

On page 35, line 9, insert “, or out of compensation under section 206 of title 37,” after “out of basic pay”.

On page 35, line 12, strike “308a, 308f,” and insert “308a through 308h.”.

On page 36, in the matter following line 15, strike “on active duty” and insert “: members on active duty; members of the Ready Reserve”.

Mr. CLELAND. Mr. President, I am extremely pleased to offer an amendment to S. 4 with my colleagues, Senator JEFFORDS, Senator BINGAMAN, and Senator LANDRIEU. Of course, S. 4 is the Soldiers', Sailors', Airmen's and Marines' Bill of Rights Act of 1999. This legislation will give the men and women of the National Guard and Reserve the opportunity to participate in the Thrift Savings Plan. S. 4 offers this benefit to their active duty counterparts. Our amendment will offer this to men and women of the National Guard and Reserve.

The Thrift Savings Plan is an excellent way for military families to save for the future. It is not meant to take the place of a retirement system. It is a tax-deferred savings plan that will grow while a service member is actually serving, unlike the delayed benefits of the military retirement system. Furthermore, the Thrift Savings Plan is a portable benefit that can be rolled over into a civilian 401(k) plan, in the event the service member, for whatever reason, must leave military service.

In my opinion, the men and women of the Guard and Reserve must be given the same opportunity to participate in this excellent savings plan as their active duty counterparts. Although the amount of money they will be able to deposit in the Thrift Savings Plan may not be substantial at first, every dollar counts. The Thrift Savings board themselves allows contributions “as little as a dollar each pay period.”

With the increase in worldwide taskings, Guardsmen and Reservists are participating significantly above and beyond their mandatory one-week-end-a-month and two-weeks-a-year duty, their contributions will grow over time. While some Guardsmen and Reservists may have savings plans through their civilian employers, allowing them to participate in the Thrift Savings Plan allows them to contribute based on their military earnings. For many Guardsmen and Reservists, their military duty has become a second job.

Since the end of the cold war, the services have increasingly relied upon their Reserve components to meet worldwide obligations. The active duty force has been reduced by one-third, yet worldwide commitments have increased dramatically.

In recent years, thousands of Reservists and Guardsmen have supported contingencies, peacekeeping operations and humanitarian missions around the world: in the Persian Gulf, Bosnia, Somalia, Haiti, and Kenya, just to name a few. Guard and Reserve units responded immediately to requests for

assistance after Hurricane Mitch, delivering over 10 million pounds of humanitarian aid to devastated areas in Central America.

Closer to home, Reserve and National Guard personnel answered the cries for help after devastating floods struck in our Nation's heartland. They braved high winds and water to fill sandbags, provide security, and transport food, fresh water, medical supplies, and disaster workers to affected areas. The Air Force Reserve's “Hurricane Hunters” routinely fly into tropical storms and hurricanes in specially configured C-130s to collect data to improve forecast accuracy, which dramatically minimizes losses due to the destructive forces of these storms.

As we transition into the high-tech 21st century, the Guard and Reserve will continue to take on new and exciting roles. The Guard and Reserve now have units performing satellite control and security functions in order to maintain our country's lead in space-based technology. And, because our country faces the increased threat of chemical and biological weapons, the White House, the Department of Defense, and Congress have joined to develop a “Homeland Defense” policy designed to respond to threats against the United States. The Guard and Reserve will play a significant role in the implementation of the policy, because their knowledge of local emergency response plans and infrastructure is critical to an effective response.

The days of holding our Reserve Component forces “in reserve” are long gone.

Just who are these citizen soldiers, sailors, airmen, and marines? They are doctors, they are lawyers. They are farmers, grocers, teachers and small business owners. They have long-standing roots in communities across our great country. And, like their active-duty counterparts, they have volunteered to serve. Remarkably, they must balance their service with the demands of their full-time civilian jobs and families.

In September 1997, Secretary of Defense Cohen wrote a memorandum acknowledging an increased reliance on the Reserve Components. He called upon the services to remove all remaining barriers to achieving a “seamless Total Force.” He has also said that without Reservists, “we can't do it in Bosnia, we can't do it in the Gulf, we can't do it anywhere.”

Giving the men and women who serve in the Reserve Components the opportunity to participate in the Thrift Savings Plan would carry on the spirit of Secretary Cohen's Total Force policy. This amendment has received the resounding support of the Reserve Officers Association, the National Guard Association of the United States, the Enlisted Association of the National Guard of the United States, and other members of the military coalition representing 5.5 million active and retired members.

The Reserve Components face many of the same challenges and dangers as their active duty counterparts in this time of high operations tempo. We should give them the same opportunity to participate in the Thrift Savings Plan. It is important to send the right message to our citizen soldiers, sailors, airmen, and marines: that we recognize and appreciate their sacrifices. It's the right thing to do.

Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I, first, want to state my complete support and concurrence for the amendment which we will have tomorrow morning by our distinguished colleague and member of the Armed Services Committee jointly. The provisions relating to the GI bill, this benefit, originated with our colleague. I thank him for his participation. He has this Senator's strong support, and I anticipate the Senate's as a whole. I thank our colleague very much.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

#### USE OF FORCE IN KOSOVO

Mr. SPECTER. Mr. President, I had intended to offer a joint resolution on the subject of the use of force in Kosovo for this bill, but events have overtaken this issue as the picture is now unfolding. I did want to put this joint resolution in the RECORD. I did want to talk about it for a few minutes. I discussed it with the distinguished chairman of the committee.

The concern I have is on the repeated use of force that constitutes acts of war by the President of the United States without authorization by Congress, in violation of the constitutional provision that only the Congress of the United States has the authority to involve the United States in war.

We have seen an erosion of the congressional authority in modern times on many, many occasions. Perhaps the strongest, sharpest example is the Korean war, a subject on which I have questioned nominees for the Supreme Court of the United States, trying to get a delineation on the power of the Commander in Chief under the Constitution, contrasted with the authority of Congress. But where we have had the air and missile strikes recently in Iraq, I raised the same question challenging or questioning the authority of the President. And as it has appeared in the past several days, there has been discussion of using force, air-strikes, perhaps missile strikes, in Kosovo, and it seems to me this is a matter that ought to be decided by the Congress.

I do think there is a good bit to be said in support of the United States participating in the air-strikes in light of what has gone on there, and I shall not speak at any length. The issues are submitted in this joint resolution. I

would like to engage my colleague, the distinguished Senator from Virginia, as to his sentiments on this subject.

Mr. WARNER. Senator, you and I came to this marvelous institution roughly two decades ago, give or take a year or so. We have witnessed on this floor spirited debates on the very issues that you raise, more or less circling around the War Powers Act legislation that followed the war in Vietnam and legislation which, in the judgment of many, is questionable to constitutional standing. I think it is time that we had another debate on this issue because it is very important.

Mr. President, had we used force in Kosovo, it would have been the fourth time President Clinton has directed force against a sovereign nation. Now, I must say, in the course of the deliberations in Rambouillet, France, and prior thereto, I think the administration tried to take an almost unmanageable situation and do the best they could. Frankly, I am relieved that force at this moment is not to be used. I have not had the opportunity in the last 4 or 5 hours to get the latest situation, given that I have been on the floor managing this bill. But I believe the talks are at a virtual stalemate; am I not correct?

Mr. SPECTER. I think the Senator is correct. It does not appear that the United Nations, with the United States' participation, will engage in strikes.

Mr. WARNER. Well, Mr. President, I think it is timely that the Senate went back and, once again, as we did in years past, take a look at the War Powers Act, take a look at the proposal that the distinguished Senator from Pennsylvania has, not by way of criticism at the moment of the President, because you have two situations—one in Kosovo, and, of course, the parallel in Bosnia, and then you have Iraq.

I have said from time to time, as we have had deliberations among ourselves in small groups, if anybody has a better idea how to manage it, come forward. They are the most complex situations that I have had in my tenure here in the Senate, and prior thereto in the Department of Defense, in terms of the complexity and the difficulty to resolve it.

I would encourage the Senator, and I would be happy to participate in that debate at some future date.

Mr. SPECTER. Mr. President, I thank my colleague from Virginia for those comments. It was 8 years ago in early January—I believe January 10—where we had a much publicized debate on this floor about the use of force in the gulf war. A number of the people who are on the floor today, the Senator from Michigan, the Senator from Virginia, and I, participated in that debate with our distinguished then-colleague, Senator Nunn.

I do believe, as I have said, there is much to recommend of U.S. participation in Kosovo. But I do not like to see

further erosion of the congressional authority. I think too often the Congress stepped aside.

About a year ago this time there was a key issue about the use of force against Iraq. We discussed it on the floor to some extent. We had a winter recess. By the time we got back, the issue had not matured. But force was used in Iraq in December. It was not authorized by the Congress. I think that the Congress ought to take a stand one way or another before force is used in accordance with the Constitutional provisions.

In the interest of brevity, Mr. President, I send this joint resolution to the desk and ask that it be printed since it makes a fuller statement on this subject.

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

S.J. RES. 12

Whereas, Congress strongly supports the men and women of our military forces;

Whereas, bomber and missile strikes constitute acts of war;

Whereas, only Congress has the Constitutional prerogative to authorize war;

Whereas, the unilateral Presidential authorization of military strikes, however well-intentioned, undercuts that power established clearly in the Constitution for Congress to make such decisions;

Whereas, the autonomy of Kosovo, a region in southern Serbia, was abolished by the Serbian leader, Yugoslav President, Slobodan Milosevic in 1989 and 1990;

Whereas, conflict between ethnic Albanians in Kosovo and Serbian police led by President Slobodan Milosevic has resulted in over 2000 deaths since the end of February 1998 and has displaced nearly 400,000 people;

Whereas, over one-third of Kosovo's villages and an estimated 4,000 homes have been deliberately damaged or destroyed;

Whereas, the assault on the civilian population has been reported to include atrocities which could be considered war crimes, crimes against humanity and genocide;

Whereas, the international community has spoken out repeatedly against Serbian human rights abuses in Kosovo;

Whereas, the instability in the Kosovo represents a significant regional threat;

Whereas, Yugoslav and Serbian officials, reportedly led by Slobodan Milosevic, similarly instigated, organized and directed aggressive action against civilians in Croatia in 1991, and in Bosnia-Herzegovina from 1992 to 1995;

Whereas, peace was only restored to the region of the former Yugoslavia in 1995 when Yugoslav and Serbian officials, including Slobodan Milosevic, were confronted with the clear resolve of the international community to use force against them;

Whereas, on Jan. 30, 1999, the NATO allies authorized Secretary-General Solana to order air-strikes anywhere in Yugoslavia, if a peace settlement was not accepted by the deadline of February 20, 1999 and subsequently extended to February 23, 1999;

Whereas, the United States participation in NATO military operations is important in maintaining the strength of the NATO alliance generally;

Whereas, Congressional support and cooperation with our NATO allies will send an important signal of national resolve that would strengthen the ability of the United States to bring the two sides together toward a peace agreement in Kosovo;

*Resolved*, by the Senate and House of Representatives of the United States of America Congress assembled, That the President is authorized to conduct air operations and missile strikes against the Federal Republic of Yugoslavia (Serbia and Montenegro) for the purpose of bringing about a peaceful resolution of the conflict in Kosovo.

Mr. SPECTER. I thank the Chair. I yield the floor.

Mr. WARNER. Mr. President, before the Senator departs, I think the RECORD should reflect that in connection with the action taken against Iraq in the fall, and then in connection with the proposed sending of ground troops as part of the NATO force and U.S. contingent of up to 4,000, there was confrontation with leadership in the Senate and the House in both instances. I think there has been a level—whether it is up to the expectations of my colleagues, it is individually for them to say—a level of confrontation in both sequences. We must bear in mind that under the Constitution, the President is the Commander in Chief. He has the right to direct the deployment of our Armed Forces in harm's way when he thinks hopefully it protects the vital security interests of the United States, and only under those situations because oftentimes the Congress has dispersed—it is in recess, and the like—and those decisions have to be made quickly. Nevertheless, we have a co-equal responsibility with the President regarding the welfare and the state of our men and women in uniform and the circumstances under which they are employed, particularly in harm's way.

I commend the Senator.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, by way of a very brief supplemental comment, it is true that the President has authority as Commander in Chief. When he exercises his authority in the deployment of some 4,000 U.S. troops, it is another question. He has a stronger claim to do that under his power as Commander in Chief than he does to have air-strikes or missile strikes, in my opinion. Those air-strikes and missile strikes are acts of war. If he deploys U.S. troops, if they go into a hostile situation, that may trigger the War Powers Act, which is a little different consideration with the Constitutional provision which authorizes only the Congress to declare war. But I do think that we in the Congress do need to consider these issues, debate them, and make decisions about them. We have the authority by restraining spending in the Department of Defense to stop the deployment of troops. I am not saying we should do it, but I think there is too much of a tendency on the part of Congress to sit back and not to make these kind of tough decisions. If things go wrong, there is always the President to blame. If things go right, we haven't impeded Presidential action.

But these raise very, very serious Constitutional issues. There is a continuing erosion. Before the President

uses force, we have a chance to intervene. If it is an emergency situation, that is different; he has to act as Commander in Chief.

But we have had ample opportunity to consider this Kosovo issue. And it is on the back burner now. But if it reappears, I will reactivate my resolution.

Mr. WARNER. Mr. President, I again commend our colleague. I thank him for recalling the history of the 1991 debate. I recall it well because I was one of the floor managers. It was legislation that I had drawn up in accordance with the directions of Senator Dole, then-leader. We had a vigorous debate for some 3 days, and it is interesting. There we had in place a half million men and women in the Armed Forces. We had seen the most atrocious form of aggression by Saddam Hussein down through the gulf region, primarily Kuwait. Yet, that debate took 3 days. And by only a mere margin of five votes did the Senate of the United States express its approval for the President of the United States, in the role as Commander in Chief, to use force in that situation.

I thank the Chair. I thank my colleague.

#### MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Members permitted to speak therein for up to 10 minutes.

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

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

#### RECOGNIZING THE TUKWILA SCHOOL DISTRICT'S "NEW FRIENDS & FAMILIES" PROGRAM

Mr. GORTON. Mr. President, today I recognize the Tukwila School District from my home state of Washington and the district's "New Friends & Families" program.

The Tukwila School District has seen its ethnic diversity grow by more than 1,000 percent in the last seven years. Out of the district's 2,500 pupils, 50% are students of color, 20% are enrolled in bilingual education, and all told, they speak about 30 different languages. To meet the challenge of integrating this immigrant population into the school system and the community, the Tukwila School District, the City of Tukwila, and the local Rotary Club created "New Friends & Families." It is a one-night, once a year program designed to engage these hard-to-reach immigrant and refugee students and their families to make them aware of community services and to encourage parental involvement in their children's education.

Clearly, when more than 20% of Tukwila's students are unfamiliar with their new surroundings, they face a se-

rious impediment to quality learning. The "New Friends & Families" program has met this challenge head on with local creativity, local initiative, and local resources. This shows that local communities know best how to deal with unique local problems. By teaming up with local government and local businesses, the school district has found innovative ways to turn its challenges into successful education.

It is programs like "New Friends & Families" that illustrate that local innovation works in our schools. The answer to improving our local schools is not more intrusion and red tape from Washington, DC bureaucracies but rather, more freedom and more flexibility for local educators to use federal resources to meet the unique needs of each community in teaching our kids. During last week's recess, I visited Foster High School in the Tukwila District and presented my first "Innovation in Education Award" to Superintendent Michael Silver in recognition of the creative work he and his district have accomplished through "New Friends & Families."

To recognize the importance of local communities in educating our children, I will be presenting this "Innovation in Education Award" once a week to recognize individuals, schools, and educational programs in Washington state that demonstrate the importance of local control in education. I will also take to the floor of the Senate every week to share with my colleagues these examples of locally driven successes in education in an effort to remind all of us working here in Washington, DC that local communities really do know best.

For the past 35 years, Washington, DC's response to crises in public education has been to create one new program after another—systematically increasing the federal role in classrooms across the country. While the federal government has a role in targeting resources to needy populations and in holding schools accountable for results, it should not tie the hands of districts like Tukwila. That only serves to stifle the local innovation that is fundamental to educational success. I have long been an advocate of local control in education and I plan to introduce legislation this spring that will transfer more control from federal agencies back to local educators where it belongs.

(The remarks of Mr. JEFFORDS and Mr. SPECTER pertaining to the introduction of S. 445 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### THIRD ANNIVERSARY OF THE TELECOMMUNICATIONS ACT OF '96

Mr. LOTT. Mr. President, the Telecommunications Act of 1996 is another year older and another year stronger. As Congress recognizes the third anniversary this month, it now becomes appropriate to reflect on some of the

Act's goals and on some of its accomplishments.

First, let me remind my colleagues that the Telecommunications Act was 10 years in the making. It took time for Congress to understand exactly what was needed to reach consensus and balance among all sectors of the industry and to update America's telecommunications public policy. Congress took a deliberate path to make sure that, at the end of the day, consumers would have new and real choices. Time is still needed before passing final judgment, but clearly the Act has produced positive, tangible results.

I am proud to say that I worked closely with Senator Pressler, then the Chairman of the Commerce Committee, Senator STEVENS, Senator HOLLINGS, and others on the act. It took time, it took patience, it took compromise. But in the end, the act boldly embodied Congress' vision for competition and for choice. More choices and better choices in a new age of communication.

When the act was drafted, a number of delicate balances were struck to transform our monopolistic market into many competitive ones. The bottom line for Congress was based on a simple principle: consumers benefit from competition. As simple as this sounds, creating competition in the local telephone market is a fairly complicated process. Competitive carriers require things like collocation, dialing parity and unbundled network elements. Congress knew it would not be easy. That is why the act was structured to provide a centerpiece, a set of instructions on ways for opening the local markets to force competition.

Mr. President, the act is working. Americans are beginning to see the fruits of the seeds sown three years ago.

Many critics point to the lack of local competition or the absence of incumbent local carriers in long distance as the only way to measure or grade the bill. This is wrong. Consumer choices, new choices, and new technologies are the true tests of success.

As far as local competition goes, several state public utility commissions are working closely and collaboratively with incumbents and new entrants. A multitude of competitors have gained authority to provide local telephone service. This choice is a reality for businesses nationwide, and it will be a reality for residents too—not just for basic dial tone but for advanced services such as broadband access to the Internet. It takes significant capital and commitment to build the necessary infrastructure, but numerous companies and Wall Street are answering the challenge by investing billions of dollars to build this foundation for competition. This level of resource deployment does not happen overnight, but it is happening, and in ways Congress intended—with cable television companies revamping their