

health reform not because it has nothing to do with health reform, but because it has everything to do with it. The political imperative is twofold: To make certain that Republicans don't use the physician payment issue to bring down the larger bill—

That is because of the fact that it would add to the deficit—and to placate the American Medical Association.

The concern I have is that it doesn't help the physicians. All this legislation does is to say that the formula which has been in effect since 1997, but never adhered to by the Congress, will not be the formula that goes forward in the future, but it doesn't fix the payment problem. Every year, because the formula would result in huge cuts to physicians who take care of Medicare patients—and everybody agrees that is a bad thing—we say we are not going to pay attention to the formula. We are going to raise the doctors' reimbursements by a percentage point or a half percent or some modest amount.

All this legislation does is to freeze physician payments for 10 years—to freeze them—zero; not even any kind of cost-of-living increase. I guarantee that after 10 years, physicians not getting any kind of an increase at all are going to be hurting.

I know what is going to happen, which is that physicians and groups such as the American Medical Association will have to come back to Congress every year and say they need to have some kind of a modest increase. Republicans want to be able to offer amendments on this legislation to provide for such modest increases. Incidentally, those modest increases would be offset—that is to say, the cost to the government would be offset—so that we wouldn't be adding to the deficit. It is very clear there is no new formula in place, no new formula has been proposed, so this legislation doesn't solve the problem. It simply says, well, we are not going to adhere to the formula in the future. Big deal. We have never adhered to it in the past. We are never going to adhere to it because it makes no sense. Everybody agrees with that. So what do we get out of this? Nothing. A freeze for 10 years is not a solution to the problem.

I hope physicians don't see this as a solution as a result of, as I said, this having been reported in some of the media, so that they will decide not to push for medical malpractice reform because physicians know how important that is. I have just talked about how important it is.

We need solutions to problems. One of the problems is we have increases in the costs of providing health care. One solution to that—and we are talking about well over a couple of hundred billion dollars, as I indicated, from the studies I cited a moment ago. One solution to that is to tackle this problem of medical liability reform. Some States, probably about four or five, have done this, and they have demonstrated it can work.

The President's approach is, well, let's have a study about it. Let's maybe have a demonstration project. We have some demonstration projects. One of them is Arizona and one of them is Texas, and they demonstrate that it works. Since the Federal Government has to pay about half of all of the cost of health care in the country because of Medicare, Medicaid, and veterans care and so on, the Congressional Budget Office says we, the Federal Government, could save ourselves \$54 billion if we had meaningful medical malpractice reform. We could expect the same amount for the private sector.

The bottom line is, the bill we are going to be voting on later today doesn't solve any problem. It does not help the physicians. One way we can help not just physicians but patients by reducing their cost of care is accepting some of the Republican alternative ideas that have been proposed, starting with medical liability reform.

Mr. President, I yield the floor to the Senator from Tennessee.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

NO ENEMIES LIST

Mr. ALEXANDER. Mr. President, in 1969 and during the first half of 1970, I was a wet-behind-the-ears, 29-year-old staff aide in the West Wing of the Nixon White House. I was working for the wisest man in that White House whose name was Bryce Harlow. He was a friend of President Johnson, as well as the favorite staff member of President Eisenhower and President Nixon's first appointee.

Based upon that experience and my 40 years since then in and out of public life, I want to make what I hope will be taken as a friendly suggestion to President Obama and his White House, and it is this: Don't create an enemies list.

As I was leaving the White House in 1970, Mr. Harlow was heading out on the campaign plane with Vice President Spiro Agnew, whose job was to vilify Democrats and to help elect Republicans. The Vice President had the help of talented young speechwriters, the late Bill Safire and Pat Buchanan. In Memphis, he called Albert Gore, Sr., the "southern regional chairman of the eastern liberal establishment," and then the Vice President labeled the increasingly negative news media as "nattering nabobs of negativism."

