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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious and merciful God, You guide the humble and teach them Your way. What can keep us from praising You? Even amid life's toils and tears, we find tokens of Your care and providence. Thank You for the beauty of sunrise and the glory of sunset, for nourishing food and the support of family and friends. We are grateful for the joys of work well done and for even the challenges that strengthen our faith. Lord, we praise You for a nation of rich resources, high privilege, and enlarging freedoms.

Thank You also for our Senators and all who faithfully work with them. Today, gladden their hearts and reward them for their service. May they live this day as a never-to-be-repeated opportunity to glorify You. We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 23, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for 90 minutes, with Senators permitted to speak for up to 10 minutes each. The majority will control the first 45 minutes and the Republicans will control the final 45 minutes.

Following morning business, the Senate will resume consideration of the Interior Appropriations bill. Last night, I filed cloture on the bill and the substitute amendment. As a result, Senators must have their germane amendments filed at the desk prior to 1 p.m. today.

I also want to remind Senators there is a reception and buffet dinner in S. 211 tonight—that is the LBJ room—at 6 o'clock to celebrate Henry Clay in the Senate.

There is a wonderful story about a 150-year-old painting that was discovered. It is a magnificent painting, right outside these doors, and we will talk a little about that tonight. It is historic and a great way to recognize the success of this country over the years.

We will need to be out of session at 5:30 for the Senate reception room to

be swept by the security folks. This event is hosted by the Senate Commission on Art, and our spouses will be expecting us to be on time.

I want to say also that 45 minutes of our time is going to be controlled by Democratic freshmen Senators. The American people are going to see here today the quality of the people who are new Senators—all successful prior to coming here, from many different walks of life, men and women. As I have watched these past 9 months the bringing of these men and women into Senate business, I am so impressed and understand how they did so well before coming here. Today, they are going to talk about health care.

As an example of the quality of our Senators—and I am not going to run through all the freshmen Senators—we have our Presiding Officer. The Presiding officer had a long and successful career before coming to the Senate as Attorney General of the State of New Mexico, as a long-time Member of Congress, and now as a Member of this body.

I had one of the pleasures of my life a month or so ago in being able to go to New Mexico and spend about an hour with the Presiding Officer's father—the historic Stewart Udall. What a wonderful visit we had. We talked about his brother Morris Udall, whom I had the good fortune of being able to serve with in the House of Representatives. I am sure that Morris Udall is beaming up in Heaven that his son Mark is now serving in the Senate.

What a quality group of people they are, and the American people are going to be seeing them in a few minutes as they talk about health care. I don't know what they are going to talk about with regard to health care, but I can almost bet that one of the things all these fine Senators are going to say is that we do not have as an option in health care to do nothing. The status quo will not work.

- This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Because of the monopolistic handle the insurance company has on everything that happens—all the profits being made by the insurance industry, the pharmaceutical industry—the cost of health care is leaving 50 million American people uninsured, with many people losing their insurance. Today, 14,000 people will wake up in America with health insurance and go to bed without it. In the State of Nevada—sparsely populated, relatively speaking—220 people will wake up this morning with health insurance and go to bed tonight losing it, 7 days a week.

I admire and appreciate the freshmen Senators speaking out on the need to do something about health care.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for 90 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first 45 minutes and the Republicans controlling the second 45 minutes.

The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the time for morning business not begin until a quarter to 10.

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

Mr. REID. Mr. President, 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. MCCONNELL. 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.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE

Mr. MCCONNELL. Mr. President, yesterday afternoon I came to the floor to speak out against one of the tactics that supporters of the President's health care proposal have resorted to in recent days.

It appears that a particular Senator has encouraged the administration to use its powers to clamp down on an opponent of the administration's health care policy—to clamp down—to use the

administration to clamp down on an opponent of the President's health care policy. What is more, the administration snapped to attention at the Senator's request. It followed the Senator's advice and almost immediately the government clamped down on a private health care company in my home State that had been sharing its concerns about the administration's health care proposal with seniors on Medicare.

Yesterday, we saw how legitimate those concerns were when the Director of the nonpartisan, independent Congressional Budget Office said the administration's proposed Medicare cuts would indeed lead to significant cuts in benefits to seniors.

Let me say that again. We had the Director of the Congressional Budget Office just yesterday confirm that what was said by this health insurance company to its customers was true. Yesterday, we saw how legitimate those concerns were when the Director of the nonpartisan, independent Congressional Budget Office said that the administration's proposed Medicare cuts would indeed lead to significant cuts in benefits to seniors. So a part of the administration is putting a gag order on a company for telling the truth to its customers.

First and foremost, this episode should be of serious concern to millions of seniors on Medicare who deserve to know what the government has in mind for their health care. But it should also frighten anyone—anyone—who cherishes their first amendment right to free speech, whether in Louisville, Helena, MT, San Francisco, or anywhere else. It should concern anyone who is already worried about a government takeover of health care. Why? Because it seems that in order to advance its goals, the administration and its allies are now attacking citizens groups and stifling free speech.

Let's review. At the instigation of the chairman of the Finance Committee, the author of the health care legislation now working its way through Congress, the executive branch, through the Centers for Medicare and Medicaid Services, has launched an investigation—believe it or not, an investigation—into Humana for explaining to seniors how this legislation would affect their coverage.

One more time: A private health care provider told its elderly citizens how its health care legislation might affect their lives. Now the Federal Government is putting its full weight into investigating that company at the request of the Senator who wrote the legislation in question. Now we find out the concerns the company was raising to its clients were perfectly legitimate, according to the Director of CBO. So, for telling the truth to your clients, you get investigated by the government. This is so clearly an outrage it is hard to believe anyone thought it would go unnoticed. For explaining to seniors how legislation might affect

them, the Federal Government has now issued a gag order on that company and any other company that communicates with clients on the issue, telling them to shut up—shut up or else. This is precisely the kind of thing Americans are worried about with this administration's health care plan.

They are worried that handing government the reins over their health care will lead to this kind of intimidation. They are worried that government agencies, which were created to enforce violations evenhandedly, will, instead, be used against those who voice a different point of view.

That is apparently what is happening here, and to many Americans it is a preview of what is in store for everyone under the administration's health care plan. It is hard to imagine any justification for this. But if people behind this latest effort believe they have some legal justification for shutting up a private company, then they need to explain themselves to the American people. More specifically, they need to explain to 11 million seniors on Medicare Advantage why they should not be allowed to know how the cuts to this program will affect their coverage.

Yesterday, my office called CMS to ask for the legal authority that would warrant them imposing an industry-wide gag order on an issue of public concern. We are still waiting for a response. So this morning I am asking the Centers for Medicare and Medicaid Services to provide my office with its justification for telling a company it cannot communicate with its seniors.

Over the past several months, we have seen a pattern of intimidation by supporters of the administration's health care proposals, including efforts to demonize serious-minded critics at townhall meetings across the country. Now we are seeing something even worse, the full power of the Federal Government being brought to bear on businesses by the very people writing the legislation. This was troubling enough in itself. It is even more troubling now that we are told that Humana was exactly right—exactly right in what it was telling its clients. Americans are already skeptical about the administration's plan. They should be even more skeptical now.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

HEALTH CARE REFORM

Mr. WARNER. Mr. President, I rise with a group of my freshmen colleagues to discuss an issue that is on all our minds and on the minds of many Americans and that is the issue of health care reform. The subject most of us are going to address today is what happens if we do nothing on this critically important issue because we, as recent additions to this body, are united by a simple but important truth: the rising cost of health care is