

Since 1990, the real price of unleaded gasoline has dropped by 10 percent. With the increased fuel efficiency of today's cars, driving continues to be an inexpensive way to travel. Airline tickets and bus fare prices are falling as well.

Increased dissatisfaction among Amtrak passengers. Volume of complaints has risen from 30,000 in 1989 to 70,000 in 1994. It is not totally uncommon for an Amtrak train to break down, and the passengers must walk to the nearest stop to catch the next train. It's no wonder people don't want to ride Amtrak.

What's the answer? I've proposed legislation to privatize Amtrak by phasing out its taxpayer subsidies over a 4-year period and relieving it of its burdensome labor regulations and route requirements. My legislation would enable Amtrak's management to make decisions as in any private corporation.

Slowly phases out subsidy. This year Amtrak will receive \$972 million from the Federal Government. H.R. 259 will reduce the taxpayer subsidy to Amtrak by 25 percent each year for 4 years. This will phase out the Federal subsidies.

Immediately eliminates congressional micromanagement. Amtrak is told by Congress how to operate and where to operate. H.R. 259 eliminates this meddling and allows Amtrak to focus its resources on its most promising routes, not the ones that Congress tells them to focus on.

Immediately reduces excessive severance packages. Amends the Rail Labor Protection Act to reduce the current 6 year severance package to 6 months. By freeing Amtrak from these excessive costs, they will be able to make the tough business decisions other managers are free to make.

We face a critical decision this year. We can continue to increase our annual subsidies while ignoring Amtrak's fundamental problems, or we can enact necessary reforms to save Amtrak.

THE CONTINUING CRISIS IN BOSNIA

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Maryland [Mr. HOYER] is recognized during morning business for 5 minutes.

Mr. HOYER. Mr. Speaker, I rise today to once again focus my colleagues' attention on the continuing crisis in Bosnia.

Last week this House voted overwhelmingly to unilaterally lift the arms embargo against Bosnia and allow the Bosnian people to pursue their fundamental right to defend themselves.

A front page article in Sunday's New York Times crystallizes for us—indeed, if at this time we need any further clarification—the compelling reasons for lifting the embargo. The article can only lead one to conclude that the embargo is wrong and that it will never

contribute to the cessation of hostilities, only the continued perpetration of aggression and genocide.

The article quotes statements, from both American and European officials with access to intelligence reports, which confirm that the Federal Yugoslav Army is not only paying the salaries of many Bosnian-Serb officers, but is also supplying their forces with fuel, spare parts, training, and ammunition.

There are credible reports that the cross-border traffic is increasing as the combat resumes in Bosnia after a winter ceasefire.

Moreover, several American analysts, according to the New York Times article, have stated that the Yugoslav Army provided the parts and technicians for maintaining the Bosnian-Serb air defenses that shot down an F-16 jet fighter on a NATO monitoring mission. Even if this were not so, the fact remains that the Bosnian-Serb air defense system continues to be electronically linked to the Yugoslav Army's computers and radar.

American officials say they have evidence of regular conversations and consultations between the Yugoslav Army's general staff in Belgrade and the officers directing operations in Bosnia and that Bosnian-Serbs wounded in battle are flown by helicopter to Yugoslav military hospitals. This would certainly make sense in view of the fact that General Ratko Mladic, the commander of the Bosnian-Serb forces, was a career officer in the Yugoslav Army and was selected to lead the Bosnian Serbs by Mr. Milosevic shortly before the conflict began. In addition the recently appointed commander of Serbian forces in Croatia, Lt. Gen. Mile Mrksic until a few weeks ago was serving on the general staff of the Yugoslav Army in Belgrade.

Mr. Speaker, let me remind my colleagues that last year Serbian leader Slobodan Milosevic pledged to close the border between Bosnia and Serbia in exchange for an easing of economic sanctions against the former Yugoslavia. Despite reports to the contrary, he continues to insist that only nonlethal aid is being provided by Serbia to the Bosnian-Serb militants.

Meanwhile, the West, headed by the contact group, and most recently by United States negotiator Robert Frasure, continues to negotiate with Mr. Milosevic toward the complete lifting of sanctions against the former Yugoslavia in exchange for Milosevic's recognition of Bosnia and Herzegovina. Milosevic continues to rebuff these overtures unless he can guarantee that once lifted, the sanctions cannot be reimposed under any circumstances.

