

else who has an ear infection, for example. A woman needs to have access to the OB/GYN, and this amendment Senator ROBB and I and the other Democratic women are offering assures the woman that access.

Secondly, it deals with the so-called drive-through mastectomy legislation where too many HMOs today are telling a woman after this radical surgery—

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. MURRAY. I ask unanimous consent for an additional 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Too many women today are told they need to go home before they are ready to take care of themselves or their families. This amendment doesn't designate a time. It says the doctor will determine whether that woman is ready to go home after this radical surgery.

I commend my colleagues for this issue. I urge the Members of the Senate to stand up, finally, for women's health and vote for this amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maryland.

Ms. MIKULSKI. I thank the Chair.

Mr. President, I thank Senator Robb and Senator KENNEDY for their support of this very crucial legislation. We, the women of the Senate, really turn to men we call the "Galahads," who have stood with us and been advocates on very important issues concerning women's health.

Often we have had bipartisan support. I ask today that the good men on the other side of the aisle come together and support the ROBB amendment. We have raced for the cure together. We have done it on a bipartisan basis. Certainly, today we could pass this amendment. I challenge the other party to vote for this amendment because what it will do is absolutely save lives and save misery.

There are many things that a woman faces in her life, but one of the most terrible things that she fears is that she will go to visit her doctor and find out from her mammogram and her physician that she has breast cancer. The worst thing after that is that she needs a mastectomy. Make no mistake, a mastectomy is an amputation, and it has all of the horrible, terrible consequences of having an amputation. Therefore, when the woman is told she can come in and only stay a few hours—after this significant surgery that changes her body, changes the relationships in her family, she is told she is supposed to call a cab and go back home; it only adds to the trauma for her.

Well, the ROBB amendment, which many of us support, really says that it is the doctor and the patient that decides how long a woman should stay in the hospital after she has had the surgery. Certainly, we should leave this to the doctor and to the patient. An 80

year old is different than a 38 year old. This legislation parallels the D'AMATO legislation that had such tremendous support on both sides of the aisle. I say to my colleagues, if we are going to race for the cure, let's race to support this amendment.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, Senator BYRD is on his way here. He has asked for 1 minute. If the Senator from Oklahoma would indulge me, he should be here momentarily. I ask unanimous consent that Senator BYRD be entitled to 1 minute when he gets here, which should be momentarily.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, how much time remains before the recess?

The PRESIDING OFFICER. The unanimous consent allows 1 minute.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak for not to exceed 3 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, I am pleased that the Senate is finally considering managed care reform legislation. I believe that the Democratic version of the Patients' Bill of Rights is the right vehicle on which to bring reform to the nation.

Our colleague from Virginia, Mr. ROBB, has offered an amendment that highlights an important aspect of managed care that needs to be fine-tuned, and that is women's access to health care. This amendment would allow a woman to designate her obstetrician/gynecologist (ob/gyn) as her primary care provider and to seek care from her ob/gyn without needing to get preauthorization from the plan or from her primary care provider. Even though many women consider their ob/gyn as their regular doctor, a number of plans require women to first see their primary care provider before seeing their ob/gyn. This means that a costly and potentially dangerous level of delay is built into the system for women. This amendment would allow a woman's ob/gyn to refer her to other specialists and order tests without jumping through the additional hoop of visiting the general practitioner.

This amendment would also address the care a woman receives when undergoing the traumatic surgery of mastectomy. This provision would leave the decision about how long a woman would stay in the hospital following a mastectomy up to the physician and the woman. Some plans have required that this major surgery be done on an outpatient basis. In other instances, women have been sent home shortly after the procedure with tubes still in

their bodies and still feeling the effects of anesthesia. This should not be allowed to happen. Plans should not put concern about costs before the well-being of women.

The Republican bill does not provide women with sufficient access to care. Plans would not be required to allow women to choose their ob/gyn as their primary care provider. In addition, the Republican bill would allow health plans to limit women's direct access to her ob/gyn to routine care which could potentially be defined by a plan as one visit a year. In addition, "drive-through mastectomies" would not be prevented under their bill.

Mr. President, the Robb amendment contains commonsense protections women need and deserve. I urge my colleagues to support this important amendment.

I yield the floor.

# RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:36 p.m., recessed until 2:16 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. BENNETT).

The PRESIDING OFFICER. Under the previous order, the Senator from New Hampshire is recognized to speak for up to 45 minutes.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, I ask I be recognized for a period of time, approximately 45 minutes.

The PRESIDING OFFICER. Under the order, the Senator from New Hampshire is recognized for 45 minutes.

# LEAVING THE REPUBLICAN PARTY, A DECISION OF CONSCIENCE

Mr. SMITH of New Hampshire. Mr. President, as many of you know, it has been a very difficult period of time for me these past several days. I want to recognize the sacrifices of my wife and three children over the past several weeks as I agonized through this gut-wrenching political decision. My wife, Mary Jo, and my daughter, Jenny, and son, Bobby, and son, Jason, have had to endure the ups and the downs and the difficulties of making such a decision. I am deeply grateful to them for their support and comfort because, without

them, I could not really have gotten through it all.

My first political memories are of talking to my grandfather, who was a died-in-the-wool Republican. He always said he would vote for a gorilla on the Republican ticket if he had to. I remember conversations with him about the Dewey-Truman campaign. He was obviously for Dewey. It didn't work out very well. But I can also remember having conversations with my classmates, telling them that I, too, was for Dewey and explaining why I was for Dewey in that election.

At that time I was 7 years old. Years went by, and, in 1952, in the Eisenhower-Stevenson election, I was 11 years old. I bet a friend, who lived down the road and had a farm, a dollar versus a chicken that Eisenhower would win the election. I won, and my grandfather immediately drove me down to my neighbor's farm to pick up the chicken I had won. The young man's parents graciously acknowledged that I won the bet and provided me a nice barred rock hen that laid a lot of eggs over the next year or so.

