



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156

WASHINGTON, THURSDAY, FEBRUARY 11, 2010

No. 21

House of Representatives

The House was not in session today. Its next meeting will be held on Monday, February 22, 2010, at 2 p.m.

Senate

THURSDAY, FEBRUARY 11, 2010

The Senate met at 2:30 p.m. and was called to order by the Honorable AL FRANKEN, a Senator from the State of Minnesota.

PRAYER

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

Let us pray.

Eternal God, You are present with us in light and shadows. Keep our Senators responsive to Your light as they seek to please You in all they say and do. Lord, remind them that You are available to support and sustain them in all situations. Give them the ability to grasp sufficient truth to fulfill Your purposes on Earth and to glorify Your name. Fill them with Your power, transforming them into instruments of Your love and grace.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable AL FRANKEN 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, February 11, 2010.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MINORITY LEADER

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

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum. I believe the majority leader may be on his way.

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 President, I ask unanimous consent the order for the quorum call be rescinded.

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

TRIBUTE TO KYLE SIMMONS

Mr. MCCONNELL. Mr. President, one of the most gratifying things about spending a good deal of time in the Senate, as I have, is the optimism that comes from seeing talent renew itself year after year. I have had the good fortune of having many talented staffers over the years, and the staff I have

now is an incredible group. But every one of them will tell you that when Kyle Simmons gets up from his tidy desk and walks out of his office this Friday, the office they return to on Monday will be a very different place.

It has been said that no one is indispensable, and that may be true. But few of us can imagine S-229 without Kyle Simmons in it. So it will take some adjusting. And part of that adjustment involves doing something this week that Kyle never did. We are going to speak well of him. We are going to talk about his many virtues. We are going to make him a little uncomfortable. Because every single person on my staff knows what it's like to be singled out for a good piece of work, or for going above and beyond the call of duty; everybody, that is, except our chief of staff. Now it is our turn.

The first thing to say about Kyle is that he is humble. And that is really saying something in this town. Most people in Washington look in the mirror in the morning and think they see a future President. Not Kyle. If he looks in the mirror at all in the morning, I would imagine that what he sees is the son of a Baptist minister who was blessed with a privilege he didn't seek and who has tried to earn that privilege every single day, regardless of how well he did the day before. As he used to tell his father, "Dad, I'm always just one mistake away from looking for a job."

He had a modest upbringing. But he excelled at everything. One day when Kyle was about 10 years old, he made his way over to the Tate's Creek public golf course and picked up a club. Soon

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



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enough, he was a better golfer than his dad. It was sign of things to come—a sign that for him, as for so many others in this country before and since, success would come not from who he knew or where he came from, but from hard work and the determination to succeed.

When Kyle showed up in Washington, he didn't have any connections. He didn't have an Ivy League degree. He didn't even have a job. All he had was some furniture he got from his grandfather, and a lot of talent. He got evicted from the first place he rented because the owner of the building wanted to tear the building down. As his old friend and roommate at the time put it, "We were just two country bumpkins in a crowd . . . We just wanted to pay our electric bills."

There were times, I am sure, when back home didn't look so bad. And after a series of jobs outside government and a brush with politics during the 1992 Presidential campaign, Kyle decided he had been in Washington long enough. And so he moved back home to Kentucky, but this time with enough experience under his belt to run a corporate communications shop in Louisville and that is just what he was doing when I first met him on an elevator at the old Seelbach Hotel.

I had just lost my press secretary, and we struck up a polite conversation—the second thing you notice about Kyle is that he is unfailingly polite—and then we pulled a Cheney on him. We asked him if he wouldn't mind coming up with a list of candidates for us, which he did with characteristic diligence. And when he had gone through his list, we asked him if maybe he would be interested in the job. Soon after that, he was sitting at a desk in the Russell Senate Office Building.

He was a quick study. Not even a year had passed before I knew that Kyle was the guy I wanted to manage my next campaign. I sent him down to the office I have always used out on Bishop Lane in Louisville, and he did a flawless job. In a year when Bill Clinton got reelected and carried Kentucky for the second time, Kyle got me reelected by 12 points. It was a landslide, a truly remarkable feat.

After that, he just went from success to success. After returning from Kentucky, I put him in charge of my office. It was one of the best decisions I ever made. Nothing rattled him, and he was always, always, thinking of the one thing that no one else had thought of.

Whether it was taking apart what I had thought to be a terrific idea and patiently explaining to me why it wasn't such a good idea, or mapping out a legislative or political strategy when everyone else was ready to take a break, he became the calm navigator in the middle of the storm—the one person in the office who never took his eye off the destination we had set. And when it came to smoking out some unforeseen problem or vetting some proposal for potential pitfalls, he was, and

is, quite simply, the best I have ever seen. It was a skill I always thought I was pretty good at. But Kyle was better. And it is impossible to overstate the value of that kind of mind in politics.

