favorable consideration for the appointment of Judge Richard Paez to serve on the Ninth Circuit Court of Appeals. Based on a review of his past judicial experience and integrity, I believe that Judge Paez has both the capacity and desire to continue to do an outstanding job.

Your consideration in this matter is greatly appreciated.

Sincerely,

PETE BRODIE,
President, ALADS.

DEPARTMENT OF
CALIFORNIA HIGHWAY PATROL,
Sacramento, CA, April 15, 1998.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: I understand that President Clinton has nominated Judge Richard A. Paez to serve on the United States Court of Appeals for the Ninth District.

Judge Paez' long and distinguished judicial career began with his appointment to the Los Angeles Municipal Court in 1981. He served as Presiding and Supervising Judge in that court and as a judge in the Los Angeles Superior Court and California Court of Appeal. In 1994, President Clinton nominated him to the United States Central District Court where he has served with distinction.

Judge Paez' education, experience and desire to serve make him extremely well-qualified to serve on the Ninth Circuit Court of Appeals. His character and integrity are impeccable. I recommend that his appointment receive favorable consideration.

Sincerely,

D.O. HELMICK,
Commissioner.●

TRIBUTE TO LIEUTENANT GENERAL DAVE MCCLOUD

● Mr. KEMPTHORNE. Mr. President, I rise today to offer a tribute to Air Force Lieutenant General Dave J. McCloud who died in a tragic plane crash on July 26, 1998 in Alaska. Dave McCloud was an outstanding officer, husband and father. The nation and the Air Force lost one of its finest military leaders when Dave McCloud passed away. General McCloud was an energetic, sincere and honest man who I considered a true friend. Like many others, I mourn Dave's passing every day.

I know Dave's wife Anna misses her partner and I know his son and daughter, Robyn, miss their father. I offer my deepest condolences to all of Dave's family and friends.

As a final tribute to fighter pilot Dave McCloud, I offer the following poem, ''High Flight,'' which epitomizes my friend in so many ways.

HIGH FLIGHT

(By John Gillispie Magee, Jr.)

Oh, I have slipped the surly bonds of earth
And danced the skies on laughter-silvered wings;
Sunward I've climbed, and joined the tumbling mirth
Of sun-split clouds—and done a hundred things
You have not dreamed of—wheeled and soared and swung
High in the sunlit silence, Hov'ring there,
I've chased the shouting wind along, and flung
My eager craft through footless halls of air.
Up, up the long, delirious, burning blue
I've topped the windswept heights with easy grace
Where never lark, or even eagle flew
And, while with silent, lifting mind I've trod
The high untrespassed sanctity of space,
Put out my hand, and touched the face of God.

By Pilot Officer John Gillispie Magee, Jr.
No 412 Squadron, RCAF (1922–1941)

''High Flight'', a poem by John Gillespie Magee, Jr. An American/British fighter pilot. He flew with the Royal Canadian Air Force in World War II. He came to Britain, flew in a Spitfire squadron, and was killed at age 19 on December 11, 1941, during a training flight from the airfield near Scopwick, Lincolnshire. The poem was written on the back of a letter to his parents which stated, ''I am enclosing a verse I wrote the other day. It started at 30,000 feet, and was finished soon after I landed.''●

HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT

● Mr. GRAHAM. Mr. President, because of a tremendous bipartisan effort, and the support of many of our nation's local community leaders, a step toward justice and fairness for Haitian refugees will be taken by this Congress.

The effort began on November 11, 1997, and will culminate in the passage of this omnibus budget bill.

My colleagues, both in the Senate and the House deserve many thanks: Senator CONNIE MACK, Senator KENNEDY, Senator ABRAHAM, Representatives MEEK, CONYERS, DIAZ-BALART and ROS-LEHTINEN. The support of the White House was instrumental in reaching the final agreement to include this legislation in the omnibus appropriations bill. In both chambers, with both parties, the Haitian Refugee Immigration Fairness Act gained the support needed for passage.

In so many instances, this legislation meant life or death for the refugees who came here seeking safety from persecution. In the field hearing, held in Miami last December, Amnesty International stated unequivocally that the safety of refugees who were deported to Haiti could not be guaranteed.

I was so appreciative, not only of the bipartisan support that this legislation received, but of support that crossed national lines as well. From the beginning, the Hispanic community: Fraternidad Nicauaguense, the Bloque de Apoyo a la Unidad Nicaraguense, Unidad Hondurena, the Cuban-American community, and others have joined together to help their Haitian brethren achieve immigration fairness.

