

I support the proposed first round of NATO expansion. As the only currently available alternative, I also support funding for a follow-on-force in Bosnia. As our troops and diplomats do their duty, they can count on support from this Senator.

Mr. President, I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I ask unanimous consent to be recognized as in morning business.

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

Mr. DURBIN. Mr. President, first let me thank my colleague from Georgia, Senator CLELAND, for that excellent statement. I have listened to a lot of the debate on NATO enlargement. He gave a tour de force by covering not only the nations of Europe but the history of Europe. I congratulate him on an excellent statement. I fully endorse his conclusion.

HEALTH CARE

Mr. DURBIN. Mr. President, I come to speak in morning business on an issue that I believe is of great importance to many families across the United States. It is the question of health care.

Many people watch the U.S. Senate and House of Representatives and wonder what this debate in the operations of this body have to do with their lives. They look at the bills and wonder who has written them and how it can affect them, and many times just write it all off as politics. But the issue I am about to speak to and the issue which I believe should be part of our legislative agenda is the issue of health care.

Mr. President, we are in a state of crisis in this country, a crisis of confidence over America's health care system. A majority of the American people no longer believe their insurance companies are providing them with the quality of service or choice of doctors they were promised when they paid their premiums. Eighty percent of American consumers believe that insurance plans often compromise the quality of care to save money. Ninety percent of Americans say a patient protection act to regulate health insurance plans is needed. Such an act has been introduced, and we are hoping that we can bring it to the floor for consideration before we adjourn, because we have precious few days left this year to consider important legislation.

Unfortunately in America some health insurers have put cost savings before life savings. Such cost-cutting practices are only inviting tragedy.

I brought to the floor today a photograph of a couple from the Chicago area, the Garvey family. I would like to tell you the story of this typical American family and what happened to Mrs. Garvey on a vacation to Hawaii. Barbara Garvey, a wife and mother of

seven from Chicago, suffered from severe arthritis. During a once-in-a-lifetime vacation with friends to Hawaii, Mrs. Garvey discovered some bruises on her body. She was worried. She was immediately sent to the hospital and examined. After examination, there was a diagnosis that she was suffering from aplastic anemia.

There she was in Hawaii, thousands of miles from home, with a friend, with this terrible diagnosis. Doctors in Hawaii decided the only option was to perform an emergency bone-marrow transplant. Both Mrs. Garvey's HMO doctor in Chicago and the attending physician in Hawaii agreed that with no immune system and no ability to clot, a commercial flight back home to Chicago to receive treatment would put her at great risk for infection and stroke.

Imagine, there you are, thousands of miles away from home, told that you have to face this emergency bone-marrow transplant and you can't move; you have to do it now. And if you do not, you could have serious consequences.

They advised Mrs. Garvey to receive this emergency treatment as quickly as possible in Hawaii. Her insurance policy covered it. It wasn't a matter of debating that. But when she called the HMO that managed the policy, they refused to accept any treatment in Hawaii. The clerk at the HMO said to Mrs. Garvey she had to travel back from Hawaii to Illinois for this treatment. They wouldn't pay for it unless she did. And it is very expensive. She didn't have the ability to pay for the expensive treatment.

So she made the only decision she could. She got back on the airplane to come back to Chicago. On the plane, as predicted by her treating physician, Mrs. Garvey suffered a stroke that left her paralyzed on her right side, robbing her of her ability to speak. She was left too weak and unstable to even undergo the bone-marrow transplant. She developed an infection and after 9 days at a Chicago Hospital, Barbara Garvey died of a cerebral hemorrhage and complications.

She was 55 years old, on a Hawaiian vacation, in need of emergency medical treatment, but the decision by an HMO clerk cost her her life. She left behind her husband Dave, seven children, and numerous grandchildren.

I might say to my colleagues in the Senate and those listening, this should not happen in America. Health insurers should not make decisions that are best left to doctors and trained health professionals.

Mr. President, we should take up and pass meaningful patient protection this year in Congress. We have a bill, S. 1890, the patient's bill of rights, that would prevent tragedies like this from happening. The bill would allow for both an independent appeals process and for legal accountability for medical decisions made by health insurers. Without such accountability, insurers

have no incentive to provide necessary and timely care to people such as Barbara Garvey when they need it the most.

It may surprise some people to learn that many HMO plans across the country, if your doctor says he wants you to receive treatment, require you to call the insurance company. If the insurance company says no, no, we don't cover that treatment or we won't give it the way the doctor wants it, and you go ahead and follow the insurance company's lead and something bad occurs, guess who is held accountable. Guess who is liable in court. The insurance company? In many instances, no. The doctor, the doctor who really wanted to do it differently, who thought it was best for you and your family to receive a different treatment, ends up the person holding the bag.

That is not fair. We should each be accountable for our conduct, and in this situation no doctor should be held accountable for a decision that was made by the insurance company. The insurance company should stand on its own feet.

Now, we only have a few days remaining in the session. It is hard to believe that in April we are talking about leaving, but it is going to be an abbreviated session for reasons that are beyond me. The political leaders have decided it is time for us to get out of town. They think we have about 60 days to act and don't have much time to consider many issues. I hope that we don't leave town without thinking a little bit about this issue, an issue which most Americans are seriously concerned about, the quality of health care and the accountability of HMO's. Whatever we are going to do will not alleviate the pain the Garveys have endured, but we can fix the system. We can save families the pain of losing a loved one because some insurance companies put business before wellness.

Mr. President, I yield back the remainder of my time.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak in morning business for up to 15 minutes.

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

Mr. WYDEN. Mr. President, I commend our colleague from Illinois, Mr. DURBIN, for standing up for the rights of patients in health maintenance organizations. This is an issue of enormous importance, and I think it is clear the Senate ought to be spending time talking about how real patients are suffering as they try to make their way through the health care system. I wish to tell the Senator that I very much appreciate his addressing this issue today.

SECRET WORLD TRADE ORGANIZATION DECISIONS

Mr. WYDEN. Mr. President and colleagues, the poster that is next to me today is a photograph of one of the most important doors in the world. It

is an entry to the World Trade Organization, an organization where decisions are made on an ongoing basis that affect the lives of millions of Americans and billions of citizens around the world, decisions that are directly related to their ability to have good-paying jobs, decisions related to their health, their safety and their well-being.

Mr. President, these are decisions, as our colleagues can see from this photograph next to me that recently appeared in the *New York Times*, that the World Trade Organization makes behind closed doors. In fact, they seem to think it is so important to do their business in secret that the World Trade Organization has posted it in five languages—five languages—just to make it clear that the public, not just the public in the United States, but citizens around the world, are barred from learning of the deliberations that go on behind those doors at the World Trade Organization.

I do not come to this floor as a protectionist. In fact, I have voted for every market-opening trade agreement that has come before the Senate and, during my years in the other body. Trade, open and expanded trade, is the lifeblood of the Pacific Northwest. In my home State of Oregon, one out of every five jobs depends on international trade.

But I am concerned because the World Trade Organization's decisions have enormous implications for the daily lives of our citizens, and I do not think it is right that those decisions are made behind closed doors. I do not think that a new focus by the World Trade Organization on openness is inconsistent with the principles of expanded and free trade.

If the World Trade Organization had open meetings and could hear evidence from outside experts, it is possible some of their decisions would have turned out differently. Take, for example, the recent case the United States lost involving shrimp imports. The World Trade Organization overturned a U.S. ban on imported shrimp caught without turtle excluder devices. If expert witnesses had been allowed to demonstrate the effectiveness of these devices in protecting an endangered species, I expect that the World Trade Organization would have upheld U.S. law. But experts were shut out of those proceedings. Environmental groups, just as so many business groups have done, condemned that ruling saying, "Three unaccountable trade bureaucrats sitting behind closed doors in Geneva should not have the power to make up rules that sabotage global environmental protection." The World Trade Organization holds more than 150 scheduled meetings a year, and hundreds of others. According to World Trade Organization rules, the Ministerial Meeting, which is to be held at least once every 2 years, shall ordinarily be held in private. The meetings of the General Council are also held in

private. All other World Trade Organization meetings follow the same rules. In fact, one observer noted the World Trade Organization carries out all its activities in strict confidentiality in meetings closed to the public, including the press and nongovernmental organizations.

Next month, the world's major trading nations will meet in Geneva for the second ministerial conference. They will also be celebrating the 50th anniversary of the world trading system. I urge the President of the United States, if he chooses to go to Geneva, to use that opportunity to call for an end to the closed meetings of the World Trade Organization.

A few weeks ago, with the bipartisan support of our colleagues, the Senate adopted my amendment to the supplemental appropriations bill that simply tells the President to instruct the U.S. Representatives to the World Trade Organization to open the organization's doors to the world's public.

Today I am joined by several of my colleagues in a letter to the President urging that he attach a top priority to opening up the World Trade Organization. On a bipartisan basis, Senator ABRAHAM, Senator KERREY, Senator CONNIE MACK, Senator D'AMATO, and Senator ROCKEFELLER have joined me in urging that the United States not accept closed markets overseas, but also not accept closed doors in Geneva.

Eliminating the secrecy of meetings takes on a greater sense of urgency in light of the growing power of the World Trade Organization. Just this year, the World Trade Organization is working behind closed doors on new rules on trade in agriculture, financial services, information technology, government procurement, and many other areas.

As the World Trade Organization becomes more enmeshed in global standard-setting and multinational regulations, the agency's secrecy becomes even more disturbing. For example, an important industry group, the American Insurance Association, has publicly criticized the closed-door nature of the road to Geneva.

The type of secrecy that is employed at the World Trade Organization would not be tolerated here in the United States. In our country, when a Federal agency proposes a new rule or regulation, it must seek public comment. We hold hearings. There is debate in the press.

But that fundamental openness is missing in Geneva. The World Trade Organization doesn't have to seek public comment on its actions. It doesn't have to allow the public to watch its deliberations. And this is wrong. The World Trade Organization ought to be held accountable for its decisions and actions. They should not be allowed to withhold from the public information about their activities in meetings.

The press has a special place in the gallery here in the U.S. Senate. In Geneva, the delegates vote by secret ballot about whether to release a statement after the meeting is over.

The President of the United States, to his great credit, has called for greater openness in the World Trade Organization's dispute settlement process. This was listed as a principal U.S. trade negotiating objective in the fast track legislation of last year. In recent testimony before a House committee, senior U.S. officials said that the United States will seek greater transparency in the settlement process in the World Trade Organization. And Mickey Kantor, President Clinton's first trade negotiator, has said, "These are very important issues. But it is like they are being dealt with somewhere in a closet and no one is watching."

Agricultural trade is just one area where private decisionmaking at the World Trade Organization has enormous public implications. Since the 1980s, food imports to the United States have doubled. At the same time, while most imported food is wholesome, public health scientists are saying they are seeing more outbreaks of disease linked to imported food—raspberries from Guatemala; carrots from Peru; strawberries, scallions, and cantaloupes from Mexico—the list goes on and on, and some point to the illnesses from this produce as an unintended by-product of the fact that the safety issues are not debated in the open at the World Trade Organization.

So, our message is simple. The decisions of the World Trade Organization on food safety or other key standards should not be made behind closed doors. The World Trade Organization has the regulatory power to decide whether an Oregon wheat farmer can sell his wheat overseas and whether an Oregon cattle rancher can sell his beef in Europe. A November 28, 1997, WTO report on relations with nongovernmental organizations found that the World Trade Organization restricts the availability of documents on these and many other important issues for our constituents.

The World Trade Organization's dispute settlement process is binding. Last November, an opinion piece in the *Journal of Commerce* stated:

World Trade Organization dispute settlement process operates largely in the dark with confidential briefs, closed hearings, unsigned opinions and non-transparent, ad hoc panel appointments. Clearly defined rules on procedure, conflicts of interest and other ethical issues for litigants and judges are not established.

Opening dispute settlement to public view, as the President has called for and as our bipartisan group of Senators calls for today, is essential to maintaining the integrity of the process.

Last December, 129 Members of the Swiss Parliament criticized the World Trade Organization for its lack of democracy, calling for greater transparency. The Swiss should know. They have a front row seat on the proceedings in Geneva, and even they believe that it is difficult, if not impossible, to come up with information about these important proceedings.

I close with this last comment. The call for openness at the World Trade Organization is a pro-trade position. It will strengthen this organization. Sunshine will be beneficial to the cause of free and expanded trade, a cause that I have consistently voted for in my years in the U.S. Congress. But if there is a continued lack of accountability, if there is a continued obsession with secrecy, I believe that is going to undermine the cause of expanded trade in the world. I am very hopeful that as we look to bring more openness to the World Trade Organization, we will see the importance of doing the public's business in public all through the world.

Mr. President, many of our colleagues are aware that I am trying to bring more openness to the U.S. Senate, with Senator GRASSLEY, by barring the right of a Senator to put a secret hold or objection on business here in the U.S. Senate. So I am very hopeful that this year will see changes, changes in the rules in the U.S. Senate, that will bring more openness to the way decisions are made here, changes at the World Trade Organization so there is more openness and more accountability in the way decisions are made there.

I hope I will be able to come back to this floor in the months ahead without this poster, and say the World Trade Organization has taken down the "private" signs and shown the public how it is making its decisions and why. Doing the public's business in public is more likely to generate confidence in the important decisions that are made at the World Trade Organization and here in the U.S. Senate.

Mr. President, I yield the floor. 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. MURKOWSKI. 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. MURKOWSKI. I ask unanimous consent that I may speak for about 7 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank my friend.

ALASKA LANDS BILL

Mr. MURKOWSKI. Mr. President, I rise to speak on behalf of S. 660, known as the University of Alaska lands bill.

Alaska entered the Union in 1959 as the largest State with about 360 million to 365 million acres of land, an area one-fifth the size of the United States. As part of our Statehood Compact, we were to be treated like other States and, from the standpoint of land provided for our land grant education system, namely the University of Alaska, we were to be accorded a reason-

able amount of land for our land grant college.

Today, Alaska ranks 48th out of 50 States in the federal land granted for higher education. We have approximately 112,000 acres. It is important that I put this in perspective, because the State of New Mexico has 1.3 million acres; Oklahoma has 1,050,000 acres; Indiana has 436,000 acres; New York, 990,000 acres. And here sits Alaska, 48th, with 112,000 acres.

Something is lacking with regard to the issue of equity. We are the only federal land grant college in the country without the federal land. We received less than one-half of the Federal land that was promised. There is only one other State that has less land in its land grant system, and that is the State of Delaware with approximately 90,000 acres. Here is Alaska with 360 million acres receiving 112,000; New Mexico and Oklahoma over 1 million acres.

This bill I have offered provides the university with land to support itself financially and to continue, obviously, to act as a responsible steward of the land for the education of our greatest resource, our children.

Specifically, this bill would grant the university 250,000 acres of Federal land within our State. I might add that the Federal Government has approximately two-thirds of the landmass of our State, which is somewhere in the area of 200 million acres. So we are not talking about transferring very much. We are talking about 250,000 acres out of 200 million, or thereabouts.

In addition to this initial grant, if the State of Alaska chooses to grant the University land, we propose an acre for acre match, up to 250,000 additional federal acres. This option would be solely at the option of the State.

Again, the bill would provide 250,000 acres to be transferred to the State of Alaska, specifically for its university land grant system, and then if the State provides additional acres, there would be a provision for up to another 250,000 acres of matching Federal land.

There are areas that the university cannot select land from within the Federal domain. They cannot select land within conservation units; they cannot select land within the LUD II areas designated in the Tongass National Forest. They cannot select land conveyed to the State or Alaskan Native Claims Settlement Act Corporation land. They cannot select land with connection to any Federal military institution.

This legislation also provides for what we think is a legitimate exchange, because the university does hold some rather sensitive land. They have land on the Alaska Peninsula in the Maritime National Wildlife Refuge. The university has land in the Kenai Fjords National Park. The university has lands in the Wrangell-St. Elias National Park and Preserve and the Denali Park and Preserve. The University would be required to relinquish these lands under this legislation.

To give you some idea of some of the inholdings the university has, many, many years ago there was a major discovery in Glacier Bay National Park by the Newmont Mining Company, and that was a large nickel reserve. It has never been mined, but it was patented. The patent was turned over to the university. They are willing to give some very sensitive environmental lands back to the Federal Government in exchange for a fulfillment of their federal land grant.

It is not without equity, Mr. President. I know of no other State that has given lands back to the federal government in exchange for lands given to it for its higher educational system.

S. 660 allows the State the option to participate in the process, as I indicated. I think it is time the Federal Government lived up to its commitment to the State of Alaska, as it has to the other States, by allowing Alaska to participate in a realistic Federal land grant for the education of the young people of our State.

Let me advise the Presiding Officer how this process would basically be addressed. The University of Alaska, like most universities, has a board of regents. In our case, the board of regents is appointed by the Governor. They bear the responsibility of responding not only to the legislature and the Governor but the people of Alaska on how they utilize the land.

Clearly, some of the land would be for development to help fund the university and would set up an endowment. We often look with envy to our sister State, the State of Washington to the south, where the University of Washington has large landholdings in the downtown Seattle area. From those leases which the university holds, there has been significant real estate development. The funding from the lease payments goes to the university, an endowment of sorts, and funds the university's needs.

Some have expressed the concern that this land may be developed and there will not be the careful consideration given relative to the balance associated with how the land is used. But that is a legitimate responsibility of the board of regents. My answer is, if you cannot trust the board of regents, appointed people who are accountable to other Alaskans, as well as our Governor and the legislature, who can you trust?

So I think what we have here, Mr. President, is an issue that begs the question of why Alaska should be treated any differently than any other State. We should have a reasonable amount of land for our land-grant college.

We are faced with a situation where we have an institution somewhat in crisis because it does not have the ability to have funding from an endowment, and, as a consequence, its entire operational budget must be met annually by the State legislature, which has resulted in a decline in maintenance