

VACATING 5 MINUTE SPECIAL
ORDER SPEECH

The SPEAKER pro tempore (Ms. JACKSON-LEE of Texas). Without objection, the 5 minute Special Order of the gentleman from Michigan (Mr. McCOTTER) is vacated.

There was no objection.

LET IT BLEED: RESTORING THE
REPUBLICAN PARTY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Michigan (Mr. McCOTTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. McCOTTER. Madam Speaker, as my Republican Party completes its first year in the minority since 1994, we find ourselves held in historically low regard by the sovereign American people.

To end this trend, Republicans must accurately assess our party's past and present failings; and its future prospects of again providing Americans a meaningful choice between the major parties. This remain, after all, a party's duty to the citizenry.

For my GOP to fulfill it, first we must bury our ideological dead. Safely on this side of the cleansing mists of memory, it is chic to eulogize the late Republican majority. From the chattering class few insights emerge, for in the aftermath, only poetry is an apt epitaph.

"The world is too much with us; late and soon; getting and spending we lay waste our powers; little we see in nature that is ours. We have given our hearts away. A sordid boon."

Such was the Republican bathos: A transformational majority sinned and slipped into a transactional "cashocracy." Promises, policies, principles, all bartered, even honor. The majority now is of the ages. May it rest in peace. And be redeemed.

Once, George Santayana cautioned: "Those who do not learn the lessons of history are condemned to repeat them." If our current Republican minority guilefully refutes or gutlessly refuses to admit, accept and atone for the bitter fruits of its lapsed majority, it will continue to decline in the eyes of the American electorate. Thus, for the sake of our Nation in this time of transformation, we must fully and frankly examine and understand the cardinal causes of the Republican majority's recent demise, and, sadder but wiser, commence our Republican minority's restoration as a transformation political movement serving the sovereign citizens of our free republic.

To begin, we must retrace our steps down a broken alley of broken hopes to glean the essence of our party's headier times, big hits and fazed cookies.

Though many of its legislative leaders may moot the point, two Presidents caused the 1994 Republican revolution: Ronald Reagan and Bill Clinton.

The members of 1995's new Republican majority were Ronald Reagan's political children. From President Reagan, Republican congressional revolutionaries inherited a philosophy of politics as the art of the possible: Co-gently expressed by conservative intellectuals ranging from Edmund Burke to Russell Kirk, this philosophy's central tenet held:

Men and women are transcendent children of God endowed by their Creator with inalienable rights.

Government was instituted to defend citizens' inalienable rights and facilitate citizens' pursuit of the good and of true happiness.

Over the generations, Divine Providence has established and revealed through tradition prescriptive rights and custom within communities how order, justice, and freedom, each essential, coequal and mutually reinforcing, are best arranged and nurtured for humanity to pursue the good and true happiness.

Finally, human happiness is endangered by every political ideology, for each is premised upon abstract ideas; each claims a superior insight into human nature not revealed through historical experience; each proffers a secular utopia unobtainable by an imperfect humanity; and, each demands an omnipotent, centralized government to forcefully impose its vision upon an "unenlightened" and unwilling population.

This is the political philosophy and resulting public policies a once-impo- verished youth from Dixon, Illinois, Ronald Reagan, engagingly articulated to America throughout his Presidency in the 1980s. By 1994, the American people who have taken Ronald Reagan at Russell Kirk's word that "conservatism is the negation of ideology," and remembering its beneficent impact upon their daily lives, yearned for its return. For self-described congressional Republican revolutionaries, this formed fertile electoral ground, one shaped as well, it must be admitted, by a host of unheralded and immensely talented GOP redistricting attorneys. But like all revolutions, the peace required a villain.

Enter Bill Clinton.

Exuberant at having defeated an incumbent President George H.W. Bush, Clinton mistook a mandate against his predecessor as a mandate for his own craftily concealed liberalism. In his first 2 years in the Oval Office, this mistake led Clinton to overreach on "kitchen table" issues, such as raising taxes and socializing medicine.

Daily, the four-decade old Democratic congressional majority abetted Clinton's radical policies, and across the political spectrum, voters seethed.

Congressional Republicans bided their time, planned their revolution and seized their moment. Led by their spellbinding and abrasive guru from Georgia, congressional Republicans unveiled their "Contract With America" to much popular, if not pundit, acclaim.

