

they were sold. I look forward to continuing to work on this issue so that we can find a way to reach that goal that is fair to States, consumers, Internet companies and traditional retailers.

#### AMTRAK REFORM COUNCIL FINDING

Mr. McCAIN. Mr. President, I want to explain for the benefit of my colleagues some recent actions that involve Amtrak. I will begin, however, by briefly describing Amtrak's history.

Amtrak was created in 1971 by the Rail Passenger Service Act which was enacted in 1970. The law established Amtrak in order to relieve the freight railroad industry from the burden of providing ongoing passenger service. With capital acquired from participating railroads and the Federal Government providing \$40 million in direct grants and another \$100 million in loan guarantees, the corporation was to become self-sustaining within 2 years. Since 1971, however, Amtrak has received nearly \$24 billion in taxpayer assistance to help cover its operating and capital costs.

Today, much like when Amtrak started, Amtrak serves approximately 500 locations. It carried 22.5 million passengers in fiscal year 2000. By contrast, the intercity bus industry carries 744 million passengers annually and serves over 4,000 locations. The aviation industry carries more than 600 million passengers annually. I mention this comparison because I believe we must consider Amtrak in the context of other passenger carrying transportation services.

Amtrak was most recently authorized during the 105th Congress, after several years without an authorization. The Amtrak Reform and Accountability Act, Public Law 105-134, was bipartisan compromise legislation and enacted, in part, due to the very critical reports of Amtrak's financial situation at that time. During the act's development, the General Accounting Office, Amtrak, and others estimated that the rail system was on the brink of bankruptcy.

Taking into account the very serious financial situation facing Amtrak, the reform law provided the statutory operational, procurement, labor and liability reforms that Amtrak requested so it could operate more like a private business. It reauthorized Amtrak for 5 years, through fiscal year 2002, releasing the approximately \$2.2 billion to Amtrak that was provided in the form of a tax "refund" in the Taxpayer Relief Act of 1997, TRA, even though Amtrak has never earned a profit, let alone paid income tax. It also required Amtrak to operate free of taxpayer assistance 5 years after the date of enactment of the law, which is December 2, 2002.

The law established an 11-member Amtrak Reform Council, ARC, appointed by the President and leader-

ship in both the House and the Senate, to oversee Amtrak and make recommendations for improvements. The law provided that if at any time following 2 years after the date of enactment the ARC finds that Amtrak is not meeting its financial goals, the Council is directed to develop and submit within 90 days to Congress an action plan for a restructured and rationalized intercity rail passenger system. Within that same time period, the law directs Amtrak to prepare a plan for its complete liquidation. The law provides for an expedited procedure during which Congress would vote, simple majority, on a resolution to disapprove an Amtrak liquidation.

What has Amtrak accomplished since the reform bill's enactment? Amtrak's press releases often boast about increased ridership and revenues. Unfortunately, those press releases never quite tell the full story. According to the General Accounting Office, any increase in ridership and revenues has resulted in an even greater increase in expenses.

Moreover, Amtrak's debt load has tripled since the reform bill's enactment to over \$3.3 billion and it has spent more than \$4.4 billion in taxpayers dollars during that same period. And, despite repeated testimony by Amtrak officials this year about being on a "glidepath to operational self-sufficiency," Amtrak entered into a creative agreement in June to mortgage a portion of Penn Station to obtain cash to allow Amtrak to continue operating past the summer. Clearly, our expectation for a new and improved Amtrak when we passed the reform bill in 1997 has not been realized.

The Department of Transportation Inspector General and the General Accounting Office have testified repeatedly before Congress that Amtrak is in a very precarious financial situation. Moreover, last Friday, November 9, 2001, the ARC officially issued a finding that Amtrak will not be operationally self-sufficient by December 2, 2002, as required by law. The ARC has found there are major inherent flaws and weaknesses in Amtrak's institutional design and it must be restructured. As a result of this finding, the ARC will submit a restructuring plan and Amtrak will submit a liquidation plan to the Congress in early February. In addition, the administration, according to testimony from the Federal Railroad Administrator, is also preparing to submit a proposal to restructure our Nation's passenger rail system as part of its fiscal year 2003 budget request.

