false" and specifically denied "that ATF 'sanctioned' or otherwise knowingly allowed the sale of assault weapons" to straw purchasers. The letter further claimed that "ATF makes every effort to interdict weapons that have been purchased illegally and prevent their transportation to Mexico."

I already provided evidence contradicting that denial in my February 9 and March 3 letters. In addition, attached you will find further documentation undermining the Department's assertion. Specifically, the documents are emails between ATF officials and a Federal Firearms Licensee (FFL) in Arizona. These emails demonstrate that ATF instructed gun dealers to engage in suspicious sales despite the dealers' concerns. The emails refer to meetings between the FFL and the U.S. Attorney's office to address the concerns being raised by the FFL. ATF supervisor David Voth wrote on April 13, 2010:

I understand that the frequency with which some individuals under investigation by our office have been purchasing firearms from your business has caused concerns for

you. . . . However, if it helps put you at ease we (ATF) are continually monitoring these suspects using a variety of investigative techniques which I cannot go into [in] detail.

In response, the gun dealer expresses concern about potential future liability and sought something in writing to address the issue explicitly:

For us, we were hoping to put together something like a letter of understanding to alleviate concerns of some type of recourse against us down the road for selling these items. We just want to make sure we are cooperating with ATF and that we are not viewed as selling to bad guys.

Following this email, the ATF arranged a meeting between the FFL and the U.S. Attorney's office. According to the FFL, the U.S. Attorney's office scheduled a follow-up meeting with the FFL, but asked that the FFL's attorney not be present.

At the meeting on May 13, 2010, the U.S. Attorney's office declined to provide anything in writing but assured the gun dealer in even stronger terms that there were safeguards in place to prevent further distribution of the weapons after being purchased from his business. As we now know, those assurances proved to be untrue. On June 17, 2010, the gun dealer wrote to the ATF to again express concerns after seeing a report on Fox News about firearms and the border:

The segment, if the information was correct, is disturbing to me. When you, [the Assistant U.S. Attorney], and I met on May 13th, I shared my concerns with you guys that I wanted to make sure that none of the firearms that were sold per our conversation with you and various ATF agents could or would ever end up south of the border or in the hands of the bad guys. . . . I want to help ATF with its investigation but not at the risk of agents' safety because I have some very close friends that are U.S. Border Patrol agents in southern AZ[.]

Incredibly, the FFL sent this email six months before guns from the same ATF operation were found at the scene of Border Patrol Agent Brian Terry's murder. So, not only were the ATF agents who later blew the whistle predicting that this operation would end in tragedy, so were the gun dealers—even as ATF urged them to make the sales.

Furthermore, according to the FFL, there were "one or two" occasions on which his employees actually witnessed and recorded with surveillance cameras an exchange of money between the straw purchaser and another individual on the premises. Despite this actual knowledge of a straw purchase, the dealer said ATF officials wanted him to proceed with the transaction. However, his employees refused to process the sale.

In light of this new evidence, the Justice Department's claim that the ATF never knowingly sanctioned or allowed the sale of assault weapons to straw purchasers is simply not credible. As you know, I have multiple document and information requests pending with various components of the Justice Department. Unfortunately, however, it appears that senior Department officials are not allowing the components to respond fully and directly.

Please provide written answers to the following questions by no later than April 20, 2011:

1. Do you stand by the assertion in the Department's reply that the ATF whistleblower allegations are "false" and specifically that ATF did not sanction or otherwise knowingly allow the sale of assault weapons to straw purchasers? If so, please explain why in light of the mounting evidence to the contrary.

2. Will you commit to providing the Senate Judiciary Committee with documents, or access to documents, simultaneously with the

House Committee on Oversight and Government Reform? If not, please explain why not.

If you have any questions regarding this request, please have your staff contact Jason Foster at (202) 224-5225. Thank you for your prompt attention these important issues.

Sincerely,

CHARLES E. GRASSLEY,  
*Ranking Member.*

Mr. GRASSLEY. How much time do I have?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

#### IMMIGRATION

Mr. GRASSLEY. I want to talk about immigration and a part of the immigration issue that concerns me, and, by golly, it has something to do with government oversight as well.

Last August, some lawyers at the U.S. Citizenship and Immigration Service drafted internal memos outlining ways that the administration could get around Congress and grant undocumented aliens in the United States legal status. These amnesty memos outline ways that the executive branch could use discretionary authority to make sure thousands—who knows, maybe millions—of people here illegally could stay here without a vote of Congress.

A number of Republicans sent a letter to President Obama urging him to abandon any such plan. We sent several letters to Homeland Security Secretary Napolitano asking for statistics and a briefing on these memos. We asked for assurances that such plans to bypass Congress—I emphasize “plans to bypass Congress”—not be implemented. What did we get? All we got was radio silence.