Though much mythologized, if it is to prove instructive for the present Republican minority, this contract can and must be placed in its proper perspective. A musical analogy is most elucidating.

When a reporter once praised the Beatles for producing rock's first concept album, Sergeant Pepper's Lonely Heart's Club Band, John Lennon curtly corrected him: "It was a concept album because we said it was." Lennon's point was this: Yes, the Beatles had originally set out to produce a concept album, but early in their sessions the band dropped any conceits to creating a "concept album" and recorded whatever songs were on hand. Recognizing their failure, the Beatles tacked on a final song, Sergeant Pepper's Lonely Heart's Club Band (Reprise), to engender the illusion they had, after all, created a concept album. Importantly, when the band later tried to produce a true "concept album" and accompanying film, Magical Mystery Tour, the lackluster result was one of the Beatles' few failed artistic ventures.

Similarly, congressional Republicans' "Contract with America" was a collection of specific policy proposals and concrete grievances against the incumbent Democratic President and his legislative allies. It possessed merely an implicit philosophy, one obviously harkening back to Reagan. Even less than Sergeant Pepper, the individual tracks of which have mostly stood the test of time, today many of the Contract's specific proposals sound dated. But like Sergeant Pepper, what endures about the contract is the fact that it was marketed as a revolutionary concept in governance. Of course, it is not. The contract was a suitable period piece which served its purpose—the election of congressional Republicans in sufficient numbers to attain our party's first majority in 40 years. Nevertheless the contract's lack of a clearly enunciated political philosophy sowed the seeds of the subsequent Republican devolution.

Therefore, if the current Republican minority buys into the myth and makes the contract the basis of a derivative "concept" agenda, the GOP will be condemned to another 40-year Magical Mystery Tour through the political wilderness.

This is not to say the members of 1995's new Republican majority lacked a political philosophy or immutable principles. Quite the contrary: These Members were steeped in the Reagan tradition. But after an initial rush of laudable accomplishments, the Members found themselves trapped by the contract's inherent pragmatism and particularity. Absent a philosophical anchor in the contract, Members drifted into the grind of governance, which distorted Reagan's philosophical principles for public policy into nonbinding

precedents for political popularity. Exacerbating this process, the new majority's leaders, exuberant at having defeated an incumbent Democratic congressional majority, mistook a mandate against their predecessors as a mandate for their own finitely posited conservatism. In its first 2 years in control of the House, this led the majority's leaders to erroneously conclude it could govern as a parliament rather than as a congressional equivalent in power to the executive branch; and they over-reached on key issues, most notably in the shutdown of the United States Government over the issue of spending. Artfully framed by President Clinton with sufficient plausibility as an irresponsible Republican ideological attack on good government, this moment marked the beginning of the Republican majority's end. In point of fact, from the government shutdown to the present, the House GOP conference has never had as many Members as it did in 1995.

Some persist in too facilely dismissing this Republican debacle as being due to Clinton's superior messaging of the issue from his bully pulpit. This analysis is errant. The reason Clinton succeeded is the kernel of truth he wielded on this issue: House Republican leaders had stopped governing prudently in accordance with Reagan's political philosophy of politics being the art of the possible and, instead, started acting belligerently in an ideological manner against the public's interest. It is not an accident this battle fundamentally affected Clinton's thinking and spurred his reinvention from a liberal ideologue into a pragmatic problem-solver and proponent of "good government." Unfortunately, Clinton's publicly applauded posturing as a centrist incensed the Republican majority and accelerated their efforts to differentiate themselves from an unprincipled President by being increasingly ideological, which they confuted with being principled.

As this ideological fever progressed through 1996, too late did the new majority's members intuit the political cost to candidates considered "ideologues." The Republicans' majority did survive the partisan carnage of Clinton's overwhelming 1996 reelection, but the cycle's cumulative effect was lasting and damning. Without gawking at the gruesome minutia of each ensuing GOP ideological purge and internal coup instigated by this election, we can note it spawned the unseemly political perversion of the House Republicans' transformational majority into a transactional "cashocracy."

