

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