In 1956, I volunteered to pass out literature for Eisenhower, and, as a college student, I worked for Nixon in 1964. But 1964 was the first election I voted in. Barry Goldwater's campaign was the one that really sparked my conservative passions. I worked as a volunteer in the Nixon campaigns in 1968 and 1972, but it wasn't like the Goldwater campaign. I remember walking into the booth, saying, this is a man I really believe in, and I said I really felt good about that vote.

In 1976, these conservative passions were again awakened while I worked for the conservative Ronald Reagan in the New Hampshire primaries against the incumbent President of the United States, Gerald Ford—not an easy thing to do for a lot of us who were basically grassroots idealists, if you will, who believed that Ronald Reagan should win that primary. In those days I was not a political operative; I was not a Senator; I was not a candidate; I was not an elected official. I was a teacher, a coach, a school board member, husband, father, small businessman—just an ordinary guy who cared about his country. I got involved because I cared, and I believed deeply in the Republican Party.

I came to this party on principle, pretty much initiating with Barry Goldwater but certainly finalized with Ronald Reagan. I was disappointed in Reagan's loss in 1976 because I believed that grassroots conservatives in the party, who had worked so hard for Reagan, lost to what I considered the party elitists, the establishment, who were there for Ford because he was President, not with the same passion that was out there for Reagan.

Watching that convention in 1976, I remember those enthusiastic grassroots party members who were unable to defeat that party machinery that was so firmly behind the incumbent

President. I remember seeing the tears in their eyes, and the passion. It was a difficult decision. It was close, as we all remember—just a few delegates. That was 1976. At that time, as a result of the election, it inspired me to run for political office for the first time.

When Reagan sought the nomination again in 1980 I ran in the primary, hoping to be part of this great Reagan revolution. Reagan was pro-life. He was for strengthening our military. He was anti-Communist. He was patriotic. He brought the best out in the American people. I was excited. In all those years that Reagan was President, the criticism, the hostile questions, the political cheap shots, he rose above it all. And most of them, indeed probably all who criticized him, weren't qualified to kiss the hem of his garment. He rose above them all. He was the best.

As a result of that, I began a grassroots campaign in 1979, and I lost by about a thousand votes with seven or eight candidates in the race, including one candidate, ironically, who was from my hometown. It was tough, but I decided to come back again in 1982, after losing, because I still wanted so much to be a part of the Reagan revolution. So I did come back in 1982. And that, my colleagues and friends, is when I had the first taste of the Republican establishment.

I had a phone call that I thought was a great sign. I had a call from the National Republican Party. Boy, was I excited. They told me that some representatives wanted to come up to New Hampshire from Washington to meet with me. They came to New Hampshire. We sat down at a meeting. It was brief. They asked me to get out of the race, please, because my opponent in the primary had more money than I did and had a better chance to win. I had been a Republican all my life, a Republican in philosophy, but that was my first experience with what we would call the national Republican establishment. I did not get out of the race. I beat my wealthy opponent in the primary, and I received the highest vote percentage against the incumbent Democrat that any Republican had ever received against him, and it was 1982, which was a pretty bad year for Republicans, as you all remember.

In 1984, several candidates joined the Republican primary again for an open seat in the Reagan landslide. Now everybody wanted it because the seat was open. I was just a school board chairman from a small town of 1,500, no political power base, no money, but I beat, in that primary, the president of the State senate, who was well known, and an Under Secretary of Commerce who was well financed. They still do not know how I did it, but it was door to door, and I fulfilled my dream of coming to Washington as part of the Reagan revolution in Congress.

I then had successful reelections in 1986 and 1988 and, of course, was elected to the Senate in 1990 and 1996. In the Reagan era, as in the Goldwater era,

the pragmatists took a back seat to those who stood on principle. Idealists ruled; those who stood up for the right to life, a strong national defense, the second amendment, less spending, less taxes, less government. Man, it was exciting. Even though we were a minority in the Congress, it was exciting because Reagan was there. Principles in, pragmatism out. Man, it was great to be a Republican.

In 1988, a skeptical—including me—conservative movement rallied behind the Vice President in hopes that he would continue the revolution.

The signal that this revolution was over was when the President broke his "no new tax" pledge. We let pragmatism prevail. We compromised our pledge to the voters and our core principles, and we allowed the Democrats to take over the Government.

In 1994, idealism again came back. The idealistic wing of the party took charge. Led by Newt Gingrich, we crafted an issues-based campaign embodied in the Contract With America. We put idealism over pragmatism, and we were rewarded with a tremendous electoral victory in 1994, none like I have ever seen. I remember sitting there seeing those results come in on the House. I was happy for the Senate, but I was a lot happier for the House. Those of us who were there know how it felt.

As we moved into the 1996 elections, we again began to see this tug-of-war between the principal ideals of the party and the pragmatism of those who said we need "Republican" victories. Conservatives became a problem: We have to keep the conservatives quiet; let's not antagonize the conservatives, while the pragmatists talked about how we must win more Republican seats. Conservatives should be grateful, we were told, because we were playing smart politics, we were broadening the case. Elect more Republicans to Congress, elect more Republicans to the Senate and win the White House. What do we get? Power. We are going to govern.

In meeting after meeting, conference after conference, the pollsters and the consultants—and I have been a part of all of this. *Mea culpa, mea culpa, mea maxima culpa.* I have been involved in it. I am not saying I have not, but the pollsters and consultants advised us not to debate the controversial issues. Ignore them. We can win elections if we do not talk about abortion and other controversial issues, even though past elections have proven that when we ignore our principles, we lose, and when we stick to our principles, we win. In spite of all this, we continued to listen to the pollsters and to the consultants who insisted day in and day out they were right. Harry Truman, a good Democrat—my grandfather did not like him, but I did—said, "Party platforms are contracts with the people." Harry Truman was right.