Hubristically deemed by its leading denizens as a "permanent majority," the GOP "cashocracy" was a beggars' banquet at taxpayers' expense. The cashocracy's sole goal was its own perpetuation; and its cashocrats and high priests of money-theism myopically chased the same through pragmatic corporatism and political machinations.

Obviously, the cashocracy's cardinal vice was its conviction to survive for its own sake. Curiously, this was not the height of arrogance; it was the height of insecurity. Aware it stood for nothing but election, the cashocracy knew anything could topple it. This fear cancerously compelled the poll-driven cashocrats to grope for ephemeral popularity by abandoning immutable principles. Materialistic to their core and devoid of empathy, the cashocrats routinely ignored the centrality to governmental policies of transcendent human beings.

This cashocracy's first cardinal error facilitated its second: Pragmatic corporatism. Ensnared in insular power, the cashocrats lived the lives of the rich and famous, despite their middling personal means, due to their newfound friends in the corporate and lobbying community. Cut off from Main Street, these cashocrats embraced K Street. The desire was mutual, and the corporatists' influence grew gradually but ineluctably. Closed within a corporatist echo chamber, the cashocrats became deadened to the tribulations and aspirations of real Americans, and came to measure the "success" of its pragmatic policies by their reception on K Street. Reams of measures spewed forth prioritizing the interests of multinational corporations over the needs of middle-class Americans.

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In fairness, even without the Cashocrats' incessant inducements, blandishments and bullying, the majority of GOP members truly did feel they were promoting the interests of their constituents. This belief was insidiously sustained by the Cashocrats grafting their pragmatic corporatism onto the philosophy of economic determinism. It was not an unforeseeable development. Akin to their conservative brethren who after the fall of the Soviet Union proclaimed the "End of History," House Republicans convinced themselves the ideology of democratic capitalism was an unstoppable deterministic force predestined to conquer the world; and on their part, they viewed their job as hastening its triumph and preparing Americans to cope with its consequences. Combined with the Cashocracy's insatiable need of corporate contributions for its sustenance, this adherence to ideological democratic capitalism reveals how the Republican House majority helped President Clinton (whom they had unknowingly come to emulate and likely loathe ever more because of it) grant the permanent normalization of trade relations to Communist China. With the enactment of this legislation, the Cashocracy reached its political zenith and moral nadir, for it did not shape globalization to suit Americans' interests; it had shaped Americans' interests to suit globalization.

The handsome rewards for such "courageous" legislation fueled the Cashocracy's third vice, avarice. The

process was both seductive and simple, especially in a materialistic town forsaking the qualitative measurement of virtue for the quantitative measurement of money. While this temptation is to be expected in a city where politicians "prove" their moral superiority by spending other people's money, it was equally to be expected Republicans would collectively resist it.

They didn't.

Earmarks, which began as a cost-saving reform to prevent Federal bureaucrats from controlling and wasting taxpayers' money in contravention of express Congressional intent, spiraled out of control once the Cashocrats and their K-Street cronies realized the process could be manipulated to direct any appropriation, however undeserving, to any client, however questionable. In turn, political contributions materialized from the recipients of these earmarks for the Members on both sides of the aisle who dropped them into legislation, oftentimes without the knowledge of or the appropriate review by their peers. The passage of policy bills, too, increasingly mirrored the earmark process, as special interest provisions were slipped into the dimmer recesses of bills in the dead of night. The outcome of this fiscal chicanery was an escalation of the K-Street contributions the Cashocracy required to attain its aim of perpetuating itself in power; and of the illegal perks required to sate the more venal tastes of some morally challenged members who are now paying their debts to society.

Cumulatively, in addition to rendering it morally bankrupt, these three vices left the Cashocracy intellectually impotent. Tellingly, within this less than subtle and manifestly sinister system of earmarks and contributions, the Cashocrats greased the skids for their legislative "favors" by relegating the majority's younger Members to voting rather than legislating; ignoring these Members' qualitative virtues, ideals and talents; measuring these Members by the quantitative standard of how much money they raised; and, thereby, condemning these Members to the status of highly paid telemarketers. Having squandered this infusion of youthful energy and insight, the Cashocrats hailed the election of Republican President George W. Bush and handed him the Nation's legislative agenda.

