marched on behalf of women and children who needed a ''hand-up'', rather than a donation or handout.

When I served as Nevada's Lt. Governor, I began working closely with Jan when she was chosen to run the Southern Nevada office of then Governor Mike O'Callahan. Savvy and determined, she made an impression on everyone she worked with throughout those six years. Much of her success on the job came from her staunch work ethic and strong ties to both her family and the community.

The people of Nevada were truly fortunate to have Judge Smith come out of semi retirement to accept an appointment as a Justice of the Peace for the Jean-Good Springs district. She single-handedly reorganized the court so that it eventually became a model of fairness and efficiency. She has subsequently been reelected with overwhelming community support.

Judge Smith is one of the unsung heroes of the American justice system. Like many of our nation's Justice of the Peace Officers, she does not typically preside over big dollar, high drama cases. However, those like Judge Smith are the representatives of our legal system most likely to come in contact with everyday Americans. Professionals like Jan do more to preside over basic public safety issues because they handle the difficult events that are all too common in communities across the country—drunk driving and domestic violence. Essentially, Jan's career has required her or exercise judgement and make tough decisions that have lasting impact.

Judge Jan Smith truly believes in the law, as a fellow officer of the court and United States Senator, I have relied upon on Judge Smith's trademark intelligence and honesty, as well as her ability to astutely assess the character and behavior of the many Nevadans who visit her court.

Much of my admiration for Judge Smith stems from her enduring commitment to people of the Silver State. Her values are reflected not only in the way she lives her life, but in the many organizations she has served over the past thirty years. Judge Smith's lifetime of achievement is truly an inspiration, and she serves as an incredible role model for judicial prudence, legal acumen, and personal integrity.●

REAUTHORIZATION OF THE OLDER AMERICANS ACT

● Mr. HUTCHINSON. Mr. President, on Friday, October 10th, I became a cosponsor of legislation introduced by Senator MCCAIN that would reauthorize the Older Americans Act. This Act, established in 1965, established a series of programs to benefit older Americans. Services provided include nutrition, transportation, nursing home ombudsmanship, and other senior's rights programs. Needless to say, Arkansas, which has over 200,000 senior citizens, has benefitted greatly from the services provided through the Older Americans Act. In addition, the organizations in Arkansas that have received funding through the Act have done an incredible job in reaching out to our seniors.

While the Older Americans Act expired in 1995, its programs have widespread support, which has resulted in continued funding. Nonetheless, authorization is critical for the long-term stability of these programs and for the peace of mind of senior citizens. the McCain bill renews the act, without any changes, for a period of 3 years. Let me say that, as with any reauthorization, I strongly believe in the need for congressional hearings to examine the programs contained within the act to ensure that they are working well, efficiently serving the needs of seniors, and that any appropriate adjustments in funding are made. Regrettably, the Senate Labor and Human Resource Committee, on which I serve, has not taken action on any reauthorization legislation this year. Until the committee does so, and as an indication of my very strong support for the programs contained in the Older American Act, I am cosponsoring the McCain bill.

The Older American Act has improved the quality of life for so many of our Nation's elderly, and it will continue to provide vital services as the aging population grows. I sincerely hope that the Senate will act on legislation to reauthorize this important act soon.●

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

FEDERAL MARITIME COMMISSION NOMINATIONS

● Mr. HOLLINGS. Mr. President, I would like to take a moment to congratulate two nominees, Mr. Hal Creel and Mr. John Moran, upon their confirmation to be Federal Maritime Commissioners.

Hal Creel, a native of South Carolina and my former Senior Counsel on the Maritime Subcommittee, has been a Federal Maritime Commissioner for four years. He has served the last two and a half years as the agency's Chairman. As Chairman, he has demonstrated a wide-ranging knowledge of the maritime industry and an outstanding ability to oversee industry activities. Our Nation is extremely fortunate to have such a dedicated individual at the helm of this important government body.

Mr. Creel and the Federal Maritime Commission are responsible for overseeing all international liner shipping in the U.S.—over $500 billion in trade. His efforts in the controversy surrounding Japan's restrictive port practices come immediately to mind.

The Government of Japan for many years has orchestrated a system that impedes open trade, unjustly favors Japanese companies, and results in tremendous inefficiencies for anyone serving Japan's ports. The FMC, under Mr. Creel's guidance, met these problems head-on and he was instrumental in bringing the two governments to the bargaining table. The bilateral agreement that resulted paves the way for far-reaching changes that can remove these unfair barriers to trade. The progress made to date has occurred in large measure due to the Commission's firm, results-oriented approach. I urge him to continue to keep the Japanese honest, and to perform their agreed upon obligations.

Hal Creel also has led the Commission in its efforts to resolve unfavorable trading conditions with the Peoples Republic of China and Brazil. These trades pose differing problems, but circumstances that nonetheless restrict U.S. companies or render their business dealings unnecessarily difficult or simply inefficient.

Hal Creel is widely respected by all sectors of the industry as an involved, knowledgeable Chairman who can be trusted to make impartial decisions based on all relevant factors. This has been evidenced by the objective, informed decisions he renders in formal proceedings, his voting record on important agency matters, and the even-handed enforcement program administered by the Commission. As Chairman of the FMC, Hal Creel has worked hard to curb harmful practices and create equitable trading conditions for the entire industry. He takes a personal stake in these matters and works hard to obtain compliance with the laws passed by this Congress. But those who willfully violate the law or intentionally disregard the Nation's ocean shipping policies as contained in the Shipping Act are dealt with appropriately.

These are turbulent times in the liner shipping industry, times that call for effective and respected leadership from our Nation's regulatory body. Mr. Creel provides that leadership now, and I am certain will continue to do so as the industry enters the new environment that will result from the Ocean Shipping Reform Act of 1998 passed by this body last week.

I am proud of the accomplishments and fine work Hal has done at the FMC. I am also proud that he is a native South Carolinian. He certainly has continued the fine tradition and excellence he has established as a staffer and senior counsel for the Senate Commerce Committee. His reappointment is well deserved.

I also wish to convey my support for John Moran to become a Commissioner at the FMC. John also is a former Commerce Committee counsel who served all members of that Committee with distinction. John and Hal worked together at the Committee on a bipartisan basis, slugging through tough issues and serving all of the Members well.

For my Senate colleagues who do not know Mr. Moran, his only fault is that he is not from South Carolina. He has

demonstrated his abilities and intellect time and time again. He is well suited to be a Federal Maritime Commissioner. Currently, John works representing the American Waterways Operators, as their Vice President for legislative affairs. John also has an outstanding reputation within the maritime and transportation industry sectors.

I congratulate these two deserving individuals, who have been appointed to the agency which plays such a critical role in international trade.●

THE REPUBLICAN PATIENTS' BILL OF RIGHTS ACT

● Mr. ENZI. Mr. President, I rise to speak in strong support of S. 2330, the Patients' Bill of Rights Act. As an original cosponsor, I'm confident that this legislation is the logical step to ensure Americans accessible and affordable healthcare.

On January 13, 1998, the Majority Leader created the Republican Health Care Task Force to begin pouring the foundation for a comprehensive piece of legislation that would enhance the quality of care without dismantling access and affordability. For the last seven months, the task force met every Thursday—and other times as needed—with scores of stakeholders prior to writing this bill. Such thorough steps in writing a bill have clearly paid off. We now have legislation that would provide patients' rights and quality healthcare without nationalized, bureaucratized, budget-busting, one-size-fits-all mandates.

In 1993, President and Mrs. Clinton launched an aggressive campaign to nationalize the delivery of healthcare under the guise of modest reform. The sales pitch was backed with scores of anecdotes illustrated from Presidential podiums across the country. The stories pulled on the heartstrings of all Americans and were intentionally aimed at injecting fear and paranoia into all persons covered or not covered by private health insurance.

I am quick to ask my constituents interested in the President's bill to carefully examine the fine print. It's no surprise to me that most of them already have. The American people haven't forgotten the last time this Administration tried to slip nationalized healthcare past their noses. Folks in this town may be surprised to learn that the American people aren't a bunch of pinheads. Anyone can put lipstick on a pig, give it a fancy Hollywood title, and hope for an election-year slam dunk. Expecting the public to close its eyes and kiss that pig, however, is an entirely different matter.

The American people understand what's going on here. They know full well that higher premiums mean no coverage. Why? Because affordable access to healthcare is an even higher priority than quality. If it isn't affordable, it doesn't exist! By issuing one-size-fits-all mandates and setting the stage for endless litigation, the President's bill could dramatically raise the price of premiums—barring people from purchasing insurance. The President would be well advised to call his legislation the ''Patient's Bill,'' because a costly bill is exactly what Americans would receive. That's the bottom line for American families—the cost. We all want quality. There isn't a member in Congress who doesn't want quality. But if Americans are expected to pay up to 23 percent higher premiums to get it, they'll most often have to go without insurance. It's that simple.

I remember the reaction Wyoming residents had to the 1993 ''Clinton Care'' plan. I was a State Senator living in Gillette, Wyoming at the time. I recall how the President and First Lady rode a bus across America—promoting nationalized healthcare. I also remember the detour they took when they arrived at the Wyoming border. Instead of entering my home state, they chose a more populated route through Colorado. That was an unfortunate choice. They missed an important healthcare point. Had they driven all 400 miles across southern Wyoming, they would have seen for themselves why one-size-fits-all legislation doesn't work in rural, under-served states.

Affordable and accessible care is THE life-line for Wyoming residents. I live in a city of 22,000 people. It's 145 miles to another town of equal or greater size. Many of my constituents have to drive up to 125 miles one-way just to receive basic care. More importantly, though, is the difficulty we face enticing doctors and practitioners to live and practice medicine in Wyoming. I'm very proud of Wyoming's health care professionals. They practice with their hearts, not their wallets.

In a rural, under-served state like Wyoming, only three managed care plans are available and that covers just six counties. Once again, this is partly due to my state's small population. Managed care plans generally profit from high enrollment, and as a result, the majority of plans in Wyoming are traditional indemnity plans—commonly known as fee-for-service. Some folks might wonder why I am so concerned about the President's healthcare package, especially since it's geared toward managed care. I'm concerned because a number of Wyoming insurers offer managed care plans elsewhere. Any premium hike spurred by mandates in the Presidents' bill could be distributed across the board—causing increases in the fee-for-service premiums in Wyoming. Simply put, my constituents could easily end up paying for services they'll never get! 40 percent of my constituents are self-insured—meaning they pay for their own health insurance out of their own pockets. Expecting my constituents to pay more poses a clear and potential threat to exclude them from health insurance coverage. The urban areas get the care—we get the cost. Added cost—that's it—that's all.

The Republican plan is the right choice for America. It would safeguard 48 million people out of the 124 million now covered by the 1974 Employee Retirement Income Security Act or ERISA by requiring that group healthcare plans provide enrollees with: access to emergency medical care; point-of-service coverage; access to ob-gyn care; access to pediatric care; continuity of care; and, a ban on patient/doctor ''gag'' rules. ERISA plans, whether fully-insured or self-insured, would also be required to provide enrollees with information about plans and providers such as options, restrictions and descriptions.

The Republican Patients' Bill of Rights would also allow a patient to hold their health plan accountable. The President's bill, however, would allow a patient to sue their own health plan and tie up state courts with litigation for months or years. The only people that benefit from this would be trial lawyers. The patient, however, would be lucky to get a decision about their plan before their ailment advanced or even took their life. A big settlement doesn't do much good if you got it, because you died while the trial lawyers fiddled with the facts. Folks aren't interested in suing their health plan. They watch enough court-TV shows to know how expensive that process is and how long it takes to get a decision made. This isn't L.A. Law—it's reality. The Republican Patients' Bill of Rights avoids all this by incorporating an internal appeals process that doesn't exceed 72 hours. If not satisfied, an enrollee would be able to access an external review by independent medical experts. Getting quick decisions saves lives.

The President has repeatedly said that the Republican Patients' Bill of Rights should apply to all health insurance plans. Such claims are no different than those made by the President back in 1993. He wants nationalized healthcare—plain and simple. There is a reason the Republican bill only amends ERISA. It's because the 124 million ERISA enrollees are not regulated by the states. The states, by the way, have been in the business of regulating the health insurance industry far longer than Congress or any President was beating up on managed care.

The President wants all regulatory decisions about a person's health insurance plan to be made from Washington—nationalized care. The reason this won't work is that it fails to take into account the unique type of healthcare provided in states like Wyoming. While serving in the Wyoming Legislature for 10 years, I gained tremendous respect for our state insurance commissioner's ability to administer quality guidelines and insurance regulations that cater to our state. State regulation and understanding is absolutely, unequivocally essential. I firmly believe that decisions which impact my constituents' health insurance should

continue