''(A) by striking out '$327' and inserting in lieu thereof '$392';

''(B) by striking out '$245' and inserting in lieu thereof '$294'; and

''(C) by striking out '$163' and inserting in lieu thereof '$196'.

''(b) CORRESPONDENCE COURSE.—Section 3534(b) of such title is amended by striking out '$404' and inserting in lieu thereof '$485'.

''(c) SPECIAL RESTORATIVE TRAINING.—Section 3542(a) of such title is amended—

''(1) by striking out '$404' and inserting in lieu thereof '$485';

''(2) by striking out '$127' each place it appears and inserting in lieu thereof '$152'; and

''(3) by striking out '$13.46' and inserting in lieu thereof '$16.16'.

''(d) APPRENTICESHIP TRAINING.—Section 3687(b)(2) of such title is amended—

''(1) by striking out '$294' and inserting in lieu thereof '$353';

''(2) by striking out '$220' and inserting in lieu thereof '$264';

''(3) by striking out '$146' and inserting in lieu thereof '$175'; and

''(4) by striking out '$73' and inserting in lieu thereof '$88'.

''(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998, and shall apply with respect to educational assistance allowances paid for months after September 1998.''.

Mr. WARNER. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. McCAIN. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with Senators permitted to speak for up to 10 minutes each.

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

CONFIRMATION OF ROSEMARY S. POOLER TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT

Mr. LEAHY. Mr. President, I congratulate Judge Rosemary Pooler on her confirmation as a member of the Second Circuit. She has been providing a great service as a United States District Court Judge in the Northern District of New York. President Clinton nominated her last November to fill a vacancy on the Second Circuit. I worked very hard to have her included in a prompt confirmation hearing, was finally able to get her included in a hearing on May 14 and, with the cooperation of Chairman HATCH, have her reported by the Judiciary Committee on May 21. With her confirmation, Judge Pooler becomes the second woman to serve as a member of the United States Court of Appeals for the Second Circuit.

Ironically, her confirmation also brings into sharp relief the harm that is being perpetuated in the Northern District of New York by the Senate's refusal to consider Clarence Sundrum, another nominee for a longstanding vacancy on an overburdened court. Mr. Sundrum was first nominated in September 1995, over two and one-half years ago. The vacancy has long been considered a judicial emergency. This judicial nomination is the oldest pending judicial nomination before the Senate. After two hearings and almost three years, Mr. Sundrum has still not been considered by the Judiciary Committee or the Senate.

I was very disappointed that Judge Pooler was not confirmed before the Senate left for its Memorial Day recess. Along with the confirmations of Judge Sonia Sotomayor, Robert Sack and Chester Straub, her confirmation will help end the continuing emergency caused by the vacancy crisis on the Second Circuit. I want to thank the Majority Leader for calling up the nomination of Judge Rosemary Pooler today and Chester Straub yesterday.

As I noted most recently on May 21 and May 22, the Second Circuit is suffering from an unprecedented emergency caused by the vacancies crisis on that court. We have had four nominees before the Senate for many months who together could help end this crisis.

On March 25, the five continuing vacancies on the 13-member court caused Chief Judge Ralph Winter to certify a circuit emergency, to begin canceling hearings and to take the unprecedented step of having 3-judge panels convened that include only one Second Circuit judge. On April 23, Chief Judge Winter was forced to issue additional emergency orders.

The people of the Second Circuit need additional federal judges confirmed by the Senate. Indeed, the Judicial Conference of the United States recommends that in addition to the current vacancies, the Second Circuit be allocated an additional two judgeships to handle its workload. The Second Circuit is suffering harm from the vacancy crisis and Senate inaction.

This past weekend the Second Circuit held its annual circuit conference. I was pleased that this year's meetings could be held in Manchester, Vermont, and congratulate Chief Judge Murtha of the District Court of Vermont on the success of those meetings.

In connection with the annual conference, the Chief Judge of the Second Circuit issued his annual report. Chief Judge Winter concentrates on ''the problem, now chronic as well as aggravated, of obtaining resources equal to the jurisdictional responsibilities entrusted to the Court.'' In particular, he notes that the filings with the Court of Appeals rose 20 percent over the last two years while its active judges went down by 33 percent, from 12 to eight.

After thanking the senior judges, district judges and visiting judges from other circuits, without whom the Second Circuit ''would have been engulfed by a backlog that would not be amenable to future reduction,'' he went on to note:

> The semblance of normalcy, however, is still just a semblance. Ten panel days in April and June had to be canceled outright. Seven panels were able to hear cases only after I certified that a judicial emergency existed so that the panel could proceed with only one member of the court and two visiting judges. The number of pending cases is increasing at an alarming rate, and the Court has the largest backlog in its history.

The Chief Judge had some blunt talk for congressional critics.

He concludes:

> The political branches have steadily increased our federal question jurisdiction, have maintained an unnecessarily broad definition of diversity jurisdiction, and then have denied us resources minimally proportionate to that jurisdiction. That is the problem. The result is that a court with proud traditions of craft in decision-making and currency in its docket is now in danger of losing both.

I conclude by noting my regret that the Senate is not proceeding to consider the longstanding nomination of Judge Sonia Sotomayor. I will continue to press for her confirmation and that of Robert Sack to the Second Circuit. I have been urging favorable Senate action on the nomination of Judge Sonia Sotomayor to the Second Circuit for many months.

Judge Sonia Sotomayor is a qualified nominee who was confirmed to the United States District Court for the Southern District of New York in 1992 after being nominated by President Bush. She attended Princeton University and Yale Law School. She worked for over four years in the New York District Attorney's Office as an Assistant District Attorney and was in private practice with Pavia & Harcourt in New York. She is strongly support by Senator MOYNIHAN and Senator D'AMATO. She is a source of pride to Puerto Rican and other Hispanic supporters and to women. When confirmed she will be only the second judge of Puerto Rican descent to serve on the Second Circuit.

By a vote of 16 to 2, the Judiciary Committee reported the nomination of Judge Sonia Sotomayor to the Senate. That was on March 5, 1998, almost three months ago. No action has been taken or scheduled on that nomination and no explanation for the delay has been forthcoming. This is the oldest judicial nomination pending on the Senate Executive Calendar. In spite of a bipartisan April 9 letter to the Senate Republican Leader signed by all six Senators from the three States forming the Second Circuit urging prompt action, this nomination continues to be stalled by anonymous objections. Our bipartisan letter to the Majority Leader asked that he call up for prompt consideration by the Senate the nomination of Judge Sonia Sotomayor. That was almost three months ago.

I do not know why this distinguished jurist, who was nominated by President Bush to the District Court and by President Clinton to the Court of Appeals, is being denied consideration by

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 (OJDDP) at the Department of Justice to issue annual 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 OJDDP 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