I ask my colleagues, should the West lift economic sanctions against a government that is sustaining the Bosnian-Serbs war effort, even as it pledges to do the opposite?

Mr. Speaker, I contend that it is preposterous that the international community has even reached such a juncture. Last year the contact group—the

United States, Britain, France, Germany, and Russia—offered its final, take-it-or-leave-it peace plan with severe consequences for those who refused. The contact group assured Bosnia that if the Serbs plan, international sanctions against Serbia, would be tightened, more efforts would be made to afford greater protection of safe areas by the United Nations, and ultimately, the arms embargo would be lifted. The Government of Bosnia accepted, on time and without condition. The Bosnian Serbs, as we all know, effectively rejected the plan and continued to posture for more concessions which the international community has provided.

The international community's arms embargo against the former Yugoslavia has been a de facto embargo only against Bosnia. The Serbian aggressors, from the beginning, have had all the firepower and material they needed from the Yugoslav Army.

Mr. Speaker, we must redouble our efforts to ensure that the people of Bosnia have, at a minimum, the right to defend themselves. Building on the momentum of last week's vote, I urge swift consideration of H.R. 1172, legislation I have cosponsored with Mr. SMITH, which would lift the arms embargo against Bosnia.

The Serbian aggressors are perpetrating genocide while the international community watches, indeed does more than watch. It facilitates the genocide by imposing and enforcing an arms embargo against the victims of the war—denying them their fundamental right recognized under international law—the right of self-defense. Not only do we refuse to assist, but we actively deny to the Bosnians the means by which they can defend themselves. I have no doubt that history will judge our European allies and ourselves critically.

THE ADARAND DECISION

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. CANADY] is recognized during morning business for 5 minutes.

Mr. CANADY of Florida. Mr. Speaker, the Supreme Court yesterday struck an important blow in defense of the fundamental moral and constitutional principle of nondiscrimination. In *Adarand Constructors versus Peña*, the Court held that racial classifications by any level of government are constitutionally suspect and will be permitted only in the most extraordinary circumstances.

The Court has thus stated unequivocally that the Constitution permits governmental racial classifications—including ones enacted by Congress—only when they are narrowly tailored to further a compelling government interest.

In so holding, the Court has provided an important and timely impetus to

congressional action designed to dismantle the pervasive regime of race and gender preferences that has been established by the Federal Government over the last 25 years.

Until recently, I do not think anyone truly recognized how widespread these Federal preferences really are. But in February of this year, at the request of Senator DOLE, the Congressional Research Service prepared a report collecting the Federal statutes and regulations that establish preferences based on race and gender.

CRS compiled a list of approximately 160 such Federal laws, some of which are statutory, but the large majority of which are buried in agency regulations relating to Federal contracting and employment and the administration of Federal programs.

Simply stated, the Federal Government is a major player in the business of granting preferences and imposing burdens on its citizens on the basis of race and gender.

Some of us find troubling the Congress' cavalier acceptance of this unjust situation, and I, as well as other Congressmen and Senators, have announced an intention to end the injustice through legislation prohibiting the use of race and gender preferences by the Federal Government.

I think the Court's decision in *Adarand* is a very significant step in the right direction. Most importantly, the Court's holding is driven by a recognition of the principle that must form the basis of any systematic review of Federal racial and gender preferences.

As Justice O'Connor explained for the majority, the equal protection clause "protect[s] persons, not groups."

This principle motivates my commitment to making sure that Congress picks up where the Court has left us. It is, as the Court emphasized, a matter of simple justice that the Government should not favor or disfavor any citizen on account of morally irrelevant characteristics like race and gender.

But this issue is about more than reverse discrimination. It is, at bottom, about the kind of society we want to live in. And on this point, I think defenders and opponents of racial preferences probably agree: We, as a society, are far too conscious of race. But we disagree on how best to cure this immoral focus on race. Ultimately, of course, we will only become a truly colorblind society when each of us commits to combating discrimination in our own actions and in the actions of those with whom we come into contact.

But insofar as Congress' role is concerned, there are two major things we can and must do. First, we must ensure that the Federal antidiscrimination laws are adequate to the task of prohibiting such discrimination, and that the enforcement agencies are vigorous and judicious in their enforcement efforts.

Second—and this is where I think we really need to make some changes—we should make sure that neither Congress nor the Federal Government do anything to require or encourage citizens to engage in the sort of race- and gender-conscious policies we purport to abhor.

On the point, I quite agree with the Court majority in *Adarand* when they wrote that program like racial set-asides "can only exacerbate rather than reduce racial prejudice," and indeed "will delay the time when race will become a truly irrelevant * * * factor."

It was Justice Blackmun, of course, who wrote in the *Bakke* case that, "To get beyond racism, we must first take race into account." But the very notion that you cure an evil by engaging in that same evil is nonsense. Two wrongs do not make a right. Instead, we should pursue a firm commitment to the principle embodied in the Court's holding yesterday, and perhaps best captured by Justice Thomas' concurring opinion. He wrote:

I believe that there is a moral and constitutional equivalence between laws designed to subjugate a race and those that distribute benefits on the basis of race in order to foster some current notion of equality. Government cannot make us equal; it can only recognize, respect, and protect us as equal before the law.

I believe that a candid observer must conclude that Congress has participated in the creation of a pervasive system of discriminatory preferences and has thus failed to abide by the fundamental obligation imposed by the equal protection clause.

And so I welcome the Court's decision in *Adarand*. I hope and trust that my colleagues in the House and the Senate will follow the Court's lead and do what we can to restore to our Federal laws the principle of non-discrimination. We would do well to rededicate ourselves to the simple truth pointed out yesterday in Justice Scalia's characteristically poignant concurring opinion: "In the eyes of government, we are just one race here. It is American."

CAPITAL BUDGETING

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from West Virginia [Mr. WISE] is recognized during morning business for 5 minutes.

Mr. WISE. Mr. Speaker, what I want to do today is to announce that yesterday 36 of my colleagues and I sent to the President of the United States this letter. In this letter, what we do is to ask the President to consider capital budgeting as one approach to whatever budget eventually emerges from this Congress and in negotiations with Congress and the White House.

What is capital budgeting? Capital budgeting is very simple. It is what every family in this country does, it is what every business in this country

does, it is what every State and local government does. There is only one group that does not do it, and that is the Federal Government.

Capital budgeting simply says that you show your long-term investments, those things that bring you back more than you actually spend on them over time, separately from your operating expenses.

What we do in the Federal Government is a dollar spent for welfare is considered exactly the same as a dollar spent for bridges and infrastructure and research and development, for those things that are so important to make us grow.

That makes no sense. What we do is to ask that for the first time, the Federal Government operate on a capital budget that deals with physical infrastructure, the roads, the bridges, the airports, the water and sewer systems, the telecommunications networks, those things that are physical and have tangible value.

The reality is this country, for instance, spends far less in proportion to its budget than many of our industrial competitors. Japan, with half the population and about 60 percent of the economy that the United States has, spends more in real dollars on its infrastructure than the United States does. Then we wonder sometimes why we are having trouble competing.

What we ask is that we have capital budgeting. This Congress has a precedent with that. Both 2 years ago and again just a few months ago on the floor of this House when the constitutional amendment to balance the budget was up, last time 139 Members of the House voted for my amendment that would have permitted capital budgeting. We had a large vote before and a significant number of Republican Members as well as Democrat Members supported it 2 years earlier.

This offers to Republican leaders and to Democrat leaders a way to meet the balanced budget requirements, to introduce some appropriate accounting methods to bring the Federal Government into line with everyone else, and to encourage investment. Where do you get a win-win-win-win situation like this? Capital budgeting, I think, is crucial to this.

There is no doubt that our Nation's infrastructure is in need of replacement. I notice that one of the growth industries as I drive around the country seems to be orange barrels. Sometimes those orange barrels mean that construction is taking place. Other times those orange barrels mean there is simply a problem and we do not have the money to deal with it.

Almost half the Nation's bridges are in some way substandard. Two hundred twenty some thousand miles of highway needs some kind of immediate work. Clearly our infrastructure needs work, needs rebuilding and needs building. Capital budgeting permits that to happen.

There are going to have to be a lot of painful cuts in the balanced budget