The measure of this legislation's impact can best be seen through the eyes of those individuals who were most impacted by the previous state of affairs. I had the opportunity, the pleasure, to meet many of them at our hearing in Miami. Every audience member was moved by their testimony, by the personal accounts of their experiences in Haiti, and the brutality that they fled.

I had the opportunity to meet others in this category on my trips to Haiti, and my visits to Guantanamo Bay, Cuba. Even in these harsh conditions, the spirit and determination of these brave individuals was remarkable, struggling to liberate themselves and their families from persecution and brutality. They are following in the tradition of fighters for freedom and justice worldwide.

Our nation has, since its foundation, served as a refuge of those seeking justice and safety. The evolution of our country's current refugee policy is in many ways to ensure that we avoid situations, such as the one that developed, close to my home state, in the time leading up to World War II. The vessel *St. Louis* moored within sight of the city of Miami for several days, filled with passengers of the Jewish faith, fleeing the violence in Europe. Our country refused them safety. The passengers returned to Europe, many of them to their certain death.

Since then, beginning with specific refugee legislation in the decades after the war and developing into the Refugee Act of 1980, the United States of America has offered freedom and sanctuary to those fleeing persecution, brutality, and human rights abuses.

The bipartisan effort that led to the passage of the Haitian Immigration Fairness Act ensures that we maintain this valued tradition in the United States. We will treat Haitian national refugees in the same manner as we have treated similarly situated individuals over the last decades.

In relation to one aspect of the legislation, I wanted to clarify the intent of the section dealing with stays of deportation. The intent of this legislation is that the INS would not seek to remove a qualified spouse or the child of a qualified alien who has applied for relief under this legislation, and received a stay of deportation or removal.

Again, many of my colleagues in the Senate and the House deserve thanks for their tremendous support on this effort. It will make a difference in the lives of many individuals who are a part of our vibrant South Florida community. They will no longer be in immigration limbo, and can continue to build their part of the American dream.●

SERBIAN CRACKDOWN ON INDEPENDENT MEDIA

● Mr. D'AMATO. Mr. President, I rise today to call to my colleagues' attention an ominous and entirely predictable development—Slobodan Milosevic is closing the independent media in Serbia. He is following the time-worn practice of dictators by trying to control Serbians' thinking—and therefore their politics—by controlling their access to information.

The Senate and House have declared that we have reason to believe that

Milosevic has committed war crimes, crimes against humanity and genocide. While offenses like denying freedom of speech, assembly, and the press to his people don't rise to that capital criminal level, they further demonstrate his fine disdain for the rules and values of the rest of the world, and his iron determination to hold power at all costs.

We are treated to the spectacle of Milosevic's killers conducting ethnic cleansing in Kosovo while he and his political allies use the Kosovo conflict as a tool to divide and suppress Serbian domestic political opposition. The mass public demonstrations aimed at the creation of democracy in Serbia have ceased. Factions joined together in opposition to Milosevic have been split apart, as he has appealed once again to extreme nationalist Serbian sentiment.

Indeed, his excuse for closing these independent media outlets has been because they have been spreading ''fear, panic and defeatism'' and undermining ''the people's readiness to safeguard the territorial integrity and sovereignty of Serbia.'' He has been so happy with the results of this effort that his tame parliament, according to a report in the October 21, 1998 edition of the Washington Post, ''adopted a new information law today that critics say further restricts independent media and leads the country back toward dictatorship. The law bans broadcasts of Serbian-language programs by foreign media and calls for huge fines against media editors and owners who disobey the decree. It also gives broad powers to the authorities and places further restrictions on working permits for media organizations.''

This situation was thoroughly discussed in a Washington Post op-ed entitled ''Darkness Over Serbia,'' by Slobodan Pavlovic, printed in the Tuesday, October 20, 1998 edition on page A19. I commend this article to my colleagues.

Milosevic has carefully calibrated his defiance of the rest of the world. He knows, or at least thinks he knows, what it would take to trigger a forceful response to his actions, and he stays just short of that threshold. The terrible consequences of his determination, and the world's forbearance, are clear to see in the faces of the refugees in Kosovo and hear in the silence left by the suppressed voices of his domestic opposition in Serbia.

