

To be rear admiral (lower half)

Capt. Joseph W. Dyer, Jr., 0000

IN THE ARMY

The following-named officer for appointment in the U.S. Army to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. David J. Kelley, 0000

The following-named officer for appointment in the U.S. Army to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Randolph W. House, 0000

IN THE AIR FORCE, ARMY, COAST GUARD,
MARINE CORPS, NAVY

Air Force nomination of Andrew J. Jorgensen, which was received by the Senate and appeared in the Congressional Record of May 15, 1997.

Army nominations beginning John A. Adams, and ending Kenneth M. Younger, which nominations were received by the Senate and appeared in the Congressional Record of January 9, 1997.

Army nominations beginning Robert T. Anderson, and ending Robert J. Wygonski, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 1997.

Army nominations beginning Charles R. Bailey, and ending John L. Wydeven, which nominations were received by the Senate and appeared in the Congressional Record of May 15, 1997.

Army nominations beginning Chessley R. Atchison, and *Stephen E. Schless, which nominations were received by the Senate and appeared in the Congressional Record of May 15, 1997.

Army nominations beginning Robert R. Bottin, Jr., and ending Diane P. Rousseau, which nominations were received by the Senate and appeared in the Congressional Record of June 5, 1997.

Army nominations beginning Doreen M. *Agin, and ending Donald G. *Zugner, which nominations were received by the Senate and appeared in the Congressional Record of June 10, 1997.

Army nominations beginning Bret T. Ackermann, and ending Joan H. Zeller, which nominations were received by the Senate and appeared in the Congressional Record of June 10, 1997.

Coast Guard nominations beginning Catherine M. Kelly, and ending Ronald W. Reusch, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 1997.

Coast Guard nomination of Richard W. Sanders, which was received by the Senate and appeared in the Congressional Record of May 15, 1997.

Marine Corps nomination of Gilda A. Jackson, which was received by the Senate and appeared in the Congressional Record of April 7, 1997.

Marine Corps nomination of Richard L. Songer, which was received by the Senate and appeared in the Congressional Record of May 15, 1997.

Marine Corps nominations beginning Robert E. Ballard, and ending Patrick K. Wyman, which nominations were received by the Senate and appeared in the Congressional Record of May 15, 1997.

Marine Corps nominations David J. Biow, and ending Andrew D. Zinn, which nominations were received by the Senate and appeared in the Congressional Record of June 2, 1997.

Marine Corps nomination of John M. Metterle, which was received by the Senate and appeared in the Congressional Record of June 10, 1997.

Marine Corps nomination of John J. Egan, which was received by the Senate and appeared in the Congressional Record of June 10, 1997.

Navy nomination of Timothy S. Garrold, which was received by the Senate and appeared in the Congressional Record of May 15, 1997.

KATHRYN O'LEARY HIGGINS

Mr. DASCHLE. Mr. President, I wholeheartedly endorse the confirmation of Kathryn O'Leary Higgins as Deputy Secretary of Labor. Kitty Higgins is the right person with the right experience at the right time. As chief of staff for former Labor Secretary Robert Reich, she showed that she knows how to pull the levers, she knows how to motivate people, she knows how the Labor Department works and she knows how to make the Department work for people.

I've known and admired Kitty Higgins for years. She is the kind of person we need more of in Government. She's intelligent and efficient and tenacious. She's idealistic and pragmatic. And, if that's not enough, she's from South Dakota. In fact, she is the highest-ranking South Dakotan in the administration.

Kitty Higgins has spent her entire career in public service. For the last 2 years, she has served as Assistant to the President and Cabinet Secretary in the White House. Before that, she was Bob Reich's chief of staff at Labor. She is a former administrative assistant to Congressman SANDER LEVIN and a former minority staff director for the Senate Labor and Human Resources Committee under Senator KENNEDY. In addition, she has served as the former assistant director for domestic policy during the Carter administration and a former Manpower specialist with the Department of Labor.

She understands the executive branch of Government, the House and the Senate. More importantly, she understands what each of us needs to be able to work in good faith with the others to get results.