At first, the Cashocrats' subordination of their separate, equal branch of government to the executive branch bore dividends. But by 2006, when the failures of the Iraq war's reconstruction policy and Hurricane Katrina's emergency relief torpedoed Bush's popularity, the latent danger to the Cashocrats of hitching their SUVs to the fortunes of a President was evident. Precluded from tying its vicarious popularity to Bush's coat tails, the Cashocracy teetered beneath the gale

force invective of the Democrats' campaign mantra the Congressional Republican majority was a "culture of corruption" slothfully fully content to rubber stamp the failed policies of an unpopular President. Panic stricken, the politically tone-deaf Cashocrats urged GOP members to tout America's "robust economy" and attack Democrats on national security issues. The innately materialist economic argument was doomed to fail because the "robust" economy was not to be found in regions like the Northeast and Midwest. The latter argument proved unconvincing to an electorate convinced Iraq and New Orleans were GOP national security fiascoes. And, finally, nothing could persuade an outraged electorate to return a Republican majority which, in the interests of perpetuating itself in power, failed to protect House pages from predatory Members of Congress.

By election day the public had concluded the Republican majority cared more about corporations than Americans; and when the tsunami hit, the Cashocracy crumbled down upon many now former GOP members who became the last, blameless victims of its stolid cupidity.

In hindsight, the Cashocracy would best have heeded President Theodore Roosevelt's warning: "The things that will destroy America are prosperity at any price, peace at any price, safety first instead of duty first, the love of soft living, and the get rich quick theory of life."

Straggling back to Washington for the Republican revolution's death vigil, the 2006 election's surviving GOP members bid anguished goodbyes to defeated friends and struggled to make sense of it all. Dazed and confused, some Members managed to grasp the reality of their newly minted minority, while some still grapple with it. Out of this former group, a distinct vision has emerged concerning how House Republicans can revitalize and redeem themselves in the estimation of their fellow Americans.

"Restoration Republicans" are best considered Reagan's grandchildren. Like their Reagan-Democratic parents, Restoration Republicans were attracted to our party by the intellectual, cultural, and moral components and proven practical benefits of philosophical conservatism. Transcending talking points and political cant, these Restoration Republicans are devoted to restoring the human soul's centrality to public policy decisions; and focusing these policies on preserving and perpetuating the permanent things of our evanescent earthly existence which surpass all politics in importance.

The enduring ideals of Restoration Republicans are succinctly enumerated by Russell Kirk in his book, *The Politics of Prudence*:

One, conservatives believe that there exists an enduring moral order. Two, conservatives adhere to custom, convention and continuity. Three, con-

servatives believe in what may be called the principle of prescription, that is, of things established by immemorial usage. Four, conservatives are guided by the principle of prudence. Five, conservatives pay attention to the principle of variety. Six, conservatives are chastened by their principle of imperfectability. Seven, conservatives are persuaded that freedom and property are closely linked. Eight, conservatives uphold voluntary community, quite as they oppose involuntarily collectivism. Nine, the conservative perceives the need for prudent restraints upon power and upon human passion. And finally, 10, the thinking conservative understands that permanence and change must be recognized and reconciled in a vigorous society.

Given how the Cashocracy repeatedly violated these principles during its descent into oblivion, and how the Democrats' 2006 rallying cry was "change," this 10th ideal merits deeper contemplation. For to understand it fully is to fully understand why Restoration Republicans, who are convinced we live amidst a crucible of liberty, proclaim our minority must emulate and implement the philosophical conservatism of Ronald Reagan and the fiery integrity of Theodore Roosevelt in the cause of empowering Americans and strengthening their eternal institutions of faith, family, community and country. Again, I quote from Kirk: "Therefore, the intelligent conservative endeavors to reconcile the claims of permanence and the claims of progression. He or she thinks that the liberal and the radical, blind to the just claims of permanence, would endanger the heritage bequeathed to us, in an endeavor to hurry us into some dubious terrestrial paradise. The conservative, in short, favors reasoned and tempered progress. He or she is opposed to the cult of progress whose votaries believe that everything new necessarily is superior to everything old."