Just as in Bosnia, the international community, represented by Ambassador Richard Holbrooke, has gone to Milosevic in Belgrade, looking for peace in Kosovo. Once again, we have made Milosevic the indispensable man, and thereby encouraged him to remain difficult, at a level that requires our constant attention. In addition, in the process of seeking Milosevic's agreement to abide by the terms of a United Nations Security Council resolution, our visiting delegations have not met with the democratic opposition in Serbia. This has sent a regrettable message, one that we should not have sent.

Mr. President, while we cannot save the independent media in Serbia from Milosevic's wrath, we must let them know that we care, that we have not forgotten them, that we support them, and that we understand that a democratic Serbia open to the West and the world is the solution to lasting peace in the Balkans. I also want to express my support for our efforts to sustain Serbian-language broadcasting into Serbia, which is even more important now that independent domestic voices are stifled by force.

The people of Serbia are not enemies of the United States. The Milosevic regime is not just an enemy of the United States, it is an enemy of the world. The sooner those powers that extend, in some form, comfort and support to Milosevic realize this, the sooner we can move toward the establishment of peace in the Balkans.

It is in no power's interest that there should be lasting war, political instability, and economic depression in the Balkans. Whatever advantage may be gained in the short term by diverting time, money, forces, and energy to coping with the results of Milosevic's unbridled political ambition can vanish quickly. If he should miscalculate or if any number of unpredictable events should take place, this conflict could spill across international borders with incalculable consequences.

In conclusion, while expressions of our outrage cannot reopen newspapers or turn on radio or television transmitters, we can give hope and courage to those who believe in basic human rights. Freedom of speech, assembly, and the press are essential to the creation and function of civil society. Serbia and Montenegro have promised in the Helsinki Accords and elsewhere to respect and protect these rights, and Milosevic's regime is in clear and blatant violation of these commitments. I expect the United States and our allies to make clear to Milosevic that we know what he has done and is doing and will hold him responsible for these actions.

I ask that an article entitled ''Milosevic Told He Hasn't Met NATO Demands'' be printed in the RECORD.

The article follows:

[From the Associated Press, October 21, 1998]

MILOSEVIC TOLD HE HASN'T MET NATO DEMANDS

(By Tom Cohen)

PRISTINA, Yugoslavia, Oct. 20.—NATO's military chief warned Yugoslav President Slobodan Milosevic today he still has not met terms of an agreement to avert airstrikes.

U.S. Army Gen. Wesley Clark delivered the message to Milosevic in the capital Belgrade as a new surge of violence raised fears about the Oct. 12 agreement with U.S. envoy Richard C. Holbrooke aimed at ending the ethnic conflict in Kosovo province. Their meeting began around 6 p.m. today and ended late in the evening.

Earlier, State Department spokesman James P. Rubin told reporters in Washington that Clark would talk to the Yugoslav leader ''about his failure to comply fully with the requirements of the international community. And he will be making very clear that NATO will use military force against the Serbs if he [Milosevic] doesn't comply,'' Rubin said.

U.S. and NATO officials have complained that Milosevic still has not withdrawn all the special police units sent to Kosovo in February when he launched his crackdown against ethnic Albanian separatists of the Kosovo Liberation Army.

The guerrillas have been fighting for independence for Kosovo, a province of Yugoslavia's main republic of Serbia. Ethnic Albanians comprise 90 percent of Kosovo's 2 million inhabitants.

Under an agreement with Holbrooke, Milosevic pledged to meet a series of U.N. demands—including a withdrawal of special police and army units, halting the crackdown, allowing international agencies to aid refugees and resuming talks with ethnic Albanians on the future of the province.

Meanwhile, recent violence has prompted Yugoslav army troops backed by Serbian police to maintain a presence. The official Yugoslav news agency Tanjug said today a Serbian policeman was wounded when ''terrorists'' attacked a police patrol near Klina, 30 miles southwest of Pristina, the capital. U.S. officials have also warned the Kosovo Liberation Army to halt such attacks.

In Pristina, the rebels issued a statement detailing a series of demands, chief among them the withdrawal of all government forces from the province. In a statement to Albanian-language media, rebels also demanded a halt to arrests of suspected guerrillas, release of ''political prisoners'' and investigations of ''crimes against humanity.''

''Failure to fulfill those demands will impose on [the Kosovo Liberation Army] the continuation of the war for freedom, independence and democracy,'' the rebels said.