Why did we change? We won the revolution on issues. We won the revolution

on principles. But the desire to stay in power caused us to start listening to the pollsters and the consultants again who are now telling us, for some inexplicable reason, that we need to walk away from the issues that got us here to remain in power. Maybe somebody can tell me why.

Some of the pollsters who are here now who we are listening to were here in 1984. Indeed, they were here in 1980 when I first ran. I had always thought the purpose of a party was to effect policy, to advocate principles, to elect candidates who generally support the values we espouse, but it is not.

Let me be very specific on where we are ignoring the core values of our party.

"We defend the constitutional right to keep and bear arms," says the platform of the Republican Party, but vote after vote, day after day, that right is eroded with Republican support. I announced my intention to filibuster the gun control bill. Not only does it violate the Republican platform, but it violates the Constitution itself, which I took an oath to support and defend.

Then I hear my own party is planning to work with the other side to allow more gun control to be steamrolled through the Congress which violates our platform. Not only does it violate our platform, it insults millions and millions of law-abiding, peaceful gun owners in this country whose rights we have an obligation to protect under the Constitution.

The Republican platform says:

We will make further improvement of relations with Vietnam and North Korea contingent upon their cooperation in achieving a full and complete accounting of our POWs and MIAs from those Asian conflicts.

Sounds great. So I got up on the floor a short time ago and offered an amendment saying that "further improvement of relations with Vietnam are contingent upon achieving a full and complete accounting of our POWs and MIAs. . . ."—right out of the platform word for word. Thirty-three Republicans supported me. The amendment lost.

The platform says:

Republicans will not subordinate the United States sovereignty to any international authority.

Only one—right here, BOB SMITH—voted against funding for the U.N. I can go through a litany—NAFTA, GATT, chemical weapons, and so forth. Vote after vote, with Republican support, the sovereignty of the United States takes a hit in violation of the platform of the Republican Party and the Constitution.

The establishment of our party and, indeed, the majority of our party voted to send \$18 billion to the IMF. Let me make something very clear. I am not criticizing anybody's motives. Everybody has a right to make a vote here, and there is no argument from me on that. But I am talking about the relationship between the platform and those of us who serve.

This \$18 billion came from the taxpayers of the United States of America, and it went to a faceless bureaucracy with no guarantee that it would be spent in the interest of the United States. We have no idea where this money will go and no control of it once it goes there.

Meanwhile, while \$18 billion goes to the IMF, I drive into work and I find Vietnam veterans and other veterans lying homeless on the grates in Washington, DC, in the Capital of our Nation. How many of them could we take care of with a pittance of that \$18 billion?

As Republicans who supposedly support tax relief for the American family, can we really say that \$18 billion to IMF justifies taking the money out of the pocket of that farmer in Iowa who is trying to make his mortgage payment? Can we really say that? I do not think so.

Another quote out of the Republican platform:

As a first step in reforming Government, we support elimination of the Departments of Commerce, Housing and Urban Development, Education, and Energy, the elimination, defunding or privatization of agencies which are obsolete, redundant, of limited value, or too regional in focus. Examples of agencies we seek to defund or privatize are the National Endowment for the Arts, the National Endowment for the Humanities, the Corporation for Public Broadcasting, and the Legal Services Corporation.

That is right out of the Republican platform. If I were to hold a vote today to eliminate any of these agencies, it would fail overwhelmingly, and it would be Republican votes that would take it down. Every Republican in this body knows it.

Can you imagine how much money we could save the taxpayers of this country if we eliminated those agencies and those Departments that the platform I just quoted calls for us to eliminate? It is not what I call for; it is what our party platform calls for. Why don't we do it? The answer is obvious why we don't do it: because we do not mean it, because the platform does not mean it. We do not mean it.

In education, our platform:

Our formula is as simple as it is sweeping: The Federal Government has no constitutional authority to be involved in school curricula or to control jobs in the workplace. That is why we will abolish the Department of Education, end Federal meddling in our schools, and promote family choice at all levels of learning. We therefore call for prompt repeal of the Goals 2000 and the School to Work Act of 1994 which put new Federal controls, as well as unfunded mandates, on the States. We further urge that Federal attempts to impose outcome- or performance-based education on local schools be ended.

If I were to introduce a bill on the Senate floor to end the Department of Education, to abolish it, how many votes do you think I would get? How many Republican votes do you think I would get?

If, as Truman said, it is a contract, then we broke it. Where I went to

school, breaking a contract is immoral, it is unethical, and it is unprincipled, and we ought not to write it if we are going to break it. Let's not have a platform.

Our party platform says also:

We support the appointment of judges who respect traditional family values and the sanctity of innocent human life.

Listen carefully, I say to my colleagues.

In 1987, when President Ronald Reagan nominated Robert Bork to the Supreme Court, six Republicans voted against him, and he was rejected. What was Robert Bork's offense? That he stood up for what he believed in, that he was pro-life? He told us. He answered the questions in the hearing. God forbid he should do that. But when President Clinton nominated Ruth Bader Ginsburg, an ACLU lawyer who is stridently pro-abortion, only three Republicans voted no—Senator HELMS, Senator NICKLES, and myself.

Of course, all of the Republicans who voted against Bork voted for Ginsburg. I voted against Ginsburg because, as the Republican platform says, I want judges who respect the sanctity of innocent human life. I want my party to stand for something. Thirty-five million unborn children have died since that decision in 1973—35 million of our best—never to get a chance to be a Senator, to be a spectator in the gallery, to be a staff person, to be a teacher, to be a father, a mother—denied—35 million, one-ninth of the entire population of the United States of America. And we are going to do it for the next 25 years because we will not stand up. And I am not going to stand up any more as a Republican and allow it to happen. I am not going to do it.