"Change is essential to the body social, the conservative reasons, just as it is essential to the human body. A body that has ceased to renew itself has begun to die. But if that body is to be vigorous, the change must occur in a regular manner, harmonizing with the form and nature of that body; otherwise change produces a monstrous growth, a cancer, which devours its host. The conservative takes care that nothing in a society should ever be wholly old and that nothing should ever be wholly new. This is the means of the conservation of a nation, quite as it is the means of conservation of a living organism. Just how much change a society requires and what sort of change depend upon the circumstances of an age and a nation."

Kirk's words compelled Restoration Republicans to empathetically assess our Nation's age and circumstances, and ponder the direction and scope of the changes our American community requires. In making these determinations, Restoration Republicans draw

parallels between, and inspiration from, America's greatest generation. Our greatest generation faced and surmounted a quartet of generational challenges born of industrialization: Economic, social and political upheavals; a Second World War against abject evil; the rise of the Soviet super-state as a strategic threat and rival model of governance; and the civil rights movement's moral struggle to equally ensure the God-given and constitutionally recognized rights of all Americans.

Today, our generation of Americans must confront and transcend a quartet of generational challenges born of globalization: Economic, social and political upheavals; a third world war against abject evil; the rise of the Communist Chinese super-state as a strategic threat and rival model of governance; and moral relativism's erosion of our Nation's foundational, self-evident truths.

The critical difference between the challenges conquered by the greatest generation and the challenges confronting our generation of Americans is this: They faced their challenges consecutively; we face our challenges simultaneously.

In response to these generational challenges to our free republic, Restoration Republicans have drawn upon the roots of their philosophical conservatism to affirm the truth America does not exist to emulate others, America exists to inspire the world, and to advance the policy paradigm of American excellence, which rests upon a foundation of liberty, and the four cornerstones of sovereignty, security, prosperity and verities.

Individually and collectively, American excellence's foundation and four cornerstones are reinforced by these policy principals: Our liberty is granted not by the pen of a government bureaucrat, but is authored by the hand of Almighty God. Our sovereignty rests not in our soil but in our souls. Our security is guaranteed not by the thin hopes of appeasement, but by the moral and physical courage of our troops defending us in hours of maximum danger. Our prosperity is produced not by the tax hikes and spending sprees of politicians, but by the innovation and perspiration of free people engaged in free enterprise. Our cherished truths and communal virtues are preserved and observed not by a coerced political correctness but by our reverent citizenry's voluntary celebration of the culture of life. Restoration Republicans conclude, therefore, that we must be champions of American freedom in this challenging new millennium to keep our America a community of destiny inspired and guided by the virtuous genius of our free people, and forever blessed by the unfathomable grace of God.

It will not be easy, given the root public policy question of our times. In the age of industrialization, President Theodore Roosevelt empathized with

Americans' feelings of powerlessness in the face of economic, social and political forces radically altering or terminating their traditional, typically agrarian lives. Writing years later in his book *A Humane Economy*, the economist Wilhelm Ropke examined the impacts upon human beings by these forces, which he collectively termed "mass society":

"The disintegration of the social structure generates a profound upheaval in the outward conditions of each individual's life, thought and work. Independence is smothered; men are uprooted and taken out of the close-woven social texture in which they were secure; true communities are broken up in favor of more universal but impersonal collectivities in which the individual is no longer a person in his own right; the inward, spontaneous social fabric is loosened in favor of mechanical, soulless organization, with its outward compulsion; all individuality is reduced to one plane of uniform normality; the area of individual action, decision and responsibility shrinks in favor of collective planning and decision; the whole of life becomes uniform and standard mass life, ever more subject to party politics, nationalization and socialization."

In that industrial epoch, the root public policy question was how to protect Americans' traditional rights to order, justice and freedom from being usurped by corporate or governmental centralization.

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The advent of virtual corporations and transient international capital has ended the old industrial welfare state model of governance, wherein solutions to Americans' economic and social anxieties were the shared burdens of centralized corporations and government. The stark choice is now between increasing the centralized power of the Federal Government or decentralization of power into the hands of individuals, families and communities.

In their urgency to replace their lost or slashed corporate benefits, Americans will be sorely tempted to further centralize the Federal Government to do it. But expanding the authority and compulsory powers of the Federal Government will be injurious to the American people. Big Government doesn't stop chaos; Big Government is chaos.

