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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

### PRAYER

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

Eternal Spirit, the fountain of all wisdom, we bring our fragmented lives into Your presence, seeking Your wholeness. We bring our restless spirits to You seeking Your calm strength. We bring You our transient thoughts, seeking the permanence of Your gracious providence.

Today, remind our lawmakers that only as we lose ourselves in something higher can we truly find ourselves. To this end, give them great causes to embrace and a great faith to energize their labors. Lord, lead them from doubt and disillusionment, from cynicism and frustration, to a confidence that in everything You work for the good of those who love You. Give them the light to see the way You desire them to take through today's perplexing circumstances.

We pray in Your Holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JEFF MERKLEY 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 9, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF MERKLEY, a Senator from the State of Oregon, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. MERKLEY 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, the Senate will be in a period of morning business for an hour, with Senators permitted to speak therein for up to 10 minutes each. The majority will control the first 30 minutes and the Republicans will control the second 30 minutes. Following morning business, the Senate will resume consideration of S. 1023, the Travel Promotion Act. The Senate will recess from 12:30 to 2:15 to allow for the weekly caucus luncheons to meet. We hope to reach an agreement to yield back some of the debate time on the travel promotion legislation prior to 4:30 p.m. Senators will be notified when that vote is scheduled. Upon disposition of the travel bill, the Senate will proceed to a cloture vote on the executive nomination of Cass Sunstein to be Administrator of the Office of Information and Regulatory Affairs at the Office of Management and Budget. This week, we are also going to go to the Transportation appropriations bill, and we will continue to work through the important appropriations process.

### HEALTH CARE REFORM

Mr. REID. Mr. President, I wish to take a few minutes this morning to bring to the attention of the Senate an article in the September 7 Newsweek magazine. This is the language from Newsweek. I am not using the words; these are their words. There are two pages. "The Five Biggest Lies in the Health Care Debate." Remember, it is the five biggest, but there are a lot of them that have been going on. These are the five biggest lies, in the estimation of the publishers of this multi-million-dollar distributed magazine:

To the credit of opponents of health-care reform, the lies and exaggeration they're spreading are not made up out of whole cloth—which makes the misinformation that much more credible. Instead, because opponents demand that everyone within earshot (or e-mail range) look, say, "at page 425 of the House bill," the lies take on a patina of credibility. Take the claim in one chain e-mail that the government will have electronic access to everyone's bank account, implying that the Feds will rob you blind.

That is a falsehood. It is not in any bill, on any page, or anyplace. It is just made up, and it is carried on talk radio, blogs, and cable TV all over America. It is false, not true.

One of the things I found in going home is that people are concerned—old people, because we get sick when we get old—they won't be able to get any chemotherapy. In this magazine, No. 1, it says that "the threat that Medicare will give cancer patients over 70 only end-of-life counseling and not chemotherapy" is a lie. It is not me saying that, it is Newsweek.

Another one is that illegal immigrants will get free health insurance.

The House bill doesn't give anyone free health care.

So illegal immigrants getting free health insurance is a lie. That is one of the five biggest lies.

Another one is that death panels will decide who lives. This is a dandy that started and got legs because of the resigned Governor of Alaska.

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



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On July 16, Betsy McCaughey, a former lieutenant governor of New York and darling of the right, said on Fred Thompson's radio show that "On page 425"—

They talk about page 425, but it doesn't exist there or anywhere else. But that gives them credibility.

"On page 425, Congress would make it mandatory . . . that every five years, people in Medicare have a required counseling session that will tell them how to end their life sooner, how to decline nutrition." Sarah Palin coined "death panels" in an August 7 Facebook post.

Mr. President, that is a lie.

Next is that the government will set doctors' wages. This is the socialized medicine thing we hear so much about, that all this health care debate is about is socialized medicine. This is in the magazine.

I have told people in Nevada and everywhere I went during the break that the only person I have ever heard in many years who spoke about a single-payer system was Paul Wellstone. He did it proudly. He believed in it and he talked about it. But he is the only person I have heard talk about it since I have been in Congress. But the government setting doctors' wages is a lie. Socialized medicine is not part of the plan that is being talked about. That is simply not true.

I hope people will come back to reality and understand that what we are trying to do is fix a system that is bankrupting our country. Insurance companies are making huge amounts of money. They are not subject to the antitrust laws. They are taking advantage of the American people. Their No. 1 goal is to see how much money they can make, and that is not a lie. We are trying to change the curve.

Right now, in America, one-sixth of every dollar spent by everyone—it doesn't matter where you are—is for health care. If we don't change that, by 2020, which is close, 35 percent of every dollar spent will be for health care. We are not trying to take away benefits from old people. We are doing our very best to have a fair system and one that stops the insurance companies from taking advantage of everyone.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, 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 1 hour, 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. The majority will control the first half and the Republicans will control the second half.

The Senator from Illinois is recognized.

#### REMEMBERING SENATOR EDWARD M. KENNEDY

Mr. DURBIN. Mr. President, we knew it was coming. Yet the sight of Senator Edward Kennedy's desk draped in the black velvet of mourning is painfully sad.

America and the world have lost a great champion of civil rights, human rights, and fairness. As President Obama said so well, Senator Kennedy was not only historic, he was heroic.

We will have more time later this week to talk about his extraordinary life and the honor those of us who served with him enjoyed during his life. Today, I wish to say what a great honor it was to have worked alongside Ted Kennedy.

On his desk today is a copy of one of his favorite poems, "The Road Less Traveled" by Robert Frost.

There is another Frost poem that is identified with the Kennedys that Ted Kennedy loved as well. It is called "Stopping by Woods on a Snowy Evening." It is the story of a man who pauses to admire the simple serene beauty of a New England woods filling softly with snow and wishes he could stay longer. It reads:

But I have promises to keep,  
And miles to go before I sleep,  
And miles to go before I sleep.

Unlike his beloved brothers, Senator Kennedy's life was not one of promise cut short but a life of promises kept. He loved America, and his life's work made us a better and more just nation.

If Ted Kennedy were here today, I feel absolutely certain that he would be on the floor at this moment talking about health care. It really was the hallmark of his public career. From the beginning, he understood this was one of the most fundamental things when it came to justice and fairness in America.

The fact that 47 million Americans have no health insurance is at least embarrassing, if not shameful, in this great and prosperous Nation. Who are these people, these 47 million? Are they lazy or just unlucky? Well, they are not the poorest in America because we provide for the poorest. We have Medicaid, which provides basic health care for those who are out of work and have no source of income or savings. They are not the fortunate few or the fortunate majority, because they don't enjoy health insurance, as most of us do, where they work. They are people who get up and go to work every single day, without the assurance that they are going to have protection if they run into medical bills.

This morning, in the State Journal Register, which is published in my hometown of Springfield, IL, there is a story of one person, Terry Broida. He is a fellow who is down on his luck. He is 62 years old, and he says:

"I couldn't get a credit card to buy a postage stamp," said Broida, 62, who estimated he owes \$80,000 to Springfield doctors and hospitals, money he doesn't think he will be able to pay.

Is he out of work? No. He is a small businessman who operates an air-filter maintenance company, and he is one of more than 45 million Americans who have no health insurance.

It says:

He wants to see Congress and the Obama administration cover all Americans through a universal, government-controlled system. And he's not scared of what some would call "socialized medicine."

He said this Tuesday:

We have socialized medicine already—it's called Medicare, and it works.

This says:

America's health-care costs total more than \$2.2 trillion a year, accounting for 16.2 percent of the gross domestic product in 2007.

That is \$1 out of every \$6 spent in America.

And yet, the latest statistics indicate that 15 percent of Americans [like Terry Broida] were uninsured in 2007.

Health care costs are crippling the ability of many companies to compete, and many companies are dropping coverage.

Broida, the father of six, hasn't had health insurance [in 40 years] since 1969, when he was 22 and sold life insurance [at a local agency]. When he left that job, he operated furniture stores for more than 30 years.

He said, "I was young, stupid and thought I could handle anything."

He said he never could afford health insurance but always seemed to scrape together enough money for doctor visits for himself, his kids and his now-ex-wife—until 1980, when he broke his right leg playing softball.

To pay for the \$3,000 surgery to fix his leg, he agreed to reupholster the surgeon's furniture.

"It was a pretty good swap," Broida said. But that doctor died a few months later, leaving Broida with no one willing to accept a similar swap to remove the metal rod [the doctor put] in his leg.

The rod is still there today, 29 years later.

A 17-foot fall through a roof while working in early 1990s left him with another \$3,000 hospital bill he couldn't pay, and a heart attack in 1995 generated a \$25,000 bill to St. John's Hospital [in Springfield, IL].

He thinks the hospital forgave most of the bill.

Fearing another big bill, [Terry] decided not to seek medical care in 1996, when he fell off another roof. "I just laid in bed until the pain went away, and I went back to work," Broida said.

Spinal stenosis almost crippled him until his primary care doctor at [a local community health center] referred him for emergency surgery in 2007.

The surgery worked, but the surgeon was from a local clinic which did not offer discounted rates to patients, such as they offer to major health insurance companies. The doctor bill alone for his emergency surgery was \$40,000. Broida said, "There's no way in hell I can pay \$40,000."

At one time, he said, he earned \$50,000 a year. He said he now makes about \$18,000 while recovering from surgery.

He went on to talk about the fact that he had heart problems that may have been complicated by dental problems. He cannot afford regular dental