

the Senate. I have heard from the Hispanic Caucus and a number of bar associations in support of her confirmation and have to tell them that I cannot dispel the impression that they have that she is being delayed because she is Hispanic.

Last Friday, Paul Gigot speculated in a column in the May 29 Wall Street Journal that Judge Sotomayor might be a top candidate for the United States Supreme Court should a vacancy arise there. Although his column mischaracterizes her and her judicial record, it confirms the impression of so many that she is being penalized for being an accomplished Hispanic woman.

I ask unanimous consent that a copy of the April 9, 1998 letter to the Majority Leader from Senators MOYNIHAN, D'AMATO, DODD, LIEBERMAN, JEFFORDS and myself be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, April 9, 1998.

Hon. TRENT LOTT,

Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR LOTT: On March 23, faced with five vacancies on a 13-member Court, Chief Judge Winter of the United States Court of Appeals for the Second Circuit certified the judicial emergency caused by these vacancies, began canceling hearings and took the unprecedented step in the Second Circuit of authorizing 3-judge panels to be composed of two visiting judges and only one Second Circuit Judge. The Judiciary Committee has reported to the Senate the nomination of Judge Sotomayor by a vote of 16 to 2. Three additional outstanding Second Circuit nominees are pending before the Judiciary Committee and await their confirmation hearings: Judge Rosemary Pooler; Robert Sack, a partner in the law firm of Gibson Dunn & Crutcher; and Chester J. Straub, a partner in the law firm of Wilkie Farr & Gallagher.

We urge prompt and favorable action on the nomination of Judge Sonia Sotomayor to the Second Circuit when the Senate returns on April 20 and thank you for your consideration of this important matter.

Sincerely,

PATRICK LEAHY,
ALPHONSE D'AMATO,
JAMES JEFFORDS,
DANIEL PATRICK MOYNIHAN,
CHRISTOPHER J. DODD,
JOSEPH LIEBERMAN.

NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN

Mr. ABRAHAM. Mr. President, I rise today as an original cosponsor of the National Center for Missing and Exploited Children Authorization Act of 1998. I applaud the Senator from Utah's fine efforts in support of this important legislation.

The National Center for Missing and Exploited Children (NCMEC) has an extraordinary record of success. The Center boasts a recovery rate that has grown from 62% to 91% over the past 14 years. This particular legislation directs the Office of Juvenile Justice and Delinquency Prevention (OJJDP) at the Department of Justice to issue an-

nual grants to the NCMEC in the amount of \$10 million for fiscal years 1999-2003. The \$10 million is an authorization and is subject to appropriations procedures.

The bill will allow the Center to bypass the competitive selection process it must go through to obtain grant money from the OJJDP on an annual basis. Moreover, by providing an authorization, the bill will also allow for increased Committee oversight of the Center's activities.

This bill will better enable the Center to pursue national efforts to locate and recover missing children. It will also aid the NCMEC, in conjunction with the U.S. Department of Justice, in raising public awareness about ways to prevent child abduction, molestation, and sexual exploitation.

I urge my colleagues to join me, Senator HATCH, Senator DEWINE, and a number of our colleagues in supporting this worthwhile bill.

PATIENTS' BILL OF RIGHTS

Mr. KENNEDY. Mr. President, we are now in what should be one of our most productive and thoughtful legislative periods this year. Many important items are pending before the Senate, and there is no reason to believe that we cannot successfully address each of them. We must act to protect the nation's children from tobacco, and we must move forward on appropriations and authorization bills. But, there are many other important measures waiting to be brought to the floor. Patients across the country are urging Congress to enact the "Patients' Bill of Rights." I would like to take this opportunity to share with members of the Senate another tragic story that demonstrates the need for action.

This is a story about Mrs. Peggy Earhart of Sun Valley, California. At the age of 63, she was being treated by her HMO for arthritis. Her treatment required her to visit her doctor every six to eight weeks for cortisone injections. During a period of treatment, she noticed a mole on her ankle. She brought this mole to her doctors' attention, but her doctor reassured her that it looked fine and she need not worry about it.

Initially, she trusted her doctor's judgment. As the mole changed shape and color, she brought these changes to the attention of her doctor, who looked at the mole again and assured Mrs. Earhart that it was fine. On the next visit, Mrs. Earhart once again pointed out changes in size and color, and again, the doctor did nothing.

Worried and exasperated, Mrs. Earhart requested a change of doctor. She filled out the necessary paperwork and waited—and waited, and waited. Six months later, the HMO finally responded, permitting her to see another physician. The first time she saw the new doctor, he examined the mole and immediately referred her to a dermatologist. The dermatologist took a biopsy and found that the "mole" was in fact a malignant melanoma.

Further tests were ordered, which showed that the cancer had metastasized. It was then too late to treat Mrs. Earhart, and she died a year later.

As this tragic story shows, the heart of the issue is providing patients with access to needed health care—a guarantee that patients shall receive the care they paid for with their hard-earned premiums.

In talking about the rights of patients, it is no answer to simply say "Let the Patient Beware." Purchasing health insurance is not like buying a car, and it never will be.

Patients deserve to know that, if they notice something wrong and report it to their doctor, their health needs will be met. Mrs. Earhart should have been treated by the appropriate specialist, without the long delay that ultimately cost her life.

Mrs. Earhart should have had access to an appropriate review procedure that would have allowed her to seek outside help in time. Her family should have been able to hold the health plan accountable for its actions, and for the inexcusable delay that took her life.