These phrases have become part of our political lore. They began playfully enough, in the back and forth of political election combat. But after I had come home to Tennessee, they escalated into something more. They eventually emerged into the Nixon's enemies list.

In 1971, Chuck Colson, who was then a member of President Nixon's staff and today is admired for his decades of selfless work in prison reform, presented to John Dean, the White House Counsel, a list of what he called "per-

sons known to be active in their opposition to our administration." Mr. Dean said he thought the administration should "maximize our incumbency . . . [or] to put it more bluntly"—and I am using his quotes—"use the available Federal machinery to screw our political enemies."

On Colson's list of 20 people were CBS correspondent Dan Schorr, Washington Star columnist Mary McGrory, Leonard Woodcock, the head of the United Auto Workers, John Conyers, a Democratic Congressman from Michigan, Edwin Gushman, managing editor of the Los Angeles Times, and several prominent businessmen, such as Howard Stein of the Dreyfus Corporation, Arnold Picker, vice president of United Artists. The New York Times and the Washington Post were made out to be enemies of the Republic.

Make no mistake, politics was not such a gentlemanly affair in those days either. After Barry Goldwater won the Presidential nomination in 1964, Daniel Schorr had told CBS viewers that Goldwater had "travel[led] to Germany to join up with the right wing there" and "visit[ed] Hitler's old stomping ground." Schorr later corrected that on the air. What was different about Colson and Dean's effort, though, was the open declaration of war upon anyone who seemed to disagree with administration policies. Colson later expanded his list to include hundreds of people, including Joe Namath, John Lennon, Carol Channing, Gregory Peck, the St. Louis Post-Dispatch, Congressional Black Caucus, Alabama Governor George Wallace. All this came out during the Watergate hearings. You could see an administration spiraling downwards, and, of course, we all know where that led.

The only reason I mention this is because I have an uneasy feeling only 10 months into this new administration that we are beginning to see the symptoms of this same kind of animus developing in the Obama administration.

According to Politico, the White House plans to "neuter the United States Chamber of Commerce," an organization with members in almost every major community in America. The chamber had supported the President's stimulus package and defended some of his early appointments, but has problems with his health care and climate change proposals.

The Department of Health and Human Services imposed a gag order on a large health care company, Humana, that had warned its Medicare Advantage customers that their benefits might be reduced in Democratic health care proposals—a piece of information that is perfectly true. This gag order was lifted only after the Republican leader, Senator McCONNELL of Kentucky, said he would block any future nominees to the Department until the matter was righted.

The White House communications director recently announced that the administration would treat a major television network, FOX News, as "part of

the opposition.” On Sunday, White House officials were all over talk shows urging other news organizations to boycott Fox and not pick up any of its stories. Those stories, for example, would include the video that two amateur filmmakers made of ACORN representatives explaining how to open a brothel. That is a story other media managed to ignore until almost a week after Congress decided to cut ACORN’s funding.

The President himself has not stopped blaming banks and investment houses for the financial meltdown, even as it has become clear that Congress played a huge role, too, by encouraging Americans to borrow money for houses they could not afford. The President was “taking names” of bondholders who resisted the General Motors and Chrysler bailouts. Insurance companies, once allies of the Obama health care proposal, have suddenly become the source of all of its problems because they pointed out—again correctly—that if Congress taxes insurance premiums and restricts coverage to those who are sicker and older, the cost of premiums for millions of Americans is likely to go up instead of down. Because of that insubordination, the President and his allies have threatened to take away the insurance companies’ antitrust exemption.

Even those in Congress have found ourselves in the crosshairs. The assistant Republican leader, Senator JON KYL of Arizona, said to ABC’s George Stephanopoulos that the stimulus plan wasn’t working. The White House wrote the Governor of Arizona and said: If you don’t want the money, we won’t send it. Senator McCAN said this could be perceived as a threat to the people of Arizona.

