

would be to drill on Federal lands. Simply, they have failed so far in the proposed rule.

This is the diagram of what will happen if this rule goes into effect against the wishes of Congress that we simplify it so oil companies will know what they owe without question. By the time you go through all of this, how could anyone know for sure what they owed?

Furthermore, the MMS will not allow the ruling for one company on oil royalty rates and the basis for those rates to apply to any other person who is drilling, unlike the IRS, which will give you a ruling letter so you will know this is the precedent, this is the way the IRS will treat this particular fact situation so anyone else with the same fact situation can rely on the precedent and can give IRS that ruling document and know they will be treated the same. That is not the case. The MMS refuses to be bound by the precedents they set themselves, even if the facts happen to be the same. That is not sound policy. That is not fair treatment for the taxpayers and the people doing business and creating jobs in our country.

The Senate has clearly spoken. The question is, Will the Senator from California let the majority rule? Will the Senator from California say 55 Members on both sides of the aisle have voted for Congress to set tax policy and to require the oil companies to pay a fair price for drilling on public lands? That is the question.

The Senate has voted 55, with 5 Members missing—according to the votes that have been taken it will be 60 votes if everyone is here and voting. So we have the vast majority to invoke cloture, and the question is, Will the Senator from California do the honorable thing? She said earlier in this debate she wanted fair treatment of this amendment. Fair treatment means an up-or-down vote on the amendment. So the question is, in the face of the overwhelming majority of the Senate who want to do the right thing, who want fair taxation of our oil and gas industry, will she let the majority rule? She said, in the CONGRESSIONAL RECORD on September 9:

Mr. President, I thank the chairman of the committee for being so gracious in preserving my rights. My friend from Texas and I feel equally strongly on the point, just on different sides. I think each of us wants to have justice done on the amendment.

If the Senator from California will stick with her commitment that we would have justice done on the amendment, she will allow the majority to rule. The majority has heard the debate on this issue; they have seen through the rhetoric; they have seen that lawsuits are not a part of making a fair rule. They have seen it is the responsibility of Congress to set policy because we do have accountability. We are accountable to the people.

So if the Senator from California means to do justice by the amendment,

as she stated on September 9 in the CONGRESSIONAL RECORD, she will let us have an up-and-down vote on this amendment and let the majority rule in the Senate.

MORNING BUSINESS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

THE SITUATION IN EAST TIMOR

Mrs. FEINSTEIN. Mr. President, like many of my colleagues, I was pleased yesterday when President B.J. Habibie of Indonesia agreed to work with the United Nations to allow international peacekeepers to restore peace and stability to East Timor. The reprehensible wave of violence that engulfed East Timor in the week following the announcement of the August 30 referendum was inexcusable, and demands the harshest condemnation by the international community.

But, more importantly, the international community must now work to bring an immediate end to the violence in East Timor, protect refugees, safeguard humanitarian aid for displaced persons, and work with Indonesian troops already in East Timor to see to it that they fulfill their mission of protecting the East Timorese.

On August 30, close to 98 percent of the eligible voters of East Timor went to the polls for the United Nations sponsored vote on East Timor's autonomy. This vote was in keeping with the May 5 agreements between Indonesia, Portugal, and the United Nations regarding the future of East Timor.

On September 4, the Secretary General of the United Nations announced the outcome of the August 30 vote, and the results show that the people of East Timor have spoken with a clear voice: 78.5 percent rejected autonomy in favor of complete independence from Indonesia.

Under the May 5 agreements, if East Timor opted for independence, the Government of Indonesia committed itself to a process of peaceful and constitutional change, in which the United Nations would oversee the transition to independence for East Timor.

Unfortunately, following the Secretary General's announcement of the clear, overwhelming, and freely-expressed choice of the East Timor people, anti-independence militias, backed by the Indonesian military and police, began a systematic and organized campaign of terror, violence and intimidation in an effort to overturn the will of the people of East Timor.

The criminal action undertaken by the militias and their backers in the Indonesian military are reprehensible: mass looting, arson, systematic destruction of infrastructure, and most disturbing of all, murder.

According to the United Nations, hundreds, and possibly thousands, have been killed and more than 200,000 people have been forced to flee their homes. There are also reports of mass killings and a systematic campaign of political assassination.

The May 5 Agreements between the Governments of Indonesia and Portugal and the United Nations mandated the popular vote on the offer of autonomy and clearly delegated responsibility for peace and security before, during and after the ballot process to the Government of Indonesia. And the Government of Indonesia freely agreed to take on that responsibility.

Yet, in the face of widespread violence, the Indonesian army and police forces have stood aside and, worse, assisted the anti-independence militias. I, like many of my colleagues, was startled by the Government of Indonesia's unwillingness or inability to control its own military forces and police in East Timor.

Now that the Government of Indonesia has agreed to work with the United Nations to restore peace to East Timor, there is much work to be done.

First, I am heartened by the willingness of the Australian government to lead peacekeeping efforts to restore peace in security to East Timor, by the willingness of the states of ASEAN to participate in this peacekeeping mission, and by the efforts of the United Nations Security Council to engage the Government of Indonesia to address these issues. The United States, along with our partners in the United Nations and the international community, must be responsive to these efforts and provide appropriate assistance.

Second, I believe that it is essential that the international community condemns the acts of violence that have occurred in East Timor in the past week—as it has in Bosnia, Kosovo, Rwanda, and elsewhere—and urge a complete investigation into any criminal acts with those responsible being brought to justice.

Third, now that the Government of Indonesia has agreed to allow international peacekeepers into East Timor, I am hopeful that it will continue to work with the United Nations to implement the August 30th vote and safeguard East Timor's transition to independence. The United States and the international community must remain engaged and involved with this transition, and strongly encourage the Government of Indonesia to make those changes that the people of East Timor in the August 30 referendum overwhelmingly supported.

Lastly, I believe that President Clinton's decision to review U.S. international financial and military assistance to Indonesia in the context of the violence in East Timor was wholly appropriate, and that Jakarta must understand that as much as we value our relations with the people of Indonesia, future U.S. assistance will depend on

their continued cooperation with the international community in resolving this deplorable situation.

Mr. President, the people of East Timor have made their feelings clear. They want a peaceful transition to independence. The Government of Indonesia has made a commitment that they would grant the people of East Timor independence and oversee a peaceful transition. As the Government of Indonesia has belatedly recognized, it must live up to its commitments. The international community can play a crucial role in providing support and helping guarantee the security of the people of East Timor in this transition to independence. We must not let them down.

EFFECTIVE EXPORT CONTROLS

Mr. AKAKA. Mr. President, as Ranking Member of the Governmental Affairs Subcommittee on International Security, Proliferation and Federal Services, I wish to call attention to an important briefing given to Senate staff just prior to the August recess by Administration officials from the U.S. Customs Service and the U.S. Census Bureau on the new Automated Export System (AES).

The AES is a joint venture between the U.S. Customs Service and the Foreign Trade Division of the U.S. Census Bureau. AES provides for the electronic filing of the Shipper's Export Declaration (SED) and electronic filing of the outbound manifest. AES is an information gateway designed to ensure compliance with and enforcement of laws relating to exporting. It will improve the collection of trade statistics and improve customer service. Its goal is a paperless reporting of export information by the year 2002.

I believe the AES will become the centerpiece of efforts to improve the effectiveness of the United States' export control program.

Last June Senator THOMPSON, Chairman of the Governmental Affairs Committee, held very important hearings on the findings and recommendations of reports issued by the Inspectors General from six U.S. agencies involved in the export control process: namely, the Departments of Commerce, Defense, Energy, State, Treasury (U.S. Customs), and the Central Intelligence Agency. One of the critical recommendations made by several of the Inspectors General was that licensing officials should perform "cumulative effect analysis" of proposed export transactions. The primary tool for this analysis will be information gathered in the AES.

Furthermore, the recent report from the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction, chaired by former CIA Director John Deutch, entitled "Combating Proliferation of Weapons of Mass Destruction," also highlighted the AES program as a central tool for

improving the overall performance of our export control program. The Deutch Report observed that the AES could be used as a tool to identify trends in shipments of otherwise non-strategic items that might be used by rogue nations pursuing the development of weapons of mass destruction.

Based upon the Deutch Commission's recommendation, Senator SPECTER introduced a bill, S. 1372, entitled "Proliferation Prevention Enhancement Act of 1999." This bill mandates that U.S. companies electronically files Shipper's Export Declarations (SEDs) through AES for exports of items that are on the U.S. Munitions List of the Commerce Control List. I commend my colleague for his efforts to improve the overall effectiveness of our export control program which is so essential to preserving our nation's security. I am a cosponsor of this legislation and urge its support. Our continued oversight of exports of dual-use and munitions list items will help ensure that exports do not go awry to rogue nations or individuals.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE UNITED STATES PARTICIPATION IN THE UNITED NATIONS—MESSAGE FROM THE PRESIDENT—PM 56

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

I am pleased to transmit herewith a report of the activities of the United Nations and of the participation of the United States therein during the calendar year 1998. The report is required by the United Nations Participation Act (Public Law 79-264; 22 U.S.C. 287b).

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 13, 1999.

MESSAGE FROM THE HOUSE

At 12:54 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 180. Concurrent resolution expressing the sense of Congress that the President should not have granted clemency to terrorists.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2684. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2587) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-5111. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Radioactive Contamination Control Guide" (DOE G 441.1-9), received September 7, 1999; to the Committee on Energy and Natural Resources.

EC-5112. A communication from the Acting Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances, Environmental Protection Agency, transmitting, pursuant to law, a report relative to conditional pesticide registrations for 1997 and 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5113. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the Board's report under the Government in the Sunshine Act for calendar years 1996, 1997, and 1998; to the Committee on Governmental Affairs.

EC-5114. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to personal property furnished to non-Federal recipients; to the Committee on Governmental Affairs.

EC-5115. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation dated August 17, 1999; to the Committee on the Budget.

EC-5116. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers", received September 9, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-5117. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services,