The Patients' Bill of Rights provides these protections and more. The Senate should act on this bill as soon as possible. It has the strong support of more than 100 organizations, representing millions of patients, doctors, nurses, working families and consumers. Every day we delay, more tragedies like this take place. They shouldn't have to happen to any family, and they won't happen when this needed legislation is enacted into law.

MESSAGES FROM THE HOUSE

At 9:32 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 99. Concurrent resolution authorizing the flying of the POW/MIA flag.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1385) to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. GOODLING, Mr. MCKEON, Mr. RIGGS, Mr. GRAHAM, Mr. BOB SCHAFFER of Colorado, Mr. CLAY, Mr. MARTINEZ, and Mr. KILDEE, as managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2676) to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing

votes of the two Houses thereon; and appoints Mr. ARCHER, Mrs. JOHNSON of Connecticut, Mr. PORTMAN, Mr. RANGEL, and Mr. COYNE, as the managers of the conference on the part of the House.

At 10:18 a.m., a message from the House of Representatives, delivered by Mr. Hays one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 282. Concurrent resolution to correct the enrollment of H.R. 2400.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-5179. A communication from the Director of the Office of Government Relations of the Smithsonian Institution, transmitting, pursuant to law, a report relative to the National Society of the Daughters of the American Revolution; to the Committee on Rules and Administration.

EC-5180. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Update of the Federal Energy Regulatory Commission's Fees Schedule for Annual Charges for the Use of Government Lands" (Docket RM86-2-000) received on May 26, 1998; to the Committee on Energy and Natural Resources.

EC-5181. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of a rule regarding the implementation of DOE acquisition regulations (AL98-05) received on May 26, 1998; to the Committee on Energy and Natural Resources.

EC-5182. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of a rule regarding safety of nuclear explosive operations (Order 452.2A) received on May 26, 1998; to the Committee on Energy and Natural Resources.

EC-5183. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a draft of proposed legislation entitled "The Franklin Delano Roosevelt National Historic Site and Eleanor Roosevelt National Historic Site Act"; to the Committee on Energy and Natural Resources.

EC-5184. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Veterans Education: Increase in Rates Payable for Cooperative Training Under the Montgomery GI Bill—Active Duty" (RIN 2900-AJ10) received on May 26, 1998; to the Committee on Veterans' Affairs.

EC-5185. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation to provide for qualification for members of the Board of Veterans' Appeals; to the Committee on Veterans' Affairs.

EC-5186. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of

the Mid-Session Review of the Budget of the United States Government for fiscal year 1999; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, and to Committee on the Budget.

EC-5187. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to the second special impoundment message for fiscal year 1998; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, Committee on the Budget, Committee on Agriculture, Nutrition, and Forestry, Committee on Commerce, Science, and Transportation, Committee on Environment and Public Works, Committee on Energy and Natural Resources, and the Committee on Indian Affairs.

EC-5188. A communication from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revision of Patent Cooperation Treaty Application Procedure" (Docket 980511124-9124-01) received on May 26, 1998; to the Committee on the Judiciary.

EC-5189. A communication from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Requirements for Patent Application Containing Nucleotide Sequence and/or Amino Acid Disclosures" (RIN0651-AA88) received on May 26, 1998; to the Committee on the Judiciary.

EC-5190. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the prison impact assessment report for 1996 and 1997; to the Committee on the Judiciary.

EC-5191. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "Compliance Simplification and Enforcement Reform Under Sections 213 and 223 of the Small Business Regulatory Enforcement Fairness Act of 1996"; to the Committee on the Judiciary.

EC-5192. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuncts, Production Aids, and Sanitizers" (Docket 90F-0310) received on May 28, 1998; to the Committee on Labor and Human Resources.

EC-5193. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the biennial report of the Director of the National Institutes of Health for fiscal year 1995 and 1996; to the Committee on Labor and Human Resources.

EC-5194. A communication from the Acting Assistant General Counsel, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Preschool Grants for Children With Disabilities" (RIN 1820-AB47) received on May 29, 1998; to the Committee on Labor and Human Resources.

EC-5195. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "PBGC Recoupment and Reimbursement of Benefit Overpayments and Underpayments" (RIN 1212-AA87) received on May 29, 1998; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

H.R. 1702: A bill to encourage the development of a commercial space industry in the United States, and for other purposes (Rept. No. 105-198).

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 1999" (Rept. No. 105-199).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 2127. A bill to forgive certain debt owed by the city of Dickinson, North Dakota; to the Committee on Energy and Natural Resources.

By Mr. STEVENS:

S. 2128. A bill to clarify the authority of the Director of the Federal Bureau of Investigation regarding the collection of fees to process certain identification records and name checks, and for other purposes; to the Committee on the Judiciary.

By Mr. AKAKA (for himself and Mr. INOUE):

S. 2129. A bill to eliminate restrictions on the acquisition of certain land contiguous to the Hawaii Volcanoes National Park; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THOMAS (for himself, Mr. GRAMS, and Mr. SMITH of Oregon):

S. Res. 240. A resolution expressing the sense of the Senate with respect to democracy and human rights in the Lao People's Democratic Republic; to the Committee on Foreign Relations.

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. WARNER, and Mr. SESSIONS):

S. Res. 241. A resolution relative to the death of the Honorable Barry Goldwater, formerly a Senator from the State of Arizona; considered and agreed to.

By Mr. LOTT (for Mr. SPECTER):

S. Con. Res. 100. A concurrent resolution regarding American victims of terrorism; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 2127. A bill to forgive certain debt owed by the city of Dickinson, North Dakota; to the Committee on Energy and Natural Resources.

PRIVATE RELIEF LEGISLATION

• Mr. CONRAD. Mr. President, today I introduce a bill to permit the Secretary of the Interior to accept a one-