Senator BENNETT of Utah, Senator COLLINS, Senator HUTCHISON and I, as well as Democratic Senators BYRD and FEINGOLD, all have questioned the number and power of 18 new White House czars who are not confirmed by the Senate. We have suggested this is a threat to constitutional checks and balances. The White House refused to send anyone to testify at congressional hearings.

Senator BENNETT and I found ourselves “called out,” as they say, on the White House blog by the President’s communications director.

Even the President, in his address to Congress on health care, threatened to “call out” Members of Congress who disagree with him.

This behavior is typical of street brawls and political campaign consultants. It is a mistake for the President of the United States and for the White House staff. If the President and his top aides treat people with different views as enemies instead of listening to what they have to say, they are likely to end up with a narrow view and a feeling that the whole world is out to get them. And, as those of us who served in the Nixon administration know, that can get you into a lot of trouble.

This administration is only 10 months old. It is not too late to take a different approach, both at the White House and in Congress. And here is one opportunity: At the beginning of the year, shortly after the President’s inauguration, the Republican leader, Senator MCCONNELL, addressed the National Press Club. He proposed that he and the President work together to make Social Security solvent.

Senator MCCONNELL said he would make sure the President got more support in that effort from Republicans than President George W. Bush got from Democrats when he tried to solve the same problem.

President Obama held a summit on the dangers of runaway costs of entitlements. I was invited and attended. Every expert there said making Social Security solvent is essential to our country’s fiscal stability. There is still time to get that done.

Or on clean energy, Republicans have put forward four ideas—build 100 nuclear plants in 20 years, electrify half our cars and trucks in 20 years, explore offshore for low-carbon natural gas and for oil, and double energy research and development for alternative fuels. The administration agrees with this on electric cars and on research and development. We may not be so far apart on offshore exploration. At his town meeting in New Orleans last week, the President said the United States would be, in his words, “stupid” not to use nuclear power. He is right since nuclear power produces 70 percent of our carbon-free electricity.

So why don’t we work together on this lower cost way to address clean energy and climate change instead of enacting a national energy tax?

On health care, the White House idea of bipartisanship has been akin to that of a marksman at a State fair shooting gallery: hit one target and you win the prize. With such big Democratic majorities, the White House figures all it needs to do is unify the Democrats and pick off one or two Republicans. That strategy may win the prize but lose the country.

Usually on complex issues, the President needs bipartisan support in Congress to reassure and achieve broad and lasting support in the country.

In 1968, I can remember when President Johnson, then with bigger majorities in Congress than President Obama has today, arranged for the civil rights bill to be written in open sessions over several weeks in the office of the Republican leader, Everett Dirksen. Dirksen got some of the credit; Johnson got the legislation he wanted; the country went along with it. Instead of comprehensive health care that raises premiums and increases the debt, why should the White House not work with Republicans step by step to reduce health care costs and then, as we can afford it, reduce the number of Americans who do not have access to health care?

The President and his Education Secretary Arne Duncan have been coura-

geous—there is no better word for it—in advocating paying teachers more for teaching well and expanding the number of charter schools. These ideas are the Holy Grail for school reform. They are also ideas that are anathema to the labor unions who support the President. President Obama’s advocacy of master teachers and charter schools could be the domestic equivalent of President Nixon going to China. I, among others, admire that advocacy and have been doing all I can to help him.

Having once been there, I can understand how those in the White House feel oppressed by those with whom they disagree; how they feel besieged by some of the media. I hope the current White House occupants will understand that this is nothing new in American politics—all the way back to the days when John Adams and Thomas Jefferson exchanged insults. The only thing new is today there are multiple media outlets reporting and encouraging the insults 24 hours a day.

As any veteran of the Nixon White House can attest, we have been down this road before, and it will not end well. An enemies list only denigrates the Presidency and the Republic itself.

Forty years ago, Bryce Harlow would say to me: Now, Lamar, remember that our job here is to push all the merely important issues out of the White House so the President can deal with a handful of issues that are truly Presidential. Then he would slip off for a private meeting in the Capitol with Democratic leaders who controlled the Congress and usually found a way to enact the President’s proposals.

Most successful leaders have eventually seen the wisdom of Lord Palmerston, former Prime Minister of the United Kingdom, who said:

We have no eternal allies, and we have no perpetual enemies.

The British writer Edward Dicey was once introduced to President Lincoln as “one of his enemies.” “I did not know I had any enemies,” Lincoln answered. And Dicey later wrote: “I can still feel, as I write, the grip of that great bony hand held out to me in token of friendship.”

In conclusion, here is my point. These are unusually difficult times, with plenty of forces encouraging us to disagree. Let’s not start calling people out and compiling an enemies list. Let’s push the street brawling out of the White House and work together on the truly Presidential issues—creating jobs, reducing health care costs, reducing the debt, creating clean energy.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I believe I am recognized now for 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Mr. President, I wish to speak on another topic, but I was fascinated by the presentation of the Senator from Tennessee. I think we are all

concerned about the direction of this calling out. I take it the Senator from Tennessee is suggesting this administration is “Nixifying” the White House; is that correct?

Mr. ALEXANDER. That is a word I had not thought of. What I am seeing is some of the same signs I saw as a young man in the early stages of the Nixon administration. I am seeing those same signs in the Obama White House, and I am suggesting that going down that road leads to no good end. “Nixifying” is an interesting way to describe it.

Mr. GREGG. I may have just made up that word. Hopefully, it will be added to the lexicon.

Mr. ALEXANDER. I think it will. That is good.

Mr. GREGG. Mr. President, I thank the Senator from Tennessee. He has made some valuable points on that issue.

HEALTH CARE REFORM

Mr. GREGG. Mr. President, I rise today to continue a discussion I have pursued on this floor a few times, and it deals with where our country is going and what we are passing on to our children.

I often quote the chairman of the Budget Committee, Senator CONRAD from North Dakota, because I have immense respect for him. He has said—and I agree with him and I think most Americans, when they think about it, agree with him—that the debt is the threat, the fact that we as a nation are running up this incredible debt which we are going to pass on to our children. To try to put it in context is very difficult because the numbers are so huge. I have talked about it numerous times here—the fact that we are running deficits at approximately \$1 trillion over the next 10 years under the President’s budget; that we are seeing 5 to 6 percent of GDP in deficits; that the public debt goes from about 38 percent of GDP up to well over 80 percent of GDP under the most recent estimates. But these numbers are incomprehensible to people because they are so big. We are talking trillions and trillions of dollars, and the implication of these numbers is staggering to our next generation—to our children and our children’s children—because it means they have to bear the burden of paying this debt that is going to be put on their backs.

Last week, the deficit for this last fiscal year was pegged at about \$1.4 trillion—an incredible amount. That is three times the largest debt in our history, in numeric terms. As a percentage of GDP, we haven’t had those types of numbers since World War II. Nobody is arguing that deficit is not an event and something we don’t like but that we probably have to tolerate because of the fact that we have been through this very difficult situation with the recession and the potential meltdown of our financial houses. It took a lot of money to try to stabilize the situation, and I

am not holding that against this Presidency at all.

The problem is, as we go forward we are seeing these deficits expand. There is no reason to maintain that type of deficit once we are past this recessionary period, once the financial situation has been settled down. For all intents and purposes, we are moving past that situation, so the deficits should start coming down. But they aren’t coming down. They aren’t coming down. And today we are about to see one of the reasons they aren’t coming down because today it is being proposed that we add another \$250 billion to the debt by doing something called the doctors fix and not paying for it.

It is not an extraordinarily complicated issue. Basically, we don’t reimburse doctors at a rate they should be reimbursed under Medicare because of a rule we passed back in the 1990s. It gets cut arbitrarily and in a way which has no relationship to what is a proper reimbursement rate. So every year since we passed that rule and it turned out it wasn’t going to work right, we have corrected that. We have reimbursed the doctors at a reasonable rate. But every year we have done that, we have paid for that change, so that the cost of reimbursing doctors fairly did not get passed on to our children. I mean, if you pass that cost on to our children, when somebody goes to get an eye exam, someone who is in their eighties or seventies or sixties and who is on Medicare, when they get the bill from the doctor, essentially we are saying: Oh, I am sorry, the government is not going to pay that—the government you are a part of today. We are going to take that bill and give it to a child who is not even born yet, and they are going to have to pay that bill. But it is an expense today, and it should be paid today by the government.

We are having this proposed today on this floor, by this administration: that we should spend \$250 billion to correct this doctors fix problem for the next 10 years, which is about what it will cost, but not pay for it, just simply take it and send the bill off to our kids. It is actually more than \$250 billion because that \$250 billion, when you put it on the debt, will generate interest responsibilities of about \$50 billion. So it is actually a \$300 billion item. That is not small change; that is a third of a trillion dollars. That is huge money. That is a tremendous burden to transfer over to our children.

Do you know why this is being done? It is being done for a very cynical reason. The health care reform package is being discussed somewhere in this building behind closed doors. It is being written in some office over on that side of the Capitol by three or four Members of the Senate and a lot of staff from the Democratic side, with no participation by Republican Members, no participation by the American people, and the press is totally locked out of the room. The bill is being rewritten over there, but we do know that within

the parameters of the bill is the representation that it won’t cost more than \$1 trillion over a 10-year period. So all sorts of games are being played to try to keep it under \$1 trillion.

The most significant and most cynical and most inappropriate game—though it is not a game, really—the most inappropriate action is this idea that they are going to take \$250 billion to fix the doctors reimbursement program, which is clearly part of health care, and move it entirely out of the health care system reform effort. They will move it over here somewhere and claim they don’t have to pay for it. They will just send the bill to the kids. Don’t worry about it, it is only \$250 billion. Just send the bill to the kids. Don’t worry about it. And then, voilà, they will have \$250 billion they can spend on health care reform that should have been used for the doctors fix.

But now, since they have claimed the doctors fix doesn’t matter—it is somewhere over here, out of sight, out of mind, being taken care of by our children and grandchildren—voilà, they can spend that \$250 billion on goodies, on initiatives within the new health care reform bill, which will cost the taxpayers \$250 billion in order to do it. And I presume it will get them a few constituencies to support them because they have just spent \$250 billion on them.

So the true cynicism of this is that it doubles up the doctors fix cost. Not only does the doctors fix not get paid for, but it will then create \$250 billion worth of new spending. So it is actually a doubling up of this whole exercise. It is a doubling down event here. You know, it is almost a Bernie Madoff—well, it is a Bernie Madoff approach to funding. I mean, basically, this is an entire scam. Unfortunately, in this instance—and obviously in the Bernie Madoff instance the people who invested with him were wiped out, but they made a choice to invest with him. Our children and grandchildren are going to get this bill without any rights. This \$250 billion bill is going to be sent to them, and then the spending is going to occur, which they are also going to have to pay for. It is going to be added on top of the health care bill. It is Bernie Madoff comes to Washington and does our budgeting for us, and it is inexcusable that we would do this to the next generation.

Some are suggesting: Well, let’s do a 1-year or a 2-year fix. This was the original plan of Senator BAUCUS with regard to his bill. Let’s just sort of ignore the fact that the doctor problem exists for the next 10 years even though we are doing a 10-year health care reform bill here. What is the effect of that? Well, yes, for at least 1 or 2 years you pay for it. That was the proposal in the original bill that came out of the Finance Committee—1 year, I believe, they paid for it, 9 years they didn’t pay for it. What did that mean? One year paid for was \$11 billion, I think. So we