By usurping the rightful powers of individuals between its bureaucracy's steel wheels, highly centralized government alienates individuals and atomizes communities. Once more, Ropke speaks to the heart of the matter:

"The temptation of centrism has been great at all time, as regards both theory and political action. It is the temptation of mechanical perfection and of uniformity at the expense of freedom. Perhaps Montesquieu was right when he said that it is the small minds, above all, which succumb to this temptation. Once the mania of uniformity and centralization spreads

and once the centrists begin to lay down the law of the land, then we are in the presence of one of the most serious dangerous signals warning us of the impending loss of freedom, humanity, and the health of society."

Only liberty unleashes Americans to establish the true roots of a holistic American, the voluntary and virtuous individual, familial, and communal associations which invigorate and instruct a free people conquering challenges. In contrast, centralized and, thus, inherently unaccountable government suffocates liberty, order and justice by smothering and severing citizens' voluntary bonds within mediating, nongovernmental institutions, and so doing, stifles our free people's individual and collective solutions to challenges. In consequence, the temptation for more centralized government must be fought to prevent turning sovereign Americans from the masters of their destiny into the serfs of governmental dependency.

Fully versed in this verity, restoration Republicans have made their decision: power to the people. Thus, in this age of globalization, restoration Republicans vow to empower the sovereign American people to protect and promote their God-given and constitutionally recognized and protected rights; promote the decentralization of Federal Governmental powers to the American people or to their most appropriate and closest unit of government; defend Americans' enduring moral order of faith, family, and community and country from all enemies; foster a dynamic market economy of entrepreneurial opportunity for all Americans; and honor and nurture a humanity of scale in Americans' relations and endeavors.

Further, while these restoration Republicans will be releasing a more detailed program in the future, the above will form the basis of any concrete proposals brought forth.

Madam Speaker, my constituents are honest, hard-working and intelligent people who are bearing the brunt of the generational challenges facing our Nation. They have lost manufacturing and every manner of jobs due to globalization and, especially, the predatory trade practices of Communist China. Throughout these economically anxious times, they spend sleepless nights wondering if they will be able to afford to keep their jobs, their houses, their health care, their hopes for their children.

In the war for freedom, they have buried, mourned and honored their loved ones lost in battle against our Nation and all of civilization's barbaric enemies. And every day, they struggle to make sense of an increasingly perverse culture that's disdainful of and destructive to faith, truths, virtue and beauty, if the existence of these permanent things is even admitted.

True, my constituents differ on specific solutions to their pressing problems, but they do agree Washington

isn't serving their concerns. They agree this storied representative institution is increasingly detached from the daily realities of their lives. And they remind me that when we enter this House, their House, we enter as guests who must honor the leap of faith they took in letting us in and allowing us to serve them.

With my constituents, I utterly agree. While it is not my purpose here to discuss the majority party, let me be clear as to my own. House Republicans have no business practicing business as usual. My constituents, our country and this Congress deserve better, and we will provide it.

Our Republican minority has Members who know America isn't an economy; America is a country. Our Republican minority has Members who know the only thing worth measuring in money is greed. Our Republican minority has Members with the heart to put individuals ahead of abstractions, people ahead of politics, and souls ahead of systems. Our Republican minority has Members who have seen sorrow seep down a widow's cheek and joy shine from a child's eye.

Yes, Madam Speaker, my Republican minority has Members who know our deeds on behalf of our sovereign constituents must accord with Wordsworth's poetic prayer: "And then a wish: my best and favored aspiration mounts with yearning for some higher song of philosophic truth which cherishes our daily lives."

It is these Republicans whose service in this Congress will redeem our party by honoring the sacred trust of the majestic American people who, in their virtuous genius, will transcend these transformational times and strengthen our exceptional Nation's revolutionary experiment in human freedom.

With these Republicans, I hereby throw in my lot and pledge my best efforts on behalf of my constituents and our country.

May God continue to grace, guard, guide and bless our community of destiny, the United States of America.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. Madam Speaker, I come to the floor tonight to talk, as I often do, a little bit about health care, the state of health care in this country, where we are, where we've been, where we're going.

Tonight, I do want to focus on one particular issue that is before this Congress. It's a critical issue facing our doctors in this country who provide care for Medicare patients, because if this Congress does not act before midnight on December 31, those physicians are facing a rather significant reimbursement reduction, and that would have an adverse affect on their ability