I understand Amtrak and others have made some very critical comments about the ARC's decision. Clearly, it was a decision not taken lightly by the ARC members. I, for one, commend the ARC members for abiding by the law and making the tough decision that they felt needed to be made. I only question what took them so long.

I look forward to a robust debate on the future of intercity rail passenger

service in this country. I believe that passenger rail can and should be a part of our Nation's transportation system, but I continue to question how it should be structured and managed, knowing that Amtrak has failed to meet even the lowest of expectations for 30 years.

I find it indefensible that despite the findings of the ARC, the IG and the GAO, this week we were considering legislation that would have given another \$9 billion to Amtrak by authorizing Amtrak to issue bonds. I imagine proponents of that provision will continue to seek enactment of their proposal prior to adjournment. I vow to do everything in my power to prevent such efforts from succeeding, as I strongly question the logic of throwing billions of additional dollars at Amtrak when nearly every expert that knows anything about Amtrak and finances knows, and has told Congress, that Amtrak cannot live up to the promises it makes.

Before moving forward with any additional funding for Amtrak we need to address a number of tough questions: What is the future for intercity rail passenger transportation? Where does it attract passengers and where doesn't it? Does rail passenger service have to equate to "Amtrak" or should we finally accept the fact that after 30 years, it is time to find a new approach? Where might high-speed rail service actually attract enough passengers to be economically viable? How does it fit into our national transportation system? What is the financial obligation we will be imposing on the American taxpayers and what can they realistically expect as a result of their expenditures?

It is simply time to have an open and honest debate on this issue. We need to hear from the administration and the American public. I hope my colleagues will agree that we need to allow the debate on Amtrak's future to move forward and stop the hemorrhaging of taxpayers' dollars by this entity. I certainly intend to do all I can to ensure the Senate Commerce Committee, which has jurisdiction over Amtrak, steps up to the plate and does its part on this subject.

#### BIOTERRORISM PREPAREDNESS ACT OF 2001

Mr. WELLSTONE. Mr. President, I rise today to support the Bioterrorism Preparedness Act of 2001. This act represents a critically important turning point in the readiness of our public health system to respond to the challenge of bioterrorism. In many places in our Nation the public health infrastructure has been underfunded and understaffed. Many of our public health workers have been working day and night since September 11. The anthrax attack has demonstrated that our system can be overwhelmed by a bioterrorist attack. This bill provides essential assistance to our network of local

and State health departments, public health laboratories, hospitals and health care facilities so that they can protect all of us in the event of further bioterrorist attack, or of other infectious disease outbreaks.

Mr. President, we in Minnesota have long been aware of the dangers of bioterrorism thanks to the efforts of Mike Osterholm, head of the Center for Infectious Disease Research and Policy at the University of Minnesota. But since September 11, everywhere that I have traveled in Minnesota I have been hearing about the need for preparedness. I am very glad that this bill is providing for bioterrorism preparedness.

This bill provides block grants to states to improve public health departments and to get the equipment they need, and to help local governments safeguard their communities from these threats. The bill also provides grants to hospitals and other health care facilities to improve their abilities to respond quickly and effectively to a bioterrorist attack. I am glad this bill emphasizes getting funds to the local level. That is very important. In fact, I would have even gone further in setting aside funds specifically for localities.

I do have some reservations about the scope of the antitrust exemption the bill in its current form provides to the drug industry and others in connection with the development of countermeasures against bioterrorism. I fully understand the urgency of the situation and the need to create "safe space" for the work necessary to bring such countermeasures on line. However, I do think we need to tread carefully when it comes to further insulating the drug industry from the discipline of competitive market forces. I hope that my colleagues will work with me as we move forward on this very important measure to ensure the fullest possible protection for American consumers consistent with the development and production of necessary countermeasures.

As chair of the Subcommittee on Employment, Safety and Training, I am particularly glad that this bill recognizes the threat of bioterrorism in the workplace. Virtually all of the anthrax attack involved places where people work, including media offices, the U.S. Postal Service and here in the Congress. I am especially happy that this bill includes language which I had suggested to direct the National Institute of Occupational Safety and Health to enhance and expand research on the health and safety of workers who are at risk for biological threats or attacks in the work place.

Finally, I am particularly pleased that my provisions regarding mental health were included in this important bill. We know from the outstanding hearing on mental health and terrorism, chaired by Senator KENNEDY in the HELP committee, that the preparedness and response activities for

the mental health consequences of bioterrorism are as important as all other public health initiatives this Congress can support. Dr. Kerry Kelly, Chief Medical Officer of the New York Fire Department, reported at that hearing that since September 11, the men and women of the New York Fire Department and the families of those who were lost have had to endure a tremendous sense of grief. She said that, "the emotional well-being of our department requires intervention to provide stress debriefing, bereavement counseling, and continued psychological support of our members, our families, and the children affected by this event."

The mental health provisions in the Bioterrorism Preparedness Act of 2001 support Federal, State, and local efforts to enhance the preparedness of public health institutions, providers of medical care, and other emergency service personnel, including firefighters, to detect, diagnose, and respond to the mental health consequences of a biological threat or attack. Additionally, State and local emergency measures ensure that hospitals and health care providers have adequate capacity and plans in place to provide mental health services to meet the need of vulnerable populations, including children, the elderly, and the disabled. Training programs are also authorized to educate health care professionals to recognize and treat the mental health consequences of a biological threat or attack, including the consequences for children.

We know one for thing for sure. It is a mistake to believe that bioterrorism events cannot have lasting impact on the mental health of the individuals who experience them. Let us not repeat the mistakes that were made in the aftermath of the Vietnam war, when the trauma experienced by veterans was ignored or trivialized until well after the optimal time for treatment was past. We have learned from the outstanding research funded by the VA and NIMH of the severity of the disorder and the effective ways in which it can be treated. We must ensure that all Federal, State, and local public health efforts to respond to and prepare for bioterrorist attacks take advantage of this knowledge.

I do not believe that mental health problems are a widespread or inevitable consequence of bioterrorist attacks. But as we heard from the experts at the HELP hearing, we should not underestimate the severe impact that these events have on people's sense of identity and safety, and how the multiple losses and horrific experiences they go through has the potential to affect them for a long while. There have been many reports in the media of the heightened sense of anxiety and vulnerability throughout our country. These feelings are normal and I have confidence that most Americans will be able to deal with these crises. But I also firmly believe that the Fed-

eral, State, and local governments can play a major role in helping people to understand what has happened to them, and establish programs for mental health services for those who will need it. We in Congress are doing our part by the inclusion of these mental health initiatives within this bill.

In closing, this bill represents an essential step forward in safeguarding both the physical and mental health of our Nation in the event of further bioterrorist attack.

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#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 5, 1993 on Staten Island, NY. A 22-year-old gay man allegedly was beaten by 30 youths chanting anti-gay slurs. One of the assailants, Andrew Dubitsky, 17, was charged with second-degree assault.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

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#### SPECIAL SESSION OF CONGRESS IN NEW YORK CITY

Mrs. CLINTON. Mr. President, I would like to draw my colleagues' attention to an editorial, which appeared in the New York Daily News on September 25, 2001.

In the wake of the terrorist attacks of September 11, this editorial proposes that Congress should convene for a special session in New York City. Daily News rightly points out that a convening of Congress in New York City would reaffirm the American people's steadfast resolve against the cowardly perpetrators of terrorism—and that the attack on New York represented an attack on our Nation.

I am pleased to report that a bill, H. Con. Res. 249, calling for a special session of Congress to meet in New York City, has been introduced in the House of Representatives and that yesterday Senator SCHUMER and myself introduced a corresponding bill here in the Senate. I urge my colleagues to support this measure, which calls for a special 1-day joint session of Congress to be held in New York City as a symbol of the Nation's solidarity with New Yorkers who epitomize the human spirit of courage, resilience, and strength.

Mr. President, on behalf of Senator SCHUMER and myself, I ask unanimous consent that the editorial be printed in the RECORD.