

	Budget authority	Outlays	Revenues
For an act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307) . . . . .	0	0	40
For the Congressional Budget Office's reestimate of the President's request for discretionary appropriations (section 401(c)(5)) . . . . .	3,766	2,355	0
For further revisions to a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307) . . . . .	10	13	6
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4)) . . . . .	6	-1,175	0
For an act to make technical corrections to the Higher Education Act of 1965, and for other purposes (section 303) . . . . .	32	36	0
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4)) . . . . .	-11	-11	0
For an amendment in the nature of substitute to H.R. 3548, the Unemployment Compensation Extension Act of 2009 (sections 306(f) and 306(b)) . . . . .	5,708	5,708	-38,940
For the Patient Protection and Affordable Care Act of 2009 (section 301(a)) . . . . .	12,500	11,500	9,100
For the Department of Defense Appropriations Act, 2010 (section 401(c)(4)) . . . . .	0	1,950	0
For further revisions to the Patient Protection and Affordable Care Act of 2009 (section 301(a)) . . . . .	-5,220	-6,670	-9,630
For further revisions to the Patient Protection and Affordable Care Act of 2009 (section 301(a)) . . . . .	-7,280	-4,830	530
For further revisions to the Patient Protection and Affordable Care Act of 2009 (section 301(a)) . . . . .	8,500	3,130	-580
For the Health Care and Education Reconciliation Act of 2010 (section 301(a)) . . . . .	1,130	220	-1,930
<b>Revised Budget Resolution Totals</b> . . . . .	<b>2,907,837</b>	<b>3,015,541</b>	<b>1,612,278</b>

<sup>5</sup> S. Con. Res. 13 includes \$10,350 million in budget authority and \$5,448 million in outlays as an allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts.  
 Source: Congressional Budget Office.  
 Note: n.a. = not applicable; P.L. = Public Law.

**OBJECTION TO EXECUTIVE NOMINATIONS**

Mr. GRASSLEY. Madam President, pursuant to a public letter to Secretary Sebelius dated September 24, 2009, there is a pending objection to unanimous consent requests for the following nominees: Jim Esquea, nominated for HHS Assistant Secretary for Legislation, and Richard Sorian, nominated for HHS Assistant Secretary for Public Affairs. I ask unanimous consent that a public letter dated September 24, 2009, be printed in the RECORD.

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

SEPTEMBER 24, 2009.

Hon. KATHLEEN SEBELIUS,  
 Secretary, Department of Health and Human Services, Washington, DC.

DEAR SECRETARY SEBELIUS: America's 11 million seniors enrolled in the Medicare Advantage program deserve to be informed of any actions by the federal government that could affect this program and its broad implications. Medicare Advantage Plans and Prescription Drug Plans that provide services through the Medicare program have a constitutional right to provide information about these Medicare programs to their customers. Therefore, I hope you can understand our grave concern with the recent Centers for Medicare and Medicaid Services directive barring all such providers from any and all communications of this kind with America's seniors. This gag order must be immediately lifted.

As the Supreme Court has repeatedly recognized, our constitutional tradition is one of "a profound commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open." Health plans, of course, have the right to speak on matters of public concern—a fundamental principle that your Department, until recently, had recognized and respected. Specifically, the Department of Health and Human Services (HHS) previously noted that there was no legal authority to justify prohibiting a health plan "from informing its members of proposed legislation and exhorting them to express their opinions" about it. In fact, HHS had previously determined that shutting down communication of this sort "would violate basic freedom of speech and

other constitutional rights of the Medicare beneficiary as a citizen."

Now, the Obama administration has reversed this longstanding HHS decision—in the midst of a critical debate about the future of health care services in our country—to shut down communication between private companies and America's seniors on an issue that has a direct impact on their health care. And your Department has done so by imposing an industry-wide gag order without apparent justification or basis in law and completely contradictory to your past public guidance and the plain language and spirit of the First Amendment, among the most sacred tenets of our democracy.

America's seniors and the health plans that serve them deserve to have their free speech rights respected. Their rights should not be subject to the whims of any Administration, and the health plans that serve them should not be threatened with punishment if they speak out on a matter of public concern simply because the Administration disagrees with their position.

Until your Department rescinds its gag order and allows seniors to receive information about matters before Congress, we will not consent to time agreements on the confirmation of any nominees to your Department or associated agencies.

Thank you for your consideration of this matter of such great importance to America's seniors.

Signed,

- MITCH MCCONNELL.
- JON KYL.
- LAMAR ALEXANDER.
- JOHN CORNYN.
- LISA MURKOWSKI.
- JOHN THUNE.
- MICHAEL B. ENZI.
- CHUCK GRASSLEY.

**FREMONT COUNTY FLOODING**

Mr. ENZI. Madam President, this past week, Fremont County in my home State of Wyoming has been hit hard by flooding. I want to take this opportunity to commend the communities in Wyoming that have come together and worked so hard to respond to the flooding, to help protect each other's homes, and whose willingness to step up and volunteer to help their neighbors really shows the true Wyoming spirit.

I want to thank the individuals who have been filling sandbags all week. Literally hundreds of thousands of sandbags have been filled to help hold back the floodwaters and protect homes and businesses. I am told that there are more sandbags if we need them and I know that people in my home State won't hesitate for a second to do the hard work that will help protect a neighbor's home or a community business. This truly is a community effort, and I am proud of the example that our small businesses, our community organizations, and Wyoming's volunteers are making.

Nearly 240 Wyoming National Guard members are in Fremont County right now. Their service is critical to our communities in times like these, and I want to recognize and thank them for their hard work. They are making a huge difference in helping make sure that communities like Lander, Ethete, Fort Washakie, and many other places have the help they need.

The extent of the damage from this disaster is still unclear, but our communities—both in Wyoming and in other States that have been hit by natural disasters—must have the resources to recover and put their towns and neighborhoods back together. For those agricultural producers affected by this flood, this is the very reason why I worked with my colleagues during the 2008 farm bill to enact a permanent disaster program—so funding would be available when it is most needed and would not require emergency congressional action.

I know Senator BARRASSO and Representative LUMMIS are working hard to make sure Fremont County can get the support it needs. Their energy and hard work have been critical to the teamwork that we do. Wyoming is a big State, so I am glad that we have always worked together to make sure we can get different jobs done in different places.

I want to thank everyone who has helped respond to this disaster for their