There is one other chapter in Kitty Higgins life that I believe makes her the right person at the right time. Kitty Higgins started her working life at the Department of Labor as a clerk-typist. When her two sons were still young, her husband, Bill, died. She raised her sons as a single mother. She knows what it's like to be stretched thin between work and home. She understands the pressures that so many families are under today and she is determined to help alleviate those pressures for other working parents.

The national economy is the best it's been in years. The deficit is down, interest rates are down. The stock market is up, as well as employment and business investment and home ownership and virtually every other economic indicator that ought to be up. But there are still people left out of

this recovery. Making sure that working families benefit from this economic recovery—keeping the American dream alive—is the most important thing this Congress can do. And it is the most important thing the Labor Department can do. Kitty Higgins has the right qualities and the right background to help both institutions live up to that responsibility. I wish her the best of luck.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

AMENDING THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now proceed to consideration of Calendar No. 102, H.R. 173.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 173) to amend the Federal Property and Administrative Services Act of 1949, to authorize donation of surplus Federal law enforcement canines to their handlers.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. I ask unanimous consent the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at this point in the RECORD.

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

The bill (H.R. 173) was read the third time, and passed.

ENERGY POLICY AND CONSERVATION ACT AMENDMENTS

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now proceed to consideration of Calendar No. 77, S. 417.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 417) to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

The Energy Policy and Conservation Act is amended—

(1) at the end of section 154 by adding the following new subsection:

“(f) No later than October 1, 1997, the Secretary shall prepare a statement of policy on Strategic Petroleum Reserve development, maintenance and drawdown. The statement of policy shall evaluate the effect of sales of petroleum from the Strategic Petroleum Reserve under authorities other than those provided by this Act on the ability of the United States to fulfill its obligations under the international energy program. The statement of policy shall evaluate the effectiveness of the Strategic petroleum Reserve at reducing the impact of severe energy supply interruptions, in light of existing quantities of petroleum in the Strategic Petroleum Reserve, and the likelihood of purchases of additional petroleum for storage. The statement of policy shall set forth alternative strategies for drawdown and the criteria to be employed at the time of drawdown to select among such strategies. The statement of policy shall be published in the Federal Register and be subject to public comment, and may be prepared without regard to the requirements of section 553 of title 5, United States Code, section 501 of the Department of Energy Organization Act (42 U.S.C. 7191), and section 523 of this Act.”;

(2) by amending section 166 (42 U.S.C. 6246) to read as follows:

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 166. There are authorized to be appropriated for each of fiscal years 1998 through 2000 such sums as may be necessary to implement this part.”;

(3) at the end of part B of title I by adding the following new section:

“USE OF UNDERUTILIZED FACILITIES

“SEC. 168. (a) Notwithstanding section 649(b) of the Department of Energy Organization Act (42 U.S.C. 7259(b)), the Secretary is authorized to store in underutilized Strategic Petroleum Reserve facilities, by lease or otherwise, petroleum product owned by a foreign government or its representatives. Petroleum product stored under this section is not part of the Strategic Petroleum Reserve, is not subject to part C of this title, and notwithstanding any provision of this Act, may be exported from the United States.

“(b) Beginning on October 1, 2002, funds resulting from the leasing or other use of a Reserve facility under subsection (a) shall be available to the Secretary, without further appropriation, for the purchase of petroleum products for the Reserve.”;

(4) in section 181 (42 U.S.C. 6251) by striking “1997” other places it appears and inserting in lieu thereof “2000”;

(5) by striking “section 252(l)(1)” in section 251(e)(1) (42 U.S.C. 6271(e)(1)) and inserting “section 252(k)(1)”;

(6) in section 252 (42 U.S.C. 6272)—

(A) in subsections (a)(1) and (b), by striking “allocation and information provisions of the international energy program” and inserting “international emergency response provisions”;

(B) in subsection (d)(3), by striking “known” and inserting after “circumstances” “known at the time of approval”;

(C) in subsection (e)(2) by striking “shall” and inserting “may”;

(D) in subsection (f)(2) by inserting “voluntary agreement or” after “approved”;

(E) by amending subsection (h) to read as follows:

“(h) Section 708 of the Defense Production Act of 1950 shall not apply to any agreement or action undertaken for the purpose of developing or carrying out—

“(1) the international energy program, or
“(2) any allocation, price control, or similar program with respect to petroleum products under this Act.”;

(F) in subsection (k) by amending paragraph (2) to read as follows:

“(2) The term ‘international emergency response provisions’ means—

“(A) the provisions of the international energy program which relate to international allocation of petroleum products and to the information system provided in the program, and

“(B) the emergency response measures adopted by the Governing Board of the International Energy Agency (including the July 11, 1984, decision by the Governing Board on ‘Stocks and Supply Disruptions’) for—

“(i) the coordinated drawdown of stocks of petroleum products held or controlled by governments; and

“(ii) complementary actions taken by governments during an existing or impending international oil supply disruption”;

(G) by amending subsection (l) to read as follows:

“(l) The antitrust defense under subsection (f) shall not extend to the international allocation of petroleum products unless allocation is required by chapters III and IV of the international energy program during an international energy supply emergency.”;

(7) by amending the last sentence of section 256(h) (42 U.S.C. 6276(h)) to read as follows: “There are authorized to be appropriated for each of fiscal years 1998 through 2002 such sums as may be necessary to carry out this part.”;

(8) in section 281 (42 U.S.C. 6285) by striking “1997” both places it appears and inserting in lieu thereof “2002”;

(9) in section 365(f)(1) (42 U.S.C. 6325(f)(1)) by striking “not to exceed” and all that follows through “fiscal year 1993” and inserting in lieu thereof “for each of fiscal years 1998 through 2002 such sums as may be necessary”;

(10) by amending section 397 (42 U.S.C. 6371f) to read as follows:

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 397. For the purpose of carrying out this part, there are authorized to be appropriated for each of fiscal years 1998 through 2002 such sums as may be necessary.”;

(11) in section 400BB(b) (42 U.S.C. 6374a(b)) by amending paragraph (1) to read as follows:

“(1) There are authorized to be appropriated to the Secretary for carrying out this section such sums as may be necessary for each of fiscal years 1998 through 2002, to remain available until expended.”.

SEC. 2. PURCHASES FROM STRATEGIC PETROLEUM RESERVE BY ENTITIES IN INSULAR AREAS OF UNITED STATES AND FREELY ASSOCIATED STATES.

(a) Section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) is amended by adding at the end the following:

“(j) PURCHASES FROM STRATEGIC PETROLEUM RESERVE BY ENTITIES IN INSULAR AREAS OF UNITED STATES AND FREELY ASSOCIATED STATES.—

“(1) DEFINITIONS.—In this subsection:

“(A) BINDING OFFER.—The term ‘binding offer’ means a bid submitted by the State of Hawaii for an assured award of a specific quantity of petroleum product, with a price to be calculated pursuant to paragraph (2) of this subsection, that obligates the offeror to take title to the petroleum product without further negotiation or recourse to withdraw the offer.

“(B) CATEGORY OF PETROLEUM PRODUCT.—The term ‘category of petroleum product’ means a master list item within a notice of sale.

“(C) ELIGIBLE ENTITY.—The term ‘eligible entity’ means an entity that owns or controls a refinery that is located within the State of Hawaii.

“(D) FULL TANKER LOAD.—The term ‘full tanker load’ means a tanker of approximately 700,000 barrels of capacity, or such lesser tanker capacity as may be designated by the State of Hawaii.

“(E) INSULAR AREA.—The term ‘insular area’ means the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and the Freely Associated States of the Republic of the Marshall Islands,

the Federated States of Micronesia, and the Republic of Palau.

“(F) OFFERING.—The term ‘offering’ means a solicitation for bids for a quantity or quantities of petroleum product from the Strategic Petroleum Reserve as specified in the notice of sale.

“(G) NOTICE OF SALE.—The term ‘notice of sale’ means the document that announces—

“(i) the sale of Strategic Petroleum Reserve products;

“(ii) the quantity, characteristics, and location of the petroleum product being sold;

“(iii) the delivery period for the sale; and

“(iv) the procedures for submitting offers.

“(2) IN GENERAL.—In the case of an offering of a quantity of petroleum product during a drawdown of the Strategic Petroleum Reserve—

“(A) the State of Hawaii, in addition to having the opportunity to submit a competitive bid, may—

“(i) submit a binding offer, and shall on submission of the offer, be entitled to purchase a category of a petroleum product specified in a notice of sale at a price equal to the volumetrically weighted average of the successful bids made for the remaining quantity of the petroleum product within the category that is the subject of the offering; and

“(ii) submit 1 or more alternative offers, for other categories of the petroleum product, that will be binding if no price competitive contract is awarded for the category of petroleum product on which a binding offer is submitted under clause (i); and

“(B) at the request of the Governor of the State of Hawaii, a petroleum product purchased by the State of Hawaii at a competitive sale or through a binding offer shall have first preference in scheduling for lifting.

“(3) LIMITATION ON QUANTITY.—

“(A) IN GENERAL.—In administering this subsection, in the case of each offering, the Secretary may impose the limitation described in subparagraph (B) or (C) that result in the purchase of the lesser quantity of petroleum product.

“(B) PORTION OF QUANTITY OF PREVIOUS IMPORTS.—The Secretary may limit the quantity of a petroleum product that the State of Hawaii may purchase through a binding offer at any offering to 1/2 of the total quantity of imports of the petroleum product brought into the State during the previous year (or other period determined by the Secretary to be representative).

“(C) PERCENTAGE OF OFFERING.—The Secretary may limit the quantity that may be purchased through binding offers at any offering to 3 percent of the offering.

“(4) ADJUSTMENTS.—

“(A) IN GENERAL.—Notwithstanding any limitation imposed under paragraph (3), in administering this subsection, in the case of each offering, the Secretary shall, at the request of the Governor of the State of Hawaii, or an eligible entity certified under paragraph (7), adjust the quantity to be sold to the State of Hawaii in accordance with this paragraph.

“(B) UPWARD ADJUSTMENT.—The Secretary shall adjust upward to the next whole number increment of a full tanker load if the quantity to be sold is—

“(i) less than 1 full tanker load; or

“(ii) greater than or equal to 50 percent of a full tanker load more than a whole number increment of a full tanker load.

“(C) DOWNWARD ADJUSTMENT.—The Secretary shall adjust downward to the next whole number increment of a full tanker load if the quantity to be sold is less than 50 percent of a full tanker load more than a whole number increment of a full tanker load.

“(5) DELIVERY TO OTHER LOCATIONS.—The State of Hawaii may enter into an exchange or a processing agreement that requires delivery to other locations, if a petroleum product of similar value or quantity is delivered to the State of Hawaii.

“(6) STANDARD SALES PROVISIONS.—Except as otherwise provided in this Act, the Secretary

may require the State of Hawaii to comply with the standard sales provisions applicable to purchasers of petroleum product at competitive sales.

“(7) ELIGIBLE ENTITIES.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C) and notwithstanding any other provision of this paragraph, if the Governor of the State of Hawaii certifies to the Secretary that the State has entered into an agreement with an eligible entity to carry out this Act, the eligible entity may act on behalf of the State of Hawaii to carry out this subsection.

“(B) LIMITATION.—The Governor of the State of Hawaii shall not certify more than 1 eligible entity under this paragraph for each notice of sale.

“(C) BARRED COMPANY.—If the Secretary has notified the Governor of the State of Hawaii that a company has been barred from bidding (either prior to, or at the time that a notice of sale is issued), the Governor shall not certify the company under this paragraph.

“(8) SUPPLIES OF PETROLEUM PRODUCTS.—At the request of the governor of an insular area, or President of a Freely Associated State, the Secretary shall, for a period not to exceed 180 days following a drawdown of the Strategic Petroleum Reserve, assist the insular area in its efforts to maintain adequate supplies of petroleum products from traditional and non-traditional suppliers.”

(b) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Energy shall issue such regulations as are necessary to carry out the amendment made by subsection (a).

(2) ADMINISTRATIVE PROCEDURE.—Regulations issued to carry out the amendment made by subsection (a) shall not be subject to—

(A) section 523 of the Energy Policy and Conservation Act (42 U.S.C. 6393); or

(B) section 501 of the Department of Energy Organization Act (42 U.S.C. 7191).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the earlier of—

(1) the date that is 180 days after the date of enactment of this Act; or

(2) the date that final regulations are issued under subsection (b).

SEC. 3. ENERGY POLICY ACT OF 1992 AMENDMENT.

Section 2603 of the Energy Policy Act of 1992 (25 U.S.C. 3503) is amended in subsection (c) by striking “and 1997” each place it appears and inserting “1997, 1998, 1999, and 2000” in lieu thereof.

SEC. 4. ENERGY CONSERVATION AND PRODUCTION ACT AMENDMENT.

Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended to read as follows:

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 422. For the purpose of carrying out the weatherization program under this part, there are authorized to be appropriated for each of fiscal years 1998 through 2002 such sums as may be necessary.

Mr. LOTT. I ask unanimous consent the committee substitute amendment be agreed to and the bill be considered read a third time and passed, the motion to reconsider laid on the table, and any statements relating to the bill appear at this point in the RECORD.

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

The committee amendment was agreed to.

The bill (S. 417) was read the third time, and passed.

AMENDING SECTIONS OF THE DEPARTMENT OF ENERGY ORGANIZATION ACT

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to consideration of Calendar No. 78, H.R. 649.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 649) to amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal a related section of the Federal Energy Administration Act of 1974.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. I ask unanimous consent the bill be considered read a third time and passed, the motion to reconsider be laid on the table, and any statements relating to the bill appear at this point in the RECORD.

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

The bill (H.R. 649) was read the third time, and passed.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. LOTT. Mr. President, I ask unanimous consent that on Tuesday, July 1, committees have between the hours of 10 and 2 p.m., in order to file reported legislative and executive matters.

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

WISHING THE PEOPLE OF HONG KONG GOOD FORTUNE

Mr. LOTT. I ask unanimous consent that the Senate proceed to the immediate of Senate Resolution 105, submitted earlier today by Senators LIEBERMAN and MACK.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 105) expressing the sense of the Senate that the people of the United States wish the people of Hong Kong good fortune as they embark on their historic transition of sovereignty from Great Britain to the People's Republic of China.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table and that any statements relating to the resolution appear at this point in the RECORD.

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

The resolution (S. Res. 105) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 105

Whereas at one minute past midnight on July 1, Hong Kong will cease to be a colonial possession of Great Britain and will return to Chinese sovereignty;

Whereas the people of Hong Kong enjoy civil liberties and political freedoms based on the democratic rule of law and the functions of a free market;

Whereas the People's Republic of China has promised through international agreements and Chinese law to preserve Hong Kong's way of life and to grant the people of Hong Kong substantial autonomy in self-government;

Whereas the United States is committed through the Hong Kong Policy Act of 1992 to monitoring, advocating and reporting on the continuation of Hong Kong's freedoms under Chinese rule; and

Whereas the United States enjoys a longstanding commercial, cultural and political relationship with Hong Kong and a developing relationship with the People's Republic of China: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the people of the United States wish good fortune to the people of Hong Kong as they embark on their historic transition of sovereignty;

(2) the United States urges the People's Republic of China to honor both the spirit and the letter of its commitments to accord Hong Kong substantial autonomy as a separate administrative region in a China characterized as “one country, two systems;”

(3) the executive branch should exercise due diligence in enforcing the terms and conditions of the Hong Kong Policy Act of 1992 and subsequent acts and provisions concerning the protection of civil liberties and the rule of law in Hong Kong;

(4) the United States looks forward to continuing its close, productive relationship with the people of Hong Kong; and

(5) the United States hopes to develop a positive, productive relationship with the People's Republic of China based upon shared respect for human dignity and responsible behavior in the international community of nations.

OUR LIVES WERE CHANGED FOREVER

Mr. LOTT. Mr. President, the loss of child is probably the greatest heartache that any parent can experience or could conceivably experience.

Last fall, Senator SANTORUM and his wife, Karen, faced that tragedy. Most of us, I am sure, had occasion to speak with them then and were impressed by their faith and their courage.

Senator SANTORUM talks about his family's experience in an article in the May 23 issue of “National Right to Life News.” Its title is “A Brief Life That Changed Our Lives Forever.” It is very powerful, and I urge my colleagues to take the opportunity to read this article, because I think it will affect their lives also.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows: