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## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

### PRAYER

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

Let us pray.

Our Father in heaven, because of the abundance of Your mercies, we receive this gift of another day. We don't pray for tomorrow and its needs, but we do intercede for this day which now bathes us in its returning light. Give wisdom and courage to our Senators, as You set Your seal upon their lips. Lord, restrain them from speaking words that needlessly hurt or discourage some pilgrim by their side. As lovers and servants of this land of freedom, make them worthy of the past and equal to the present. Mold them to Your purposes. Fashion them with Your powerful hands. Shape them on the anvil of these days of destiny into instruments fit for Your use.

Lord, we also pause and pray for the families of Capitol Police Officer Jacob Joseph Chestnut and Detective John Michael Gibson, who bravely gave their last full measure of devotion defending the Capitol 11 years ago today.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER 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 bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 24, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

### MOMENT OF SILENCE TO HONOR OFFICER CHESTNUT AND DETECTIVE GIBSON

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will observe a moment of silence in honor of Officer Jacob J. Chestnut and Detective John M. Gibson of the United States Capitol Police who fell in the line of duty defending this Capitol on this day in 1998.

(Moment of silence.)

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, there are a select few men and women who come to work every day with one primary job: to protect those of us who are fortunate enough to call the U.S. Capitol Building our office and all who come here from all corners of the country to see for themselves the heart of our democracy.

Special Agent John Gibson and Officer Jacob Chestnut were two such men. Every day for almost two decades they kept us safe. Eleven years ago today, as the Chaplain announced in his prayer, they gave their lives while protecting us. On this day in 1998, a madman came through an entrance on the east side of the building in midafternoon and shot Officer Chestnut at pointblank range. Officer Chestnut died instantly. Agent Gibson confronted the man, shooting him and stopping him. Gibson was himself hit, and he died later that day.

I can clearly remember both these brave men, both of whom were in their 18th year of service as Capitol policemen when they were killed.

I can remember when my wife became ill at a congressional retreat we had in Virginia. It was Agent Gibson who ran to her side. I can remember how he was so focused and had run so far from the Capitol Police headquarters to our room, he was sweating profusely, and how he treated her with kindness and care. Agent Gibson, who was from Massachusetts, would, every morning, race to the back of the sports section when baseball season was on to find the box score for his beloved Boston Red Sox. He was a generous neighbor and loving father to his daughter and two sons.

Officer Chestnut, whom everyone called J.J., was a father of five who loved his job and loved his country. He had served in the Air Force for 20 years. He fought in Vietnam. At the time of the shooting, he was just weeks away from retiring.

Gibson and Chestnut lay in honor in the Capitol Rotunda, just steps from where they were murdered, a distinction Congress has conferred upon only a handful of Americans, including Abraham Lincoln, John Kennedy, and our unknown soldiers. Jacob Chestnut was the first African American to ever be so honored in the Capitol Rotunda.

On this solemn anniversary, we pause to appreciate not just the bravery of two men who saved so many others but each and every Capitol police officer who does his or her job so valiantly every single day of the year.

On behalf of the entire Senate, everyone who works and visits here, I extend my appreciation.

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

Mr. McCONNELL. Mr. President, when we stand in this Capitol dedicated to freedom, we must remember freedom's costs. So I rise to speak

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



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about Jacob Joseph Chestnut and John Michael Gibson.

Officer Chestnut and Detective Gibson, both of the Capitol Police, gave their lives 11 years ago today in defense of the men and women who work in and visit the Capitol.

A plaque in this building commemorates their bravery. Their names have been etched upon the National Law Enforcement Officers Memorial, which stands 1 mile from here. And the headquarters of the U.S. Capitol Police bears their names.

Officer Chestnut, or J.J. to his friends, was a 20-year veteran of the Air Force, and had 18 years of service to the Capitol Police. John Gibson also had 18 years of Capitol Police service, and until that day had never had to draw his weapon.

Both men left behind their wives, children, beloved family members, and friends. Both men were part of an elite team. Capitol Police officers, with their unique mission, are charged with protecting not only our lives but our very system of government.

My friend, the majority leader, a former Capitol Police officer himself, knows both the honor and the danger that comes with the job. And so as we honor Officer Chestnut and Detective Gibson today, we also honor every man and woman of the Capitol Police who have bravely volunteered for this hazardous but important duty.

So today the Senate honors J.J. Chestnut and John Gibson. We are grateful for their heroic sacrifice, and we remember their families, whom we embrace as we would our own.

Mr. President, I yield the floor.