I raise this issue again today because I am bothered by reports that there is another push for this administration to grant amnesty through Executive order, which only should be done by the law of this Congress, to certain groups of undocumented populations. Surprisingly, the push for this is coming from our friends on the other side of the aisle. Yesterday, 22 Democrats sent a letter to President Obama asking him to turn a blind eye to the law. These 22 Senators said they were OK with having an executive branch go ahead and go around Congress and grant amnesty to those who would be eligible under the so-called DREAM Act. These Senators said they didn't have the votes to get the bill through the Senate last year.

Their approach is in a nonconstitutional fashion to ask the President to have his administration use what is referred to legally as prosecutorial discretion to keep these undocumented individuals here. They claim doing so would be “consistent with our strong interest in the rule of law.” They say doing so would “help to conserve limited enforcement resources.”

I am appalled, and I hope a lot of my colleagues on both sides of the aisle are appalled, that Members of this body think that an Executive order to grant

amnesty behind our backs is not an assault on the democratic process. Congress has the power to change immigration laws and only Congress has the power to change immigration laws. The President has limited authority to grant relief in limited and emergency circumstances. I support the President's power to do that, but it was not meant to be used in a blanket fashion. The request by 22 Members of this body is an affront to our country's longstanding belief in the rule of law, and it is an attack on this body's duty to legislate on behalf of the American people, a power to legislate that the President does not have.

I happen to agree that our immigration policies have to be reformed. I will commit to moving legislation that expands upon or improves the legal avenue we currently have in place. Once again, we have not seen leadership by this President to work on a bill this Congress can support. Until that time comes, it would be foolish and disappointing if this President circumvented the democratic process and did what 22 Members of this body asked him to do in the letter to which I referred.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

#### CONTINUING RESOLUTION

Mr. BLUMENTHAL. Madam President, I rise near the end of this very important and profoundly significant budget debate to make some points not only about the dollars and cents in our health care system, but also to speak about a growing and persistent threat—the threat of irresponsible cutbacks to vital health care services for our Nation's most vulnerable—in the name of an ideological war on women's health care.

Our Nation is in the midst of a fiscal crisis. We need to recognize that there is a very immediate and important imperative to cut the costs of health care in this country. The costs of health care are spiraling out of control at a rate five times the rate of inflation.

The President, commendably, is talking about the need for serious measures and sensible conversation about what can be done to control and reduce the costs of health care. Just this week, the administration initiated Partnership for Patients, which is another step in the President's continuing efforts, and I believe this body's continuing efforts, to prevent and reduce needless costs to our health care system. For example, reducing the incidence of readmissions to hospitals and providing for better outpatient treatment after people are out of the hospital; reducing the incidence of hospital acquired infections; to reducing the incidence of overprescription—or misprescribed drugs—these kinds of costs are preventable. We have an obligation to reduce those costs in health care when they are preventable.

Higher quality at lower cost has to be our objective. And, lowering costs also means preventive care for women when they cannot afford it. That is what Planned Parenthood does. The threat of H. Con. Res. 36 is to that profoundly important goal—higher quality health care at lower cost—that we can achieve as a nation if we invest in preventive care.

The threat of H. Con. Res. 36 is, therefore, not only to the 1.4 million Medicaid patients across the country who would be deprived of that preventive care, and not only to the more than 60,000 women in Connecticut who are at risk, but to all of us, to our families, and to our fiscal health. We know Planned Parenthood saves \$4 for every \$1 invested. Smart investments that go to provide the Pap smears, breast exams, and other kinds of preventive health care that not only save our health care system money, but that are an absolutely critical part of high quality health care in the United States.

But this debate is about more than costs. It is about human beings. It is about those women who need that preventive care for their future and their family's futures and eventually for their children's futures. Every woman across our Nation, including 1.4 million Medicaid patients who consider Planned Parenthood their primary source for preventive health, deserves to visit a health care provider she trusts—a health care provider that many of us have in this body whether we are men or women.

I am talking about women such as Rebecca in Meriden, CT. Rebecca's parents' health coverage did not extend to her, and she made too much money to qualify for Connecticut's Husky Program—too much money meaning \$10 an hour and working part time, a total of \$10,000—too much money to qualify for Husky. She depended on Planned Parenthood for regular health screenings and contraceptive care. As she said in her own words:

Planned Parenthood was my saving grace for my reproductive health.

Women such as Maya, a 23-year-old uninsured young woman, a waitress, part time, doing an unpaid internship for a nonprofit organization. She went to Planned Parenthood for her routine Pap smear, and the results showed abnormal cells that required a biopsy and an operation to have the precancerous cells removed. That procedure could have been lifesaving for Maya; as are all of the routine screenings that Planned Parenthood provides for countless women across the country and in Connecticut. All of these procedures take place day in and day out around Connecticut, for a price they can afford. These stories from Rebecca and Maya are heard around our Nation, at least 60,000 strong in Connecticut alone.

As Martin Masselli, Community Health Center advocate and the president of Community Health Care, Inc. in Middletown, recently said: