

supporting these courageous individuals.

One such person is Kalsang Lhamo, a Tibetan exile living in my home State of Minnesota. I recently met her. She told me how her parents were both detained and tortured by the Chinese PLA when she was a child. Their crime? What was the crime of her parents? As she was speaking to me, Mr. President, there were tears in her eyes. She was crying. The crime of her parents was the possession of photographs of their religious leader. The crime of her parents in Tibet was the possession of photographs of their religious leader. After watching her parents starve to death in detention and her neighbors executed, she, too, was beaten nearly to the point of death by Chinese soldiers during a demonstration.

China's release of Wei Jingsheng and its invitations to the U.N. High Commission for Human Rights to visit are welcome steps. A Commission resolution can certainly acknowledge these developments.

Mr. President, our Government can lead the way. The resolution that we must pass at this Commission meeting on human rights can acknowledge this. But they are not in themselves enough to bring about real changes in the lives of the people in China and Tibet, and the human rights situation their remains urgent.

Also, while we are thankful that Wei Jingsheng is out of prison and safely in the United States, it would be a cruel irony if his release were used as a justification for giving up the fight for human rights in China and for our Government not taking a strong position at this U.N. Human Rights Commission meeting in Geneva. First, of course, Mr. Wei's release does not represent systematic change. Second, he was not released unconditionally from his unlawful imprisonment, and he can be rearrested, if he ever returns to China. He can't go back to his country.

Mr. President, as an aside, though I think it is relevant, my father fled persecution, was born in Odessa, Ukraine, but he grew up in Siberian Russia, and then he fled the country when he was 17 years old, in 1914. Then, after the revolution, he thought he would go back. Then his parents told him not to and the Bolsheviks took over, or the Communists took over, and he never saw his family again.

My father and my mother both had advanced Parkinson's at the end of their lives, and so we used to spend a lot of time staying over at their apartment taking care of them. My father had lived in the United States, now, for 65 years. He had no accent at all. He spoke 10 languages fluently, as a matter of fact. He was an amazing man. And yet, when I would spend the night in his room with him, all of his dreaming was in Russian. Talk about the child being the father of the man or the child being the mother of the woman, all of his dreaming was in Russian. And the terrible thing was that it was

shouting and it was screaming and it was anguish. I just had to believe that the reason for this, which many Americans can't experience, is how traumatic it must be when you can never go back to your homeland. How traumatic it must be when you can never go back to your country, never see your mother or father.

My father, at 17, was separated from his family. I am absolutely convinced that his mother and father and sister were murdered by Stalin. All correspondence ended during the Stalin years. Wei Jingsheng has been released, but he can never go back to China. He would be immediately arrested and imprisoned. That hardly represents a standard of human rights.

One of the reasons I speak on the floor of the Senate about human rights is to honor the memory of my father. He could never go back, never saw his family again. And at the end of his life, his dreams, I think, were full of anguish, all in Russian, because of that.

Finally, Mr. Wei has told me personally that he believes in the critical importance of our effort to push for a resolution at the session of the Commission this month. Let me repeat that for colleagues. It's a sort of sleepy Monday afternoon on the floor of the U.S. Senate. We will mark this resolution up tomorrow in committee. One way or another, I certainly am going to bring this out as an amendment and we are going to pass it with an overwhelming vote, giving direction to the President and direction to the administration to, at this human rights Commission in Geneva, be sure to pass a resolution which will strongly pressure China on human rights. For God's sake, if Wei Jingsheng—who spent, I don't know, 16 or 17 years in prison because he had the courage to speak up—can put to us this small request that we speak about this on the floor of the Senate, that we try to pass some resolution supporting human rights in his country, we ought to be able to do that. That's the least we ought to be able to do.

For years we have pressured the Chinese on human rights, though I don't think with nearly as much force and commitment as we should have. But to let up now, as the U.N. Commission meets, would be tantamount to defeat for the cause of human justice. Dissidents like Wei Jingsheng, who have been freed and have come to the United States, have thanked advocates for keeping them alive by keeping the pressure on and by focusing attention on their plight. As Senators and as Americans, it is our duty and in our interest to make the extra effort to promote democracy in China and, for that matter, in countries throughout the world, and to bring China in compliance with international standards of human rights.

So, I just want to say today that I am proud to introduce this resolution with my colleague, Senator CONNIE MACK from Florida. This will be marked up tomorrow. One way or an-

other, I will get this to the floor of the Senate as an amendment. I want us to vote as a Senate. I want us to give direction to the administration. I want our Government at this U.N. Commission on Human Rights to talk about human rights and to have a resolution which really puts the pressure on China for all of us. Whether we are Democrats or Republicans, we ought to at least, through resolutions and through amendments and through votes and through speaking—it is the very least we can do, to support these very courageous people. That is the purpose of this resolution.

Mr. President, I ask unanimous consent to add as cosponsors to the resolution that I have submitted with Senator MACK, Senator HELMS, Senator ASHCROFT, Senator THOMAS, Senator ABRAHAM, Senator BOXER and Senator FEINGOLD.

The PRESIDING OFFICER. Without objection, those Senators will be added as original cosponsors.

NOTICES OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Subcommittee on Public Health and Safety, Senate Committee on Labor and Human Resources will be held on Tuesday, March 3, 1998, 9:30 a.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is Global Health: United States Response to Infectious Diseases. For further information, please call the committee, 202/224-5375.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources, Subcommittee on Children and Families, will be held on Thursday, March 5, 1998, 10:00 a.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is After School Child Care. For further information, please call the committee, 202/224-5375.

AUTHORITY FOR COMMITTEE TO MEET

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, March 2, 1998, at 2:45 p.m. to hold a hearing.

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

ADDITIONAL STATEMENTS

BANKRUPTCY REFORM

• Mr. KYL. Mr. President, I want to speak for a few moments today on the

subject of bankruptcy reform. It is an issue that we will be dealing with shortly in the Judiciary Committee. The House of Representatives could vote on a reform bill as early as next month.

Mr. President, bankruptcy filings have been skyrocketing. We have seen a nearly 60 percent increase in personal filings around the country during the last two years, resulting in a discharge of about \$40 billion in debt. In Arizona alone, Chapter 7 filings have increased a staggering 81 percent during the same period.

The number of bankruptcy cases filed in my home state last year exceeded the previous record that was set back in 1990, when our real estate market was in serious trouble. What is particularly alarming about the number of filings today is that they are occurring in relatively good economic times.

Now let me say at the outset that there are obviously some people who legitimately need the relief that Chapter 7 was set up to provide. A serious illness or death in the family may have wreaked havoc on the family finances. Maybe there has been a fire or flood that has wiped out the family business or home. In cases like that, where there is extraordinary hardship, there ought to be an opportunity to seek relief and a fresh start. No one disputes that. And I suspect that most creditors are willing to work with someone when such tragedy strikes.

The problem is, too many people appear to be abusing the system of late. A recent study conducted in Phoenix found that a significant number of people who file for relief under Chapter 7 actually have the ability to pay back some, or even all, of what they owe. Let me say that again: they actually have the ability to repay some or all of their debts.

A study by Michael Staten of the Georgetown School of Business suggests that as many as 25 percent of Chapter 7 filers could pay at least 30 percent or more of their non-housing debt. But filing under Chapter 7 allows them to escape all of such debt, regardless of their ability to repay.

Now I know defenders of the status quo prefer to put the blame on creditors, suggesting that they extend credit far too easily, even to individuals who may have difficulty repaying their debt. But let us keep a few points in mind. First, the vast majority of people—an estimated 96 percent—pay their bills on time. So creditors must be doing something right. I am sure that if there were a way for creditors to weed out more of the riskiest accounts, they would do so.

Second, no one is forced to open a credit account, take a loan, or buy something on credit. In fact, millions of hard-working Americans make due without many of the things they would like to have because they cannot afford them—even on credit. Many others delay a purchase until they are better situated to repay.

Third, and perhaps this is the most important point I would make: The people who need credit most are not the wealthiest Americans, but those with moderate or low incomes. If creditors tighten up credit too much, it will be the people closer to the margins—those who need it most—whose access to credit will be impeded.

In my view, the issue really boils down to this: personal responsibility. If someone freely accepts the terms of a credit account, he or she ought to abide by those terms when it comes time to meet the obligations and pay back what is owed. If extraordinary circumstances strike, debtors ought to work in good faith with their creditors to establish a reasonable repayment plan, assuming they have the means to do so.

The irresponsible thing is for people to take something on credit that they have no intention of paying for. And our laws should not sanction that sort of behavior.

Mr. President, let me turn for a moment to a few different cases that illustrate the point I am making here. These are cases that were profiled in recent news reports.

First, there was the case of a New York couple with three children. The husband was on disability. They could easily have qualified for a Chapter 7 discharge of their debt, but they did not want to walk away from their obligations. They chose to repay what they could under a Chapter 13 payment plan, and they are now paying \$375 of their \$2,125 monthly income to satisfy part of their debt.

An Arizona teacher ended up with \$45,000 worth of credit-card debt, but she was determined to find a way to avoid bankruptcy altogether. She put it this way: "When I signed my name, that was my promise." She found a consumer-credit counseling service to help her through tough times, and she is now on her way to paying back her debt and restoring her credit.

Compare the New York couple and the Arizona teacher to debtors who reportedly used credit to buy several thousand dollars worth of computer equipment, furniture, and an entertainment center. Shortly after buying the goods, they sold them, pocketed the proceeds, and without applying anything toward their bills, filed for Chapter 7 to erase their debts.

In another case, a couple allegedly ran up more than \$2,000 on a charge card at the very time they were involved in foreclosure proceedings on their home. They apparently knew they could not avoid the foreclosure or pay off the credit-card charges they were incurring. Yet they went ahead and ran up their charge cards with the expectation that they could escape the obligation to repay their debt under Chapter 7.

Mr. President, in the first two instances, we had individuals who stepped up to the plate and tried to make good on their obligations. In the

latter two cases, we have individuals who seem to be abusing the system, running up debt they had no intention of repaying. And the way the law works now, it is the abusers who benefit most. And that abuse costs those who responsibly pay their bills as much as \$400 per household a year.

What is fair about allowing people who have the ability to pay back some of their debt to walk away free and clear, while the vast majority of people pay their bills on time? What is fair about letting some people avoid their obligations for no good reason, while others who experience credit problems make some effort to repay? I want to emphasize that we need to find a way to deal with people who have the ability to repay their debt, not those who are in such dire straights that their lives are totally upended.

Probably the best thing we could do would be to establish a simple, up-front means test to direct bankruptcy filers to the chapter of the Bankruptcy Code that best meets their needs. I am talking about setting up an objective, administrative test to separate those who are in severe financial straits and truly need complete relief under Chapter 7 from those who are able to repay some or all of their debts.

Here is how this front-end approach would work. People who have annual incomes of less than 75 percent of the national median family income could choose between a Chapter 7 discharge and a Chapter 13 repayment plan, just as they could now. It would be their choice. In other words, there would be no change at all for people with modest incomes.

But for people who have higher incomes, a second test would be applied: could they repay all of their secured and priority debts and at least 20 percent of their unsecured debts over five years? If so, they would have to establish a repayment plan. If not, they could still get protection under Chapter 7. It is as simple and straightforward as that.

We should also create an incentive for people who have a pretty good idea that they are running into financial trouble to avoid running up additional debts they will not be able to repay. We could do that by making sure that debts run up on the eve of bankruptcy filings—within 90 days of the filing—are non-dischargeable.

A longer period of time for higher income debtors to pay off their debts is also worth considering, as is a stop to the so-called "cram downs" of goods to values below which any other American would have to pay.

Mr. President, if someone has the ability to repay, he or she should have to do so. Bankruptcy protection ought to be reserved for those who truly need it. I intend to work in the Judiciary Committee with Senators HATCH and GRASSLEY to craft common sense bankruptcy-reform legislation that addresses these and other concerns. I hope my

colleagues will join this effort to ensure that a reform bill can be enacted this year.●

RETIREMENT OF JOHN DAPONTE

● Mr. INOUE. Mr. President, on December 31, 1997, John DaPonte retired from U.S. Government service and returned to his home state of Rhode Island after having served at the Foreign-Trade Zones (FTZ) Board since 1968. The retirement of a federal official happens several times every day. However, it is important that John DaPonte's career in government be remembered because of the impact that he and the Foreign-Trade Zones Board have made on U.S. trade policy, U.S. companies in the global marketplace, and the economic development of a wide range of communities in the United States. There are few federal government officials who have made such a direct positive impact on the subject they manage.

The agency for which John DaPonte worked, the Foreign-Trade Zones Board, is one of the smallest federal agencies in Washington, D.C. with only nine employees. It is so small that it does not have a line item in the federal budget. In 1968, Zone projects existed in only 6 states and Puerto Rico and were very modest in size. Today, Foreign-Trade Zones Board activity is in all 50 states and Puerto Rico. During his tenure at the Board, the agency's Zone projects increased from 9 in 1968 to 560 in 1997, a yearly growth rate of 221%; domestic merchandise receipts grew from \$18 million in 1966 to \$125.6 billion. An average yearly rate of 24.933%; and employment increased from 1200 jobs in 1968 to 370,000 jobs an average yearly growth rate of 1,138%. There are few, if any, federal agencies with this growth record. John DaPonte deserves a thank you for managing an important U.S. trade program that grew rapidly over the last 30 years with very modest resources.

The Foreign-Trade Zone Program is an economic development tool for communities providing financial assistance to many troubled U.S. industries, as well as to foreign-based firms interested in establishing U.S. production operations, by helping them be competitive in the global marketplace. Foreign-Trade Zones place U.S. production facilities on an equal footing with foreign operations. The benefit of this investment is the creation of jobs in the U.S. Industry groups become involved in the Foreign-Trade Zone Program in order to solve trade problems. Major industries involved in the program include shipbuilding, motor vehicles, oil refining, pharmaceuticals, and information technology.

The growth of the Foreign-Trade Zone Program required a very significant amount of effort by the staff of the Foreign-Trade Zones Board. The Foreign-Trade Zones Act, and laws pertaining thereto, were amended in the 1968 to 1997 period on thirteen (13) occa-

sions. Mr. DaPonte implemented many new procedures at the Foreign-Trade Zones Board including minor boundary modifications and grant restrictions to assist in managing the very rapid growth of the program in a balanced manner and without major funding or personnel. In 1968, 2 applications for new projects were filed. In 1997, 85 applications were filed. Board Orders approving new Zone projects grew during the period from 3 Board Orders issued in 1968 to 78 Board Orders issued in 1997.

In order to operate effectively, the Foreign-Trade Zones Board works closely with a wide range of U.S. government agencies. Most important, is the Board's continuing involvement with state and local governmental organizations that implements most zone activity. At a time when we in Washington are trying to empower states and localities, we would do well to look at the positive program developed under John DaPonte's leadership. The Foreign-Trade Zones Program, from the beginning, has been one that actively engaged states, counties, cities, and port authorities on all levels to encourage local economic development activities.

It is clear that during John DaPonte's tenure at the Foreign-Trade Zones Board, the program experienced extraordinary growth. He managed this high level of growth effectively with extremely modest personnel and budget resources. No other Federal agency has created such a positive impact on our nation's balance of trade with such limited resources. John DaPonte's involvement in the federal government is a classic example of the federal government at its best. Today, we remember the positive contributions of John DaPonte to U.S. trade. This Congress thanks him for his efforts and wishes him well in his future endeavors.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate proceed to Executive session to consider the following nominations on the Executive Calendar: Nos. 508 through 524 and all nominations on the Secretary's desk in the Air Force, Army, Marine Corps and Navy.

I further ask unanimous consent that the nominations be considered and confirmed; that the motions to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Robert C. Hinson, 0000

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Gary A. Winterberger, 0000

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Russell C. Axtell, 0000

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Garry R. Trexler, 0000

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Larry K. Arnold, 0000

Brig. Gen. James H. Bassham, 0000

Brig. Gen. George F. Scoggins, Jr., 0000

To be brigadier general

Col. James F. Barnette, 0000

Col. Ralph J. Clift, 0000

Col. Harold A. Cross, 0000

Col. Thomas G. Cutler, 0000

Col. Gilbert R. Dardis, 0000

Col. Thomas P. Maguire, Jr., 0000

Col. Barbara J. Nelson, 0000

Col. Avrum M. Rabin, 0000

Col. Gary L. Saylor, 0000

Col. Andrew J. Thompson, IV, 0000

Col. Harry A. Troclair, 0000

Col. Stephen L. Vonderheide, 0000

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Fred E. Ellis, 0000

Brig. Gen. Edward R. Jayne, II, 0000

Brig. Gen. Carl A. Lorenzen, 0000

Brig. Gen. Richard A. Platt, 0000

Brig. Gen. John H. Smith, 0000

Brig. Gen. Irene Trowell-Harris, 0000

To be brigadier general

Col. William E. Bonnell, 0000

Col. Edward H. Greene, II, 0000

Col. Robert H. Harkins, III, 0000

Col. James W. Higgins, 0000

Col. Robert F. Howarth, Jr., 0000

Col. Thomas C. Hruby, 0000

Col. Richard S. Kenney, 0000

Col. Phil P. Leventis, 0000

Col. Charles A. Morgan, III, 0000

Col. Jerry W. Ragsdale, 0000

Col. Lawrence D. Rusconi, 0000

Col. Richard H. Santoro, 0000

Col. Wayne L. Schultz, 0000

Col. Ralph S. Smith, Jr., 0000

Col. Ronald C. Szarlan, 0000

Col. James K. Wilson, 0000

Col. Ruth A. Wong, 0000

IN THE ARMY

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

To be lieutenant general

Maj. Gen. William P. Tangney, 0000

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