

Mr. Chairman, we were reluctant participants in this election and at one point even withdrew from the process. But under heavy pressure, we accepted the assurances of the international community that the elections would be assessed fairly. We were wrong in accepting these assurances, and today Cambodia is on the brink of affirming the rule of man, not instituting the rule of law. I know this to be true, as I spent ten days under the protection of the United Nations in Phnom Penh because of Hun Sen's pointed threats.

The United Nations and many other sponsors and observers of the election did not effectively challenge the conditions that made a fair election impossible. Throughout the campaign, our activists were harassed, threatened, and killed with complete impunity. While the United Nations has done a commendable job in documenting the abuses of the Cambodian government, not one human rights violator has been prosecuted. And the killings and torture continue.

Other shortfalls in the elections included limited and unequal access to state controlled media, an election framework that was biased and that lacked transparency, a recounting process that failed to conduct recounts, a reluctance to reconcile all ballots, and an illegal change in the method for seat allocation that gave the ruling party a majority of seats with only 41 per cent of the official vote.

The burden of proof that this election was legitimate no longer lies with the opposition—as some asserted immediately after the polls closed—it is now the responsibility of Hun Sen and the CPP.

The Cambodian people are confused, frustrated and angry. They don't understand why many in the international community are supporting the announced election results and pressuring the opposition to join a coalition. Why isn't the Cambodian government pressured into obeying Cambodian laws and its Constitution?

If the opposition is forced into a coalition without being able to resolve underlying problems, Cambodia will continue to be under the complete control of Hun Sen. History has shown that he will do whatever it takes to stay in power. Over the past five years, under Hun Sen's leadership, Cambodia has had unrestrained corruption, human rights violations, and environmental destruction. He kept his political opposition in check while building up his own political and military machine, in part, by making deals with some of the worst Khmer Rouge leaders and incorporating them into the government. Anyone who thought Hun Sen was the solution to Cambodia's problems or that he offered "stability" should know better by now.

I understand all of Cambodia's problem cannot be solved at once, and the opposition has demonstrated its willingness to compromise. However, there are some issues where compromise is impossible, such as the resolution of election related disputes before a coalition government is formed and the development of an independent judiciary that enforces and protects the rights of all citizens, not only members of the CPP.

Without proper and full resolution of election complaints, the elections will have no credibility among the Cambodian people. For better or for worse, the Cambodian people look to the United States as the standard-bearer of democracy and the conscience of the world. It was the United States that took Hun Sen's coup seriously last year and the U.S. Congress that acted so swiftly to restrict official foreign assistance to Cambodia. The reaction of Congress was one of the few times that Hun Sen has received a message from the international community other than one of accommodation.

Hun Sen expect that the world will legitimize his rule through these elections and cloak his dictatorial behavior in the mantle democracy. Cambodian democrats are asking the United States to be the standard-bearer again while there is still a chance to get Cambodia back on the road to democracy. We call upon the United States to: make it clear that it will refuse to recognize any Cambodian government that is formed prior to the resolution of election-related complaints filed by opposition parties, or any government formed under duress; strongly condemn the Cambodian government for its human rights abuses and ongoing intimidation of opposition activists; continue to withhold official aid, as it is currently doing, and to oppose IMF and other multilateral lending. Let me make clear that humanitarian and demining assistance should continue; vote to keep Cambodia's UN seat vacant and to oppose other international recognition; leave the U.S. ambassador's post vacant after the departure of Ambassador Kenneth Quinn until a credible government is formed and to ensure that next U.S. ambassador is someone with strong credentials as a supporter of democrats; intensify efforts to deter the Cambodian government's role in illegal logging, drug-trafficking, money-laundering and acts of terrorism such as the grenade attack on march 30, 1997 that killed at least 16 people; and, make public the Federal Bureau of Investigation's report into the March 1997 grenade attack.

Mr. Chairman, as a target of assassination in 1997 and again just a few weeks ago outside of the Ministry of Interior, I know how dangerous Cambodian politics can be. The United States has an opportunity to make an historic contribution to Cambodia's future by demonstrating its leadership and supporting democracy and human rights. Today, I look to you for hope and assistance.

Thank you for the opportunity to testify. ●  
(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

#### PATIENT'S BILL OF RIGHTS

● Mr. HOLLINGS. Mr. President, because of my schedule I was unable to attend the vote to table the Patients' Bill of Rights. The tabling of this legislation was wrong. We are telling the American people that the insurance industry is more important than the patients. We must not let the insurance companies take the place of family physicians in deciding what is appropriate care for patients.

Let me share with my colleagues a situation that occurred in South Carolina. Ms. Lisa Baughman lives in Charleston. She has a type of cancer called "multiple myeloma." Her doctors at the Medical University of South Carolina are the best in the country at treating her particular condition, and they gave her chemotherapy in preparation for a bone marrow transplant.

That is not a light matter, Mr. President. Anyone who has ever watched a friend or relative fight cancer knows it is serious and takes courage, prayer, and all the support you can find to go through that.

Her doctors did what doctors have to do now. They called the insurance company and got "pre-approval" that the bone marrow transplant would be covered.

But the day before the operation, the insurance company said she could not have the operation in her home town with her expert doctors. She would have to fly to another state because the insurer had a contract with a different hospital that was cheaper. This was literally the day before the operation. Can you imagine the mental anguish of going through chemotherapy, coming to the day before a bone marrow transplant, and then being told "not now, not with your doctor, not in your state, not in your home town, who knows when"—all with your life hanging in the balance?

Her doctors protested that she was too weak and needed immediate treatment. The hospital in Charleston offered to do the operation for equal or less payment than the out-of-state hospital. But the insurer would not yield and tried to fly her alone, holding her medical files in her wheelchair, to the other hospital. She got them to approve a relative to accompany her.

When she arrived, there was no one to meet her at the airplane with a wheelchair, no hotel room reservation, indeed, no "room at the inn." These things had been promised.

So she eventually showed up at an appointment with the new doctor chosen by the insurance company to learn about her case. He said he couldn't do the operation for another three weeks, but that she should be getting her care in Charleston, South Carolina at the Medical University because they had the best people. In fact, he had been taught by the surgeon in Charleston.

She had no choice but to fly home. She contracted pneumonia in her weakened condition and is in the hospital right now, trying to recover. Because of the delay, she has to go through chemotherapy again before she can have the operation.

That should not happen in America. No one should be forced to go through chemotherapy twice because an insurance company overrides an expert surgeon's orders and delays critical medical treatment. It should not happen, and there is no one in this world who can do anything about it except the United States Congress.

Because of a Federal statute insurers cannot be sued for making injurious medical decisions and are not accountable to many state requirements. I do not know what we tell someone like Lisa Baughman if we go home this year without fixing this problem we created.

Congress has stood by and watched while "managed" health care has taken over. Perhaps that was the wisest course for a while, because we do not have all the solutions. But if we do not agree on basic groundrules for fairness, patients have no protection and it is a race to the bottom. We cannot blame HMO's, insurance, or anything else if the Congress continues to refuse to act.

Let me list some of the groundrules that we should enact with the Patients' Bill of Rights:

People trained in medicine, not accountants should make life and death medical decisions. Every patient should know their doctor is free to give his or her best advice and decide the best course of treatment, without restriction from the insurance company.

Every patient should know that specialty care is available if needed.

Citizens should know when they go to the emergency room, that their insurance will pay instead of haggling over the bill and denying payment afterwards. The last thing someone needs while rushing a sick child to the emergency room is a gnawing worry about payment.

Women should be able to visit their OB/Gyn without going through a gate-keeper.

People with longterm illnesses also should be able to see their specialists without getting a referral every time. People pay premiums to get health care, not a runaround.

Some people say this is radical socialized medicine, but I think people see through that. This argument is an old red herring and it is starting to smell.

What we are talking about with this Patients Bill of Rights is just the health care we always thought we had, but now it is being taken away. I have spent decades pushing medical research and building the medical research base in South Carolina. I was trying to build expertise in life-saving treatments in my home state so my constituents could be cared for, not so they could be denied and sent somewhere else on a day's notice.●

BEST WISHES TO DR. DAVID A.  
SPENCER

● Mr. ABRAHAM. Mr. President, I rise today to congratulate Dr. David A. Spencer, President and CEO of Walsh College, on his new appointment as president of the newly formed Michigan Virtual University.

Dr. Spencer has brought new ideas, enthusiasm, and a love for innovative learning to Walsh College. His vision of the future of Walsh College had no limits. And while he helped make Walsh College a world-class business institution, he made sure to showcase the brilliance and innovation of the students and faculty. This is a man who is not only creative and thoughtful, but willing to share credit that he deserves with many, many others.

I, personally, will hate to see David leave Walsh College. He has been an invaluable partner to me and my office in our efforts to reach out to and learn more about the Michigan business community. We worked hand-in-hand on an annual small business conference through which I have gathered extremely valuable information about the needs of the business community. On many occasions, I have been able to use the information I gathered at these conferences as examples during legislative debates. These conferences have

also helped illustrate to me the most important legislative priorities of the business community. David Spencer was invaluable in putting together these innovative, informative conferences.

David is one of those people who believes anything is possible through technology. I am confident that he is the right person to lead the Michigan Virtual University. Walsh College will surely miss him. My staff and I will miss having him here, but I am hopeful that his new position as president of the Michigan Virtual University we will have many new opportunities to work together.

I wish Dr. David Spencer much continued success.●

CONCERN OVER RECENT  
DEVELOPMENTS IN IRAQ

● Mr. LEVIN. Mr. President, today, along with Senators MCCAIN, LIEBERMAN, HUTCHISON and twenty-three other Senators, I am sending a letter to the President to express our concern over Iraq's actions and urging the President "after consulting with Congress, and consistent with the U.S. Constitution and laws, to take necessary actions (including, if appropriate, air and missile strikes on suspect Iraqi sites) to respond effectively to the threat posed by Iraq's refusal to end its weapons of mass destruction programs."

At the outset, I believe it would be useful to review the events that led up to the requirement for the destruction of Iraq's weapons of mass destruction programs. At the time that Iraq unlawfully invaded and occupied its neighbor Kuwait, the UN Security Council imposed economic and weapons sanctions on Iraq.

After Iraqi forces had been ousted from Kuwait by the U.S.-led coalition and active hostilities had ended, but while coalition forces were still occupying Iraqi territory, the UN Security Council, acting under Chapter VII of the UN Charter, conducted a review of Iraq's history with weapons of mass destruction and made a number of decisions in April 1991 to achieve its goals, including a formal cease fire.

With respect to Iraq's history, the Security Council noted Iraq's threat during the Gulf War to use chemical weapons in violation of its treaty obligations, Iraq's prior use of chemical weapons, Iraq's use of ballistic missiles in unprovoked attacks, and reports that Iraq attempted to acquire materials for a nuclear weapons program contrary to its treaty obligations.

After reviewing Iraq's history, the Security Council decided that "Iraq shall unconditionally accept the destruction, removal, or rendering harmless, under international supervision" of its weapons of mass destruction programs and all ballistic missiles with a range greater than 150 kilometers and conditioned the lifting of the economic and weapons sanctions on Iraq's meet-

ing its obligations, including those relating to its weapons of mass destruction programs.

To implement those decisions, the Security Council authorized the formation of a Special Commission, which has come to be known as UNSCOM, to "carry out immediate on-site inspection of Iraq's biological, chemical and missile capabilities, based on Iraq's declarations and the designation of any additional locations by the Special Commission itself" and requested the Director General of the International Atomic Energy Agency (IAEA) to carry out similar responsibilities for Iraq's nuclear program. Additionally, the UN Security Council decided that Iraq shall unconditionally undertake not to use, develop, construct or acquire weapons of mass destruction and called for UNSCOM to conduct ongoing monitoring and verification of Iraq's compliance. The detailed modalities for these actions were agreed upon by an exchange of letters in May 1991 that were signed by the UN Secretary General, the Executive Chairman of UNSCOM and the Minister of Foreign Affairs of Iraq.

Thus, Iraq unconditionally accepted the UN Security Council's demands and thereby achieved a formal cease-fire and the withdrawal of coalition forces from its territory.

Mr. President, UNSCOM has sought to carry out its responsibilities in as expeditious and effective way as possible. UNSCOM Executive Chairman Richard Butler and his teams, however, have been confronted with Iraqi obstacles, lack of cooperation and lies. As UNSCOM has noted in its own document entitled "UNSCOM Main Achievements": "UNSCOM has uncovered significant undeclared proscribed weapons programmes, destroyed elements of those programmes so far identified, including equipment, facilities and materials, and has been attempting to map out and verify the full extent of these programmes in the face of serious efforts to deceive and conceal. UNSCOM also continues to try to verify Iraq's illegal unilateral destruction activities. The investigation of such undeclared activities is crucial to the verification of Iraq's declarations on its proscribed weapons programmes."

Mr. President, I will not dwell on the numerous instances of Iraq's failure to comply with its obligations. I would note, however, that in accepting the February 23, 1998 Memorandum of Understanding that was signed by the UN Secretary General and Iraq's Deputy Foreign Minister, that ended Iraq's prior refusal to allow UNSCOM and the IAEA to perform their missions, the UN Security Council warned Iraq that it will face the "severest consequences" if it fails to adhere to the commitments it reaffirmed in the MOU. Suffice it to say that on August 5, 1998, Iraq declared that it was suspending all cooperation with UNSCOM and the IAEA, except some limited monitoring activities.