Meanwhile, the Serbian parliament adopted a new information law today that critics say further restricts independent media and leads the country back toward dictatorship.

The law bans broadcasts of Serbian-language programs by foreign media and calls for huge fines against media editors and owners who disobey the decree. It also gives broad powers to the authorities and places further restrictions on working permits for media organizations.

[From the Washington Post, Oct. 20, 1998]

DARKNESS OVER SERBIA

(By Slobodan Pavlovic)

Fortunately, bombs did not fall on Serbia. But Serbia still found itself in darkness—a media darkness characterizing totalitarian regimes. A darkness that never existed even during the time that we are ready today to call ''Tito's dictatorship in Yugoslavia.''

The ruling red-black coalition in Belgrade (Slobodan Milosevic's Socialists, the Communists of his wife Mira Markovic and radicals led by Vojislav Seselj) has imposed a sort of dictatorship in Serbia. The government order to close down the leading independent dailies Nasa Borba, Dnevni Telegraf and Danas, to silence a number of radio stations and to ban transmission of foreign broadcasts, has created legal ground for the so-called ''Information Bill,'' which was urgently prepared for the Serbian assembly.

On the battlefield for truth in Serbia there are left two privately owned tabloids, two independent news agencies and the Association of the Independent Electronic Media, led by the popular radio station B92. How long they will survive remains to be seen. The regime is sending threatening signals that, after the downing of the flagships of the independent media, it will deal with all the other ''sources of the enemy propaganda,'' including owners of the satellite dishes and Internet providers in Serbia.

Although Slobodan Milosevic announced last week that the agreement on Kosovo reached with ambassador Richard Holbrooke has eliminated immediate danger of war, the closing down of the independent media is still being carried out for, allegedly, spreading ''fear, panic and defeatism'' and undermining ''the people's readiness to safeguard the territorial integrity and sovereignty of Serbia.''

Milosevic's war against truth, which has been fought since the beginning of the breakdown of the former Yugoslavia, has continued on Kosovo. Intentions of the Belgrade despot are clear: He obviously does not want the threat of the NATO force he has brought to Serbia to receive media coverage at home, except that provided by government propaganda. Only that way can he conceal from the people who are already generally brainwashed by official propaganda, the fact that the agreement with Holbrooke represents no victory for Serbia (as claimed by the controlled media in Belgrade) but an ultimatum from the international community on the basic issues of Kosovo, which could have been resolved a long time ago—without war, victims, destruction, refugees and OSCE and NATO verifiers.

The British prime minister, Tony Blair, stated a few days ago that President Milosevic is deluding himself if he counts on using the latest breakthrough in the Kosovo talks as leverage to undermine the remaining political opponents in Serbia. This message from London sounds promising, but would serve even better if the free world were to confirm it by taking a few concrete steps.

The Cold War was a war for democracy, which America won without firing one single bullet. Would it not be ironic and tragic that lessons in democracy are to be given now by dropping NATO bombs on those still living in the times before the fall of the Berlin Wall?

Cooperation of the Belgrade regime could be secured only by threatening Milosevic with ''arguments'' from the commander of NATO, Gen. Wesley Clark. However, the agreement reached later (it would be a mistake to characterize it as a peace agreement; at best, it is a cease-fire) does not address at all the fundamental underlying problem of continuing political instability in Balkans—the lack of democracy in Serbia. In fact, the Kosovo agreement strengthens Milosevic's authoritarian power. He will now quickly establish full cooperation with international humanitarian agencies, while proclaiming at home that he has done his duty in suppressing the terrorist rebellion in Kosovo.

Friends of Serbia abroad often say that the Serbian people have to start helping themselves, before anyone else can help them on their road to democracy. That is true. But it is also true that the United States and, generally, the international community have up to now not paid the necessary attention to the existing democratic alternative in Serbia, nor have they offered them the necessary help required.

For example, in the agreement between Holbrooke and Milosevic, a condition is set that within nine months free and fair elections must be held in Kosovo, but it is not noted anywhere that the same regular elections in Serbia proper should be one of the conditions for its reentry into the international institutions.

Equally, the Clinton administration has for some time been advised to begin diplomatic isolation of President Milosevic, instead of providing him with the public image of an internationally recognized and respected leader. As the representatives of the Serbian democratic alternative said during their recent visit to Washington: ''Milosevic is the problem, not the solution for Serbia.''