Most interestingly, since that Roe v. Wade decision was written by a Republican, I might add, a Republican appointee, and upheld most recently in the Casey case, it is interesting there was only one Democrat appointee on the Court, Byron White, who voted pro-life. He voted with the four-Justice, pro-life minority. Five Republican appointments gave us that decision.

We are to blame. This is not a party. Maybe it is a party in the sense of wearing hats and blowing whistles, but it is not a political party that means anything.

About a week ago, my daughter, who works in my campaign office, told me the story of a 9-year-old girl whose dad called our office to say that his little daughter, 9-year-old Mary Frances—I will protect her privacy by giving only her first name—had said that she was born because of an aborted pregnancy, not an intentional one, an aborted pregnancy, a miscarriage at 22 weeks—22 weeks, 5½ months—and she lived.

She is 9 years old. She said: I want to empty my piggy bank, Senator SMITH, and send that to you because of your stand for life because I know that children who are 5½ months in the womb can live.

That is power.

Let me read from the pro-life plank of the Republican Party:

[W]e endorse legislation to make clear that the Fourteenth Amendment's protections apply to unborn children.

Anything complicated about that? Anything my colleagues don't understand about that?

We endorse legislation to make clear that the Fourteenth Amendment's protections apply to unborn children.

We are not going to apply any protections to unborn children. We will pass a few votes here, 50-49, if you can switch somebody at the last minute. I have been involved in those. Yes, we will do that, but we will not win. We are not going to commit to putting judges on the courts to get it done. Oh, no, we can't do that because we might lose some votes. So meanwhile another 35 million children are going to die.

This year I sponsored a bill out of the platform that says the 14th amendment's protections apply to unborn children. Do you want to know how many sponsors I have? You are looking at him. One. Me. That is it. Not one other Republican cosponsor.

In his letter to me—nice letter that it was—from Chairman Nicholson, he claims that "every one of our Republican candidates shares your proven commitment to life"—he says. Gee, could have fooled me. Then how come every candidate isn't endorsing the bill or speaking out on the platform if they don't want to endorse the bill?

The party, to put it bluntly, is hypocritical. It criticizes Bill Clinton, a Democrat, for vetoing partial-birth abortion and for being pro-abortion, but it does not criticize our own. It does not criticize the Republicans who are pro-choice. So why criticize Bill Clinton? Or why criticize any Democrat? We cannot get it done. We don't say anything about those people.

How about the Governors who vetoed the bill, the partial-birth abortion bill? You know, there are a lot of fancy words in the Republican platform. Every 4 years we go to the convention and we fight over the wording. Sometimes even a nominee says: Well, I haven't read it. At least he is being honest. Or, which is probably more the truth, we just ignore it. It is a charade. And I am not going to take part in it any more. I am not going to take part in it any more.

In the movie "Mr. Smith Goes to Washington," after his own political party has launched attacks on him for daring to raise an independent voice, Jimmy Stewart's character is seated on the steps of the Lincoln Memorial, and here is what he says: "There are a lot of fancy words around this town. Some of them are carved in stone. Some of 'em, I guess, were put there so suckers like me can read 'em."

You ought to watch the movie. It is a good movie. It will make you feel good.

Mr. President, I have come to the cold realization that the Republican Party is more interested in winning

elections than supporting the principles of the platform. There is nothing wrong with winning elections. I am all for it. I have helped a few and I have won some myself, and there is nothing wrong with it. But what is wrong with it is when you put winning ahead of principle.

The Republican platform is a meaningless document that has been put out there so suckers like me and maybe suckers like you out there can read it. I did not come here for that reason. I did not come here to compromise my values to promote the interests of a political party.

I came here to promote the interests of my country. And after a lot of soul-searching, and no anger—no anger—I have decided to change my registration from Republican to Independent. There is no contempt; there is no anger. It is a decision of conscience.

Many of my colleagues have called me, and I deeply appreciate the conversations that I have had privately with many of you on both sides, but I ask my colleagues to respect this decision. It is a decision of conscience. Millions and millions of Independents and conservative Democrats and members of other political parties have already made this decision of conscience. As a matter of fact, there are more Independents than there are Republicans or Democrats.

I would ask you to give me the same respect that you give them when you ask them to vote for you in election after election. Indeed, we win elections because of Independents.

I found a poem, written by a man by the name of Edgar Guest, which my father, who was killed at the end of the Second World War, when I was 3 years old, had placed in his Navy scrapbook in 1941, just prior to going off to war in the Pacific—newly married about 2½ years. I can imagine what was going through his mind. But he placed it in his scrapbook and highlighted it.

I am just going to quote one excerpt. The poem is entitled, "Plea for Strength."

Grant me the fighting spirit and fashion me stout of will,

Arouse in me that strange something that fear cannot chill.

Let me not whimper at hardship.

This is the gift that I ask.

Not ease and escape from trial,

But strength for the difficult task.

Many have said that what I am doing is foolish. I have heard it from a lot of people—friends and colleagues. But you know what Mark Twain said—I think the Chaplain will like this:

I am a great and sublime fool. But, then I am God's fool. And all His works must be contemplated with respect.

I called Senator LOTT last week personally. It was the most difficult telephone call I think I had ever made.

I told him it was my intention to continue to vote in caucus with the Republicans, if he wanted me, provided that there was no retaliatory or punitive action taken against me. He was

very gracious. He didn't like it—I don't blame him—but he was gracious. I appreciate his understanding, and I appreciate the compassion and understanding of many of my colleagues on both sides who have spoken with me these past few days.

I made another phone call, Mr. President. I called the chairman of the Republican Party, Mr. Jim Nicholson, last week to inform him of my decision and asked him if he could please maintain confidentiality until I had a chance to make my decision public. Before I had a chance to do that—indeed, about 20 hours after I had made the call—my home was staked out in New Hampshire. Where I was going to visit friends, their homes were staked out, sometimes until late into the evening, by the media, because the chairman put out a letter attacking me personally.

I am not going to dignify the letter by reading it here on the Senate floor. I do ask unanimous consent that the letter be printed into the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

REPUBLICAN NATIONAL COMMITTEE,  
Washington, DC, July 9, 1999.

Hon. ROBERT C. SMITH,  
Dirksen Senate Office Building,  
Washington, DC.

DEAR SENATOR SMITH, I am writing concerning published reports that you have decided to abandon the Republican party and seek the Presidential nomination of a third party instead.

I believe this would be a serious mistake for you personally, with only a marginal political impact—and a counterproductive one, at that.

This would not be a case of the party leaving you, Bob, but rather of you leaving our party. Far from turning away from the conservative themes we both share, the party has championed them—and become America's majority party by doing so.

I truly believe, Bob, that your 1% standing in New Hampshire doesn't reflect Republican primary voters' rejection of your message, but rather its redundancy. Every one of our Republican candidates shares your proven commitment to life and to the goals of smaller government, lower taxes and less regulation of our lives and livelihoods—as does the party itself. In other words, I hope you do not confuse the success of our shared message with your own failure as its messenger.

I also urge that you reconsider turning your back on your many Republican friends and supporters, people who've always stood by you, even in the most difficult and challenging times. Most of all, I hope you will think of your legacy: it would be tragic for your decades of work in the conservative movement to be undone by a short-sighted decision whose only negligible impact would be to provide marginal help to Al Gore, the most extreme liberal in a generation.

Sincerely,

JIM NICHOLSON,  
Chairman.

Mr. SMITH of New Hampshire. I will only characterize the letter in the following way: It is petty, it is vindictive, and it is insulting. It is beneath the dignity of the chairman of any political party. It is an affront to the millions of voters who choose not to carry

a Republican membership card but have given the party its margin of victory in election after election.

Remember that little girl I talked to you about a little while ago, Mary Frances? I do not know what she is going to grow up to be. She might be a Democrat. She might be a Republican. Maybe she will be an Independent. Maybe she won't vote. I don't know. But I'll tell you what, in the old baseball tradition, I wouldn't trade her for 1,000 Jim Nicholsons, not in a minute.

There was talk on the shows this weekend that I might be removed as chairman of the Ethics Committee. I must say, I was disappointed at the intensity of the attacks on me by unidentified sources, I might add, in the Republican Party. Interestingly, one of those reports was that the party is considering suing me for the money it spent during my reelection.

I want to make it very clear, because press reports were inaccurate on one point. Senator MCCONNELL called me personally yesterday to clarify that this particular report of a lawsuit is not true, and I accept his answer as absolute fact with no question. But some faceless party bureaucrat had a really good time writing that and then leaking it to the press. That is what is wrong with politics. He ought to be fired, but you will never find out who it is.

Another interesting report was that a different party operative presumed to suggest that "Smith should be booted out of the conference altogether if he is not a Republican; he shouldn't be in the Republican caucus." I wonder how much he is being paid to sit up there using up the party faithful's contributions to write that kind of garbage.

The chairman of the New Hampshire Republican Party, where for 15 years I have been a member, went on "Crossfire" the other night to debate BOB SMITH, but BOB SMITH wasn't there to answer for himself. He took the anti-BOB position. He attacked me viciously, saying it was a selfish move and that it meant the end of my political career.

There is something a little strange in that. If it is selfish and I am throwing away my political career, maybe somebody can explain what he means. Not a mention of 15 years of service to the State and to the party. Even Bill Press said: Can't you find something nice to say about BOB?

That is what is wrong with politics. It is the ugly. It is the bad. It is the worst. It is the worst.

In 1866 Abraham Lincoln said this—it is a very famous quote:

If I were to try to read, much less answer, all the attacks made on me, this shop might as well be closed for any other business. I do the very best I know how, the very best I can, and I am going to keep right on doing so until the end. If the end brings me out all right, what is said against me won't amount to anything. If the end brings me out wrong, 10 angels swearing I was right will make no difference.

Lincoln really knew how to say it. In a way, perhaps Chairman Duprey is

right about my being selfish. I am putting my selfish desire to save my country ahead of the interests of the Republican Party, and some nameless, faceless bureaucrat in the party machinery decides to take off on me. I wish he would surface. I would like to meet him.

If that is selfish, then Duprey is right. If putting your country ahead of your party, if standing up for the principles you believe in is wrong, maybe it is time to get out of politics.

Over the past 15 years I have traveled all over America helping Republican candidates. I don't very often ask for help. I don't remember ever asking for help from the Republican Party to do it. I spent hours and hours on the phone raising money. And the party has helped me; I will be the first to admit it. Some have made a big deal out of that. They should help me. I think that is what the party is there for. I went to California, Louisiana, Iowa, Missouri, and North Carolina during the last year on behalf of Republican candidates. It had nothing to do with my Presidential campaign; it was entirely on behalf of other candidates. When the chairman of the senatorial committee asked Members to pony up money, he gave me a bill. He said: You have X in your account, and you owe me \$25,000. I wrote him a check the next day. Everybody didn't do it though, did they, Mr. Chairman?

I have a bureaucrat out there somewhere in the party saying throw me out of the caucus. Frankly, I gave without hesitation because I believed things were changing. I don't take a back seat in my willingness as a Republican to help candidates in need. But oh, no, I have committed the unforgivable sin here in Washington; I have exposed the fraud. It is a fraud, and everybody in here knows it.

It is true in both parties that the party platform is not worth the paper it is written on. That is why I am an Independent. That is why I am going to stay an Independent, whatever happens in the future. I am still the same formula. I am still Classic Coke. I am not a new Coke. I am the same ingredients. I have merely redesigned the label. It is the same BOB SMITH. My colleagues over there looking for help, you are not going to get it. You know where my votes come from, so don't get excited.

In my travels, I have attended hundreds of Republican Party events, but the most consistent message I hear from the voters is one of frustration, deep frustration that the party is not standing on principle. Last year CQ published a list of leading scorers on party unity. This is a list they do every year, ranking the most loyal Republican votes.

It is interesting because I don't look at them as loyalty votes. I just make the votes. Well, guess what. Let's see—LARRY CRAIG was here. He is not here right now. LARRY CRAIG and I were No. 1—very interesting, when you look down the list. So I am No. 1 in party

loyalty. How many major committee chairmen in the conference are on the list? Take a look at the list. I am not going to embarrass colleagues.

I am the most reliable Republican vote in the Senate, but I am attacked—not by colleagues, not by colleagues. It is obvious from these kinds of attacks that it is not about me. What it shows is a complete and final divorce between the party machinery and the principles for which it professes to stand. I say, with all due respect to my colleagues in the Senate, whether you are running a campaign for President or whether you are in the House or something else, we have to stop it. We have to get a handle on it. I think it is true in the other party as well.

We have to get a handle on it. They don't represent us well. It is an injustice to the candidates who run for and the people who serve in the Republican Party, and it has to stop. It is a cancer, and it is eating away at the two great political parties that rose to power; in this case, the Republican Party that rose to power on the moral opposition to slavery; and it killed the Whig Party, because it wouldn't stand up against slavery. It will kill the Republican Party if it doesn't stand up for what it believes in, especially against abortion.

I told you I watched the movie "Mr. Smith Goes To Washington" again over the weekend. I remember talking to Mike Mansfield, who was here a few weeks ago for one of the seminars that the leader puts on. He said that after he left the Senate was the first time he really went around and looked at the monuments; he read the writings; he took the time to smell the roses. He said: These just aren't hollow words or statues anymore; they have meaning to me.

This morning—I am not trying to be melodramatic—but I did it. I left early, about 5:45. I took Jimmy Stewart's example from the movie "Mr. Smith Goes To Washington."

I went to the Lincoln Memorial, the Jefferson Memorial, the Vietnam Wall, and the Arlington Cemetery where my parents are buried. I tried to smell the roses. Do you know what? These aren't memorials to people who fought for political parties. Lincoln helped to destroy his own political party. On that visit to Arlington this morning, I stopped at my parents' grave site. My father didn't fight for a political party. He didn't die for a political party. He fought for his country, as millions of others have done, and the ideals for which it was founded. I looked out at those stones all across Arlington Cemetery, and I didn't see any R's or D's next to their names. Then I went to the Vietnam Wall, and I didn't see any R's or D's next to anybody's name there. How about that?

Like Jimmy Stewart's character in the movie, I stand right here at the desk of Daniel Webster, one of the greatest lawyers of all time, one of the greatest Senators of all time, whose

picture is on statues everywhere. Most people probably could not even tell you what party he belonged to, unless you are a history buff. Who cares what party he belonged to? You will remember that he stood up against slavery, and his quote, "Nothing is so powerful but the truth." And the opposite was John C. Calhoun, Henry Clay, the great orators of their time. You remember them for what they were and what they said, not for their party. Webster was an abolitionist and Calhoun the defender of slavery.

Calhoun said:

The very essence of a free government consists in considering offices as public trusts, bestowed for the good of the country, and not for the benefit of an individual or a party.

We have lost sight of it. Man, there is so much history in this place. My wife conducts tours for people from New Hampshire and at times people she finds on the streets. If we would just take a few moments away from the bickering and the arguing and look around and enjoy it, do you know what. It would inspire us. It inspired me today. Maybe I should be doing it every day. Every year, a Senator is chosen to read Washington's Farewell Address. I have been here 9 years and was never asked. I never understood how that person gets picked, but they do. How many of us have actually taken the time to sit and listen to that Farewell Address? Well, Washington, in that Farewell Address, warns us that:

The common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

He spends a large part of his speech expounding on this point, and I encourage my colleagues to read it.

I ask unanimous consent that the relevant sections of Washington's Farewell Address be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See Exhibit 1.)

Mr. SMITH of New Hampshire. In the spirit of what Washington is saying, I think we need to rid ourselves of the nastiness and the partisanship that has destroyed the comity of this great body and has become a barrier to a full and spirited discussion of the issues in America generally. You may say: That is pretty good coming from SMITH; he is as partisan as they come. There is a time and place for partisanship. HARRY REID knows when I put the partisanship at the door. He knows, as cochair of the Ethics Committee with me.

Americans deserve an honest debate, an honest exchange of ideas. They want us to put these partisan interests aside. It is not partisan if somebody is against abortion or is for abortion; it is issue generated.

Americans want people who will lead, not follow polls. The American people are losing the faith in their ability to effect change, and rightfully so.

Since I came to Washington, I have seen Senators and Congressmen come

and go. Do you know what. I will tell you what doesn't go. I refer to the entrenched political industry that is here to stay. Oh, it changes a little bit at the top when somebody else becomes the chairman. But the entrenchment is still there. The pollsters, the spin doctors, and the campaign consultants are all there. They all have their hands in your pockets, and they are doing pretty well.

They run the show, for the most part. They don't directly choose candidates in the sense of a smoke-filled backroom, but they do influence it because they are the ones who tried to talk me out of running in 1980—the same ones.

Some of the pollsters in the party have been around since I first came to town. Every time there is a Republican retreat—and I assume it is the same for the other party—and often at Republican conferences here in the Senate, we hear from the professional consultants and pollsters. They tell us what the message should be. They tell us how to make ourselves look good and how to make the other guys look bad.

We need to get out the fumigation equipment. We need to clean out the pollsters, the consultants, the spin doctors, and the bloated staffs who tell us what to say, how to say it, when to say it, and how long to say it. The American people elected us. Isn't it time we start thinking for ourselves and leading?