Many of the people who might be listening to me right now are probably asking themselves why they have never heard of this guy. That is no accident. Kyle was never in it for himself. I know as well as I know the sun's coming up tomorrow that through three Senate elections, two whip races, two leader races, and countless legislative efforts in between, that he never put his own interests ahead of my own. He was as loyal as he was effective. He has made me look better than I am for 15 years. And nearly everything I have accomplished over that time I owe, in large part, to him.

He always deflected attention. And if he was suspicious of anything, it was the glory seekers, the people who like to talk about themselves. It is something he just never did. He kept his own counsel and kept to himself. As his mother used to say, "Kyle can keep silent in 30 different languages."

But if you ever do get Kyle to talk about his accomplishments, he will probably tell you that his proudest professional achievement was finding a talented group of people in Washington, DC, who had the same attitude about the limelight and about empty praise that he does. He will tell you the thing he's proudest of is the staff he put together—and that he will soon leave behind.

But he was always the one who set the example.

On any given day over the past few years, any visitor to our office could be excused for wondering who the tall gentleman was out in the reception room asking one of our new staff assistants whether she'd found an apartment yet, and whether it was in a safe neighborhood.

"I'd never be able to look your parents in the eye if anything ever happened to you," he would say.

Anyone who had the privilege of sitting in one of our morning staff meetings could be excused for wondering who the guy was at the end of the table who seemed to know absolutely everything—from the legislative details to the fact that some of the Senate pages would be graduating later that day, that one of them was from Kentucky, that his dad had just died, and that our No. 1 priority in the office that day would be to make that young man feel like a million bucks.

Any visitor to our office could be excused for being astonished at seeing that same tall gentleman walk away from a room full of CEOs to focus on a staff issue or at seeing him sneak out during an important vote so he could get home just a little while to see his little girl before she went to bed.

Anyone would be amazed how he could manage such a high-pressure environment with such efficiency, focus,

and vision, without ever losing his sense of humor. He inspired confidence in the staff and he inspired loyalty.

Everything I ever asked him to do he did well, especially when he had every excuse not to. I asked him to manage a campaign, even though he had never managed a campaign before. I asked him to run my office, even though he had never run an office before. I asked him to put together a leadership staff, even though he had never done that before. He had never done any of these things, but he excelled at every one, and he never needed the praise. I assure you, that kind of person is in very short supply in Washington.

Someone once said, the best business in the world would be to buy someone for what they are worth and to sell them for what they think they are worth. It was never that way with Kyle. He was always worth more than he thought he was, and that is why he will succeed at whatever he chooses to do.

In the meantime, he leaves a legacy. I cannot tell you how many Senators have come up to me over the past week to tell me how much they will miss his counsel, his advice, and his steady hand. He has left a lot of himself in this place, and it is the better for it.

Above all, though, Kyle leaves his example. It is the example of someone who showed you could be committed to winning and gracious at the same time; that you could be intensely focused, without losing sight of the human beings around you. It is that combination of aggressiveness and caution, political savvy and humanity that anyone who has worked with Kyle has come to admire and will miss.

Now that he is leaving, I am just as confident our office will carry on as it always has because he leaves a fantastic team behind. That is because Kyle's solution to everything was to throw the smartest people in the room at the problem, to find the best talent but not just any talent. He only wanted people who would rather be on a team than on the style pages of the Washington Post—in other words, people like him: honest, intelligent, kind, straightforward people with humility, a deep commitment to excellence, and always a sense of humor.

You do not get those qualities in Washington. You bring them here. In Kyle's case, that means he brought them from a quiet street in Lexington, KY, and, more specifically, from the home of Bill and Barbie Simmons.

Anyone who ever spent any time at the Calvary Baptist Church, where Kyle's dad served as pastor, could tell you there was one thing Bill Simmons could always count on when he climbed into the pulpit, whether he was presiding over a Sunday service, a funeral, a wedding—you name it—Mrs. Simmons would always be out there, always sitting in the same spot. She was always there as a point of reference, as a point of comfort for her husband. When I think of what Kyle has meant

to me over the past 15 years, I cannot help but think that is exactly what he has been to me. He has been that steady presence in the midst of it all. As long as he was there, the team was confident things would turn out well, and they always did.

To me, he has been more than a staffer. He has been a colleague, a confidant, and a dear friend.

Kyle once summed up his approach to the job, and I would like to share it because every Senator should be so fortunate as to have a chief of staff who would write such a thing. It is from a letter he left on the chair of my other chief of staff, Billy Piper, the day Billy took Kyle's job in the personal office 7 years ago.

After a brief introduction, here is what Kyle wrote:

Billy . . . while you sit here you are no longer simply Billy Piper. You are Billy Piper, Senator Mitch McConnell's chief of staff. Carry the privileges and responsibilities just as you have throughout your outstanding career—with humility and honor. . . .

Kyle went on:

. . . it's a constant struggle while balancing the demands on your time to remember your audience: the people of Kentucky, the staff who looks to you for leadership, and Senator McConnell. . . . We're only here for a short period of time—and few of us have made it to where you now sit. Do us proud.

He was honored to serve the Senate and his country. Yet, at the end of that service, he knew he had a more important job still. It was the job of husband and father. That is why, to paraphrase Macbeth, nothing became Kyle's service to the Senate more than the leaving of it. His first love was and is his dear wife Carrie and their beautiful daughter Ava and the Senate could not compete with that—as much as it tried to, especially these last few months.

So he has made the right decision, as he usually does. But that does not change the fact that he leaves behind an office and a boss who will miss him terribly.

Kyle, thank you so very much.

RECOGNITION OF THE MAJORITY LEADER

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

TRIBUTE TO KYLE SIMMONS

Mr. REID. Mr. President, there is nothing I can say to assuage the anguish that my friend, the Republican leader, MITCH MCCONNELL, now feels. It is a unique relationship that comes with our staff members, especially someone who has been with us as many years as Kyle has been with Leader McConnell. These people become part of us. As we can see, Kyle Simmons has become part of MITCH MCCONNELL.

My dealings with Kyle Simmons are meetings that are held in my office or in Senator McConnell's office, and if

there were a way to describe my dealings with Kyle Simmons, it would be to go to the dictionary, under the Hs, and go to the word "humility," and there would be Kyle Simmons. He is just as MITCH MCCONNELL described him. He is a man who has loads of humility. He does not talk very often. But whenever he talks, we listen.

So I wish you the very best, Kyle, in the things you do, and I recognize that your boss, MITCH MCCONNELL, was speaking for the entire Senate in our relationships with our staff. But, of course, even though there are many relationships with our staff, I think the relationship between Senator MITCH MCCONNELL and Kyle Simmons, as we can see, is very unique.

The best of luck to you, Kyle.

SCHEDULE

Mr. REID. Mr. President, following the leader remarks of Senator McConnell and myself, the Senate will proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each. We are going to lay down our jobs bill today so we can begin its consideration when we return after the recess. There is no question the snow has interfered with our work. It would be nice if we could say: OK, then, we are just going to move on next week and pretend next week was this week, but as I told somebody outside before I came in here, when we leave Washington, we do not go home to relax and take it easy. We have constituencies in the State of Minnesota, the State of Kentucky, the State of Illinois, the State of Nevada. We have to take care of it. We have appointments and things we have to do, and we schedule them long ahead of time.

So we are going to come back after the Presidents Day recess energized and make up for this snow day, snow week, and do the very best we can. The jobs bill we are moving forward on is not as big as the one in different elements of the legislation, but it is one that is extremely important. It is going to deal with jobs, jobs, jobs, jobs—four times—because all four elements of our jobs bill will deal with creating jobs immediately, as the Congressional Budget Office said, creating jobs immediately.

HEALTH CARE

Mr. REID. Mr. President, I do wish to comment about the health care debate. One Republican Senator said during this debate what we need is to "get out of the way and allow the market to work." Well, we had an example of it working pretty well for the insurance industry a couple days ago. In fact, a large insurance company in California, insuring almost 1 million people, individuals, decided they would raise their rates this year 39 percent—1 year. I think it is fair to say it is a little above inflation.

Well, when someone talks about getting out of the way and let the market

work, they are talking about doing nothing. That is what it means. "Allowing the market to work" is a code word for letting greedy insurance companies—companies that care more about profits than people—get richer while people who can already barely afford their coverage lose their coverage altogether.

Cover this with the fact that these insurance companies—and this insurance company—are not subject to any antitrust laws. The only business in America not subject to antitrust laws other than Major League Baseball is the insurance industry. So one is raising its rates by 39 percent. That is many times more than the rate of inflation. And, it is reserving the right to raise them again whenever they feel like it. Instead of just once a year, they can raise it more than once a year if they want to. They can do whatever they want, and they do pretty much whatever they want.

What does this mean? It means people will not be able to afford coverage at all in many instances. It means more people will be living one accident, one illness, one injury away from a pink slip or losing everything.

It goes without saying, in the year 2008, 750,000 bankruptcies were filed in America. Eighty percent of those bankruptcies were because of health care costs, and almost 70 percent of those people who filed because of health care costs had health insurance.

A lot of companies are hurting in this economy. But this California health care company is not one of them. Last year, its parent company raked in eight times what it made in the same quarter the year before. What is this all about?

It is not the first time we have seen this happen. Just 2 months ago, another exceedingly profitable insurance company raised its rates with the full knowledge it would mean 650,000 people would not be able to afford the coverage.

That is as many people who are in some of our States.

That is what happens when we allow the health insurance market to work the way it does. That is what happens when we sit back and wait for insurance company executives to act out of the goodness of their hearts instead of acting in the interests of their wallets. That is why we need health reform like the bills already passed in the House and in the Senate that will rein in insurance company abuses and make coverage more affordable for millions of Americans and provide coverage for some 30 million who have no health insurance.

Health care costs take up a larger slice of our economy than ever before, and it is not slowing down. In less than a decade, it is going to be \$1 of every \$5 we spend. In less than a decade, half of a family's income will be spent on health care premiums.

It doesn't have to be that way. Californians don't have to be priced out of