There cannot be real solutions for the problems in Kosovo and Bosnia without democracy in Serbia, and there will not be democracy in Serbia as long as Slobodan Milosevic is in charge in Belgrade. The current media darkness over Serbia confirms that said fact.●

NOMINATION OF JAMES C. HORMEL

● Mrs. BOXER. Mr. President, I am deeply saddened that the Senate will adjourn for the year without approving the nomination of James C. Hormel to be U.S. Ambassador to Luxembourg. Mr. Hormel's nomination has been pending in the Senate, but it has never even been scheduled for debate.

Since James Hormel's nomination was favorably reported out of the Senate Foreign Relations Committee last year, many senators have asked the Majority Leader to schedule a debate and vote. Many have recognized Mr. Hormel's extensive knowledge of diplomacy, international relations and the business world, his outstanding record of service to his community and his nation, and his leadership qualities—all of which make him obviously qualified for the post to which he was nominated by the President.

James Hormel graduated from Swathmore College and shortly thereafter earned his Juris Doctorate at the University of Chicago Law School. He served for several years as the Dean of Students and Assistant Dean at the University of Chicago Law School. Since 1984, he has presided as Chairman of EQUIDEX, Inc., an investment firm based in San Francisco.

For the past 30 years, Mr. Hormel has been a dedicated philanthropist, generously working to support a wide range of worthy causes. For his unselfish acts of giving, he has received several awards and honors. In 1996, he was named Philanthropist of the Year by the Golden Gate Chapter of the National Society of Fundraising Executives.

On the local level, Mr. Hormel is an active member of the San Francisco community working with several important civic organizations. His current projects include the San Francisco Chamber of Commerce, the Human Rights Campaign Foundation, the San Francisco Symphony and the American Foundation for AIDS Research.

James Hormel has the necessary skills and talents to serve as an ambassador. He is clearly qualified to represent his country in Luxembourg. He has as clear a record of achievement and service as any ambassadorial nominee the Senate has ever considered.

But despite Mr. Hormel's impressive resume and the favorable recommendation of the Foreign Relations Committee, his nomination was not even given the courtesy of a debate by the full Senate. Why not? Any senator who questioned Mr. Hormel's qualifications to be ambassador to Luxembourg could have done so in a public debate on the Senate floor. That is every senator's right. That is the Senate's procedure. That is the Constitutional process.

Unfortunately, however, instead of a debate by the full Senate on the question of his nomination, Mr. Hormel himself was subjected to repeated accusations in the form of ''morning business statements'' and comments to the news media.

I can only say, Mr. President, that, in my view, the Senate failed to take up the nomination of James Hormel for the sole reason that he is gay.

The Senate should have debated and voted on this nomination. If it had done so, I am confident that Mr. Hormel would have been confirmed. But, because of the prejudice of a few individuals, James Hormel has been denied the opportunity to serve his country in a position at which I believe he would have excelled and made us all proud.

The failure to act on the nomination of James C. Hormel will forever be a blot on the record of this Senate.●

CONGRESSIONAL BUDGET OFFICE REPORT—S. 2500

● Mr. MURKOWSKI. Mr. President, I ask that the following report by the Congressional Budget Office on S. 2500 by printed in the CONGRESSIONAL RECORD for the information of all Members.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 14, 1998.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2500, a bill to protect the sanctity of contracts and leases entered into by surface patent holders with respect to coalbed methane gas.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Victoria V. Heid.

Sincerely,

JUNE E. O'NEILL,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 2500—A bill to protect the sanctity of contracts and leases entered into by surface patent holders with respect to coalbed methane gas

CBO estimates that enacting S. 2500 would have no significant impact on the federal budget in the next five years, although it is possible that the legislation could result in a loss of offsetting receipts. Because the bill could affect direct spending, pay-as-you-go procedures would apply. S. 2500 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

In many parts of the west, ownership of the subsurface estate is split: the coal estate, oil and gas estate, and hardrock mineral estate may all be separately owned. Until recently, current law has been interpreted to associate coalbed methane (CBM) with the oil and gas estate. Thus, royalties from CBM production are paid to the owner of the oil and gas estate.

On July 20, 1998, the 10th U.S. Circuit Court of Appeals ruled that CBM is associated with the coal estate rather than the oil and gas estate. If upheld, this ruling would mean that where the coal estate and the oil