#### 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, there will now be a period of morning business, with Senators to speak therein for up to 10 minutes each.

#### RECOGNITION OF THE MAJORITY LEADER

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

#### SCHEDULE

Mr. REID. Mr. President, we are now in a period of morning business, with Senators allowed to speak for up to 10 minutes each. There will be no rollcall votes during today's session.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. I ask unanimous consent to speak in morning business for up to 15 minutes.

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

#### HEALTH CARE REFORM

Mr. WYDEN. Mr. President, I came to the floor this morning to take a few minutes to reflect on this week's developments on the issue of health care reform. For me, the week began with an inspiring essay by the man who has led the crusade for fixing American health care for more than 40 years, the man who continues to lead this body in our efforts to fix health care. I am referring to the wonderful essay by Senator KENNEDY. I encourage all Senators to read his article because, as usual, Senator KENNEDY lays out the challenge ahead. He says on the front page of the magazine, "We're Almost There." That might be a little much for some folks, given the developments of the week, but as usual, there is a lot of validity in what Senator KENNEDY has written in *Newsweek* magazine.

There is widespread agreement on some very significant areas of health care policy. For example, we have bipartisan support in the Senate for fundamentally changing the inhumane model of private health insurance.

Today, private health insurance is essentially about cherry-picking. It is about going out and finding the healthy people and sending the sick people over to government programs more fragile than they are. There is widespread agreement that needs to be changed. For example, 15 Senators are on legislation that would make it illegal to discriminate against those with preexisting illnesses. That is a fundamental change, a dramatic change in the way the insurance industry does business. Democrats, Republicans, both major committees—the committee Senator KENNEDY chairs, the committee led by my chairman, MAX BAUCUS—Democrats and Republicans support fundamental changes in the way private health insurance operates. If someone had told me 3 years ago that there would be such strong bipartisan support for fundamentally altering the model of how private health insurance is sold in our country, I probably would have asked them what hallucinogenic substance they were smoking. But it is an indication, as Senator KENNEDY writes in his article, that we have made a lot of progress.

Suffice to say, as Senator KENNEDY notes again, there is a lot of heavy lifting to do. In particular, if we go to the President's Web site, the three areas he is focused on are lowering costs, increasing choices, and maintaining quality. Those are the three areas the President has focused on, very correctly. Those are the three areas on which our President has made clear he is going to spend his political capital. This is what he is going to use his bully pulpit for. This is what he is going to put in these killer hours for. Having met with him recently, I can

tell my colleagues that President Barack Obama is making that kind of effort with his political capital, using the bully pulpit, and putting in the hours to get the job done.

With respect to lowering people's premiums and lowering costs, one of the areas the Congressional Budget Office has said will generate real savings in the next few years is increasing individual choice, giving all Americans the opportunity, as we have in the Congress, to choose from a variety of plans—big plans, where we spread cost and risk, where they can't discriminate. When an individual makes a wise selection from one of those plans, the individual puts that money in their pocket. That is what the budget office folks have said they will score as real savings for the system, for people's individual premiums in the next few years.

The challenge for our committees is that in many respects, these bills don't give all Americans free choice. They don't give all Americans the choice the Senator from Virginia has—I note the presence of the distinguished leader from Kentucky—these bills don't give all Americans the kinds of choices we have as Senators. Choice and the requirement that companies compete for people's business is what competition is all about. It is what holding premiums down is all about.

I have developed legislation called the free choice proposal. It protects the employer-based system on which we know well over 150 million Americans rely. It also gives us a chance to improve on it. It creates more options for employers and for employees to hold costs down. For employers, our free choice proposal gives them more leverage with their insurance company so they can tell their insurer: I have done business with you for a lot of years. You better give me a better deal or I will take my business somewhere else.

It also says to an employer—hypothetically, in Virginia, Oregon—if you want to take all of your employees to what is called the insurance exchange, kind of a farmers market arrangement, the employer would have the ability to take their workers to the exchange, and the employer could get a discount for doing that against strengthening the employer's role in the effort to hold down cost.

For the worker, what it means is, for example, in Virginia or Oregon, if your employer's share of your health care coverage is, say, \$13,000 and you can find a plan on the insurance exchange for \$12,000, the \$1,000 goes into your pocket. Again, you get a financial reward for shopping. Members of Congress get to shop. I would like to see everybody get to shop, everybody have those individual choices.

It is also good for the system because right now, really since the 1940s, since the middle of the last century, the individual has been disconnected from the health care system. The individual does not get many choices. Eighty-five