This well-paid political industry, let me tell you, colleagues, is not interested in whether or not you believe in the issues of your party. Don't kid yourselves. This is about power, access, and jobs. I can have tea and crumpets with the President of the United States if I help him win it. As long as you look like a winner, it doesn't matter what you believe. Don't kid yourselves. They seek out the candidates who have the package they want—name ID, money, slickness. But, most importantly, they want candidates who won't make waves, or say anything controversial about an issue that might cost us a seat. They package you, wrap you up, put a little bow on it, tell you what to say, and then they sell you to the American voters.

The political professionals tell us all the time, "Don't be controversial; it can cause you to lose your election."

Why are we afraid of controversy? Was Lincoln afraid of it? Was FDR? Was Calhoun? Was Washington? With controversy comes change—positive change sometimes. Imagine Patrick Henry, striding up to the podium in 1773 before the Virginia Assembly, prepared to give his great speech: "Give me liberty or give me . . ." and then he turns to his pollster and says: I wonder whether they want liberty or death. I better take a poll and find out.

Let's not declare our independence; that is pretty controversial. They could have said that in 1776. Let's not abolish slavery; that is controversial.

In the 1850s, the great Whig Party said:

Let's not talk about slavery, it's too controversial. Let's put the issue aside and focus on electing more Whigs.

But a loyal Whig Congressman named Abraham Lincoln thought otherwise.

The pollsters come into the hallowed Halls in meetings of Senators to tell us how we can talk to people, to all the men who are 35 and over, what to say to them; and women 25 and under, what to say to them; to Social Security people; to black people; and what we should say to Hispanics; or white people; what do we say to pro-choice or to pro-life. Pollsters, pollsters, pollsters.

We are looking at polls to decide whether or not to go to Kosovo. We take a poll to decide whether or not we should send our kids to die in a foreign country. Did Roosevelt do a poll on whether or not to retaliate against the Japanese? Partisanship is poisoning this town. The pollsters are poisoning this town. Help members of your own party and destroy the other guy.

My proudest moment in the Senate in the 9 years I have been here—other than some of the meetings HARRY REID and I have had together where we have to discuss the futures of some of you quietly—was when we went into the Old Senate Chamber and talked during the impeachment trial. You know it, all of you; it was the best moment we have had since we have been here. We took the hats off and we sat down and talked about things, and we did it the right way.

I wanted to have every caucus that we had on the impeachment trial bipartisan; I didn't want any separation. But we didn't get that. Boy, what a delight it would have been had we done that. I am not saying it would have made the difference; maybe it would not have. But that is not the purpose of bringing it up. It is my belief that if we had come together and looked at the evidence—you never know.

I am proudest of my service on the Senate Ethics Committee where six Senators, including my good friend, Senator REID, and I, discuss issues without one iota of partisanship.

When we investigated Bob Packwood, a fellow Republican came up to me after that vote in which we voted to expel a colleague, and he was angry. He was a powerful Republican, and this was not an easy conversation. He scolded me, saying, "I can't believe that you would vote to expel a fellow Republican. It's outrageous. How can you do that?" I said, "You will have the opportunity to sustain or overrule that vote on the floor of the Senate very shortly."

He came back later and said: Thank you for saving me a difficult vote.

We on the committee ignored the partisan mud balls. We did what was right.

I am not ashamed of being a member of a political party. The question is, Does party take precedence over principle? I want the 21st century to be remembered for debating important and

controversial issues in public: Abortion, taxes, size of government, restoring our sovereignty, gun control, moral decadence, freedom. Don't avoid these issues simply to help our own political fortunes or to destroy our opponents.

Lt. William Hobby, Jr., wrote a poem called "The Navigator" during the Second World War. I think it captures the vision and spirit of what I believe America should be.

The Morning Watch is mustered, and the middle watch withdrawn

Now Ghostlike glides the vessel in the hush before the dawn.

Friendly gleams polaris on the gently rolling sea,

He set the course for sailors and tonight he shines for me.

We have the opportunity to take America into the 21st century of freedom, morality, support for the Constitution, respect for life, respect for the sacrifices made for us by our founders and the millions of veterans who have given so much of their precious blood. Politics should be about each one of us joining together to rediscover our moral compass, to reignite the torch of freedom, to return to our navigational chart: The Constitution, the Declaration of Independence, and the Bible.

In conclusion, in the movie "Mr. Smith Goes to Washington," Jimmy Stewart portrayed a U.S. Senator who believed that America was good, that politics was good, and that the American people deserve good, honest leaders. I agree.

Chaplain Ogilvie said to me a few weeks ago:

Our time in History is God's gift to us. What we do with it is our gift to him. Let's not squander it with petty partisan politics.

#### EXHIBIT 1

#### EXCERPTS FROM WASHINGTON'S FAREWELL ADDRESS

#### TO THE PEOPLE OF THE UNITED STATES

FRIENDS AND FELLOW CITIZENS: The period for a new election of a Citizen, to administer the Executive Government of the United States, being not far distant, and the time actually arrived, when your thoughts must be employed in designating the person, who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation, which binds a dutiful citizen to his country—and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in, the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire.—I constantly hoped, that it would have been much earlier in my power, consistently with motives, which I was not at liberty to disregard, to return to that retirement, from which I had been reluctantly drawn.—The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign Nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.—

\* \* \* \* \*

I have already intimated to you the danger of Parties in the State, with particular reference to the founding of them on Geographical discriminations.—Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the Spirit of Party, generally.

This Spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all Governments, more or less stifled, controuled, or repressed; but, in those of the popular form, it is seen in its greatest rankness, and is truly their worst enemy.—

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism.—The disorders and miseries, which result, gradually incline the minds of men to seek security and repose in the absolute power of an Individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation, on the ruins of Public Liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight,) the common and continual mischiefs of the spirit of Party are sufficient to make it the interest and duty of a wise People to discourage and restrain it.—

It serves always to distract the Public Councils, and enfeeble the Public administration.—It agitates the community with ill-founded jealousies and false alarms, kindles the animosity of one part against another, fomented occasionally by riot and insurrection.—It opens the doors to foreign influence and corruption, which find a facilitated access to the Government itself through the channels of party passions. Thus the policy and the will of one

country, are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the Administration of the Government, and serve to keep alive the Spirit of Liberty.—This within certain limits is probably true—and in Governments of a Monarchical cast, Patriotism may look with indulgence, if not with favour, upon the spirit of party.—But in those of the popular character, in Governments purely elective, it is a spirit not to be encouraged.—From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose,—and there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it.—A fire not to be quenched; it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.—

It is important likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration, to confine themselves within their respective constitutional spheres; avoiding in the exercise of the powers of one department to encroach upon another.—The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism.—A just estimate of that love of power, and proneness to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of this position.—The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the Guardian of the Public Weal against invasions by the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If in the opinion of the People, the distribution or modification of the Constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed.—The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.—

Of all the dispositions and habits which lead to political prosperity, Religion and morality are indispensable supports.—In vain would that man claim the tribute of Patriotism, who should labor to subvert these great Pillars of human happiness, these firmest props of the duties of Men and Citizens.—The mere Politician, equally with the pious man, ought to respect and to cherish them.—A volume could not trace all their connexions with private and public felicity.—Let it simply



be asked where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths, which are the instruments of investigation in Courts of Justice? And let us with caution indulge the supposition, that morality can be maintained without religion.—Whatever may be conceded to the influence of refined education on minds of peculiar structure—reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.—

It is substantially true, that virtue or morality is a necessary spring of popular government.—The rule indeed extends with more or less force to every species of Free Government.—Who that is a sincere friend to it, can look with indifference upon attempts to shake the foundation of the fabric?—

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge.—In proportion as the structure of a government gives force to public opinion, it is essential that the public opinion should be enlightened.—

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Observe good faith and justice towards all Nations. Cultivate peace and harmony with all. Religion and Morality enjoin this conduct; and can it be that good policy does not equally enjoin it?—It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a People always guided by an exalted justice and benevolence.—Who can doubt that in the course of time and things, the fruits of such a plan would richly repay any temporary advantages, which might be lost by a steady adherence to it? Can it be, that Providence has not connected the permanent felicity of a Nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature.—Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment, for others should be excluded; and that in place of them just and amicable feelings towards all should be cultivated.—The Nation, which indulges towards another an habitual hatred or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest.—Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable, when accidental or trifling occasions of dispute occur.—Hence frequent collisions, obstinate, envenomed and bloody contests.—The Nation prompted by ill-will and resentment sometimes impels to War the Government, contrary to the best calculations of policy.—The Government sometimes participates in the national propensity, and adopts

through passion what reason would reject;—at other times, it makes the animosity of the Nation subservient to projects of hostility instigated by pride, ambition, and other sinister and pernicious motives.—The peace often, sometimes perhaps the Liberty, of Nations has been the victim.—

So likewise a passionate attachment of one Nation for another produces a variety of evils.—Sympathy for the favourite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducement or justification: It leads also to concessions to the favourite Nation of privileges denied to others, which is apt doubly to injure the Nation making the concessions; by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill-will, and a disposition to retaliate, in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens, (who devote themselves to the favourite Nation) facility to betray, or sacrifice the interests of their own country, without odium, sometimes even with popularity:—gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent Patriot.—How many opportunities do they afford to tamper with domestic factions, to practise the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

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Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man, who views in it the native soil of himself and his progenitors for several generations;—I anticipate with pleasing expectation that retreat, in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good Laws under a free Government,—the ever favourite object of my heart, and the happy reward, as I trust, of our mutual cares, labours and dangers.

GEO. WASHINGTON.

UNITED STATES,  
17th September, 1796.

Mr. LOTT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

## PATIENTS' BILL OF RIGHTS ACT OF 1999

AMENDMENT NO. 1237

Mr. NICKLES. Mr. President, for the information of our colleagues, we were in the process of debating the Robb amendment dealing with mandatory length of stays for mastectomies. That is a second-degree amendment to an amendment I offered on behalf of myself, Senator GRAMM, and Senator COLLINS that had a limitation on the cost. The cost of the underlying bill cannot exceed 1 percent, nor could it increase the costs or increase the number of uninsured by over 100,000 or the bill would not be in effect.

Senator ROBB's amendment strikes the amendment that limits the 1-percent cost. It is our intention to finish the debate on the Robb amendment. We will vote on the Robb amendment, and it will be our intention for the Republican side to offer a second-degree amendment. We will debate that amendment and vote on it and work our way through the amendments that have been stacked today.

I ask the Parliamentarian how much time remains on the Robb amendment?

The PRESIDING OFFICER. The majority has 46 minutes remaining and the minority has 28 minutes remaining.

Mr. NICKLES. I yield the floor.

Mr. KENNEDY. I yield 5 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 5 minutes.

Ms. MIKULSKI. Mr. President, what does a woman do in a few days before she is scheduled to have a mastectomy? How should she spend her time? What should she be doing? Should she be on the phone calling her HMO, trying to figure out what will happen to her after surgery? Who will take care of her, how long will she be in the hospital? Should she be on the phone, dealing with bureaucracy? Should she be dealing with paperwork? Should she be on the phone, dealing with an insurance gatekeeper?

No, I do not think that is what she should be doing and I think the Senate will agree with me. I think she should be with her family. I think she should be talking with her husband, because he is as scared as she is. He is terrified that she might die. He is wondering how can he support her when she comes home.

She needs to talk to her children so that they understand that even though she is going in for an operation, they know their mother will be there when she comes back home but she might not be quite the same. She needs to be with her family. She needs to be with her clergyman. She needs to be with those who love her and support her.

This is what we are voting on here today. Who should be in charge of this decision? When a woman has a mastectomy she needs to recover where she