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## House of Representatives

The House was not in session today. Its next meeting will be held on Monday, March 1, 2004, at 12 noon.

## Senate

FRIDAY, FEBRUARY 27, 2004

The Senate met at 9:32 a.m. and was called to order by the Honorable LARRY E. CRAIG, a Senator from the State of Idaho.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

As we begin another day, most gracious God, help us to see that we never escape Your love and care. Forgive us for duties unperformed and for promptings disobeyed. Make us worthy of Your goodness. Thank You for guiding us and for blessing our land. May we trust Your plan for our lives.

Bless our Senators. Remind them that they do not live by their own strength, but that You sustain them. Lord, empower each of us to reflect upon the things that are true, just, pure, lovely, good, and honest, as You keep us with Your constant care. May we strive less for success and more for faithfulness. We pray this in Your strong Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable LARRY E. CRAIG led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. STEVENS).

The assistant Journal clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 27, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LARRY E. CRAIG, a Senator from the State of Idaho, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

Mr. CRAIG thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senate majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, this morning we will resume consideration of the gun manufacturers liability bill. We have made real progress over the course of the week. The managers are here to discuss the legislation and other Senators are expected to come to the floor for further debate over the course of the day.

There will be no rollcall votes today. Therefore, the next vote will occur on Monday. As to the timing of that vote on Monday, I will have more to announce over the course of the day after consultation with the bill managers and the Democratic leader.

Pursuant to the agreement that was reached on Wednesday, we will finish this bill on Tuesday. I thank everyone for their assistance in reaching that consent agreement. I commend the bill managers for their efforts during the negotiations.

### HIGHWAY REAUTHORIZATION

We have a very important outstanding issue before we finish our business this week. As Members know, the current highway authorization expires this weekend. Thus, it is imperative that we pass an extension of the authorization before we conclude our work today. I have talked to Members on both sides of the aisle, as well as to our House counterparts, as to how best to achieve this temporary extension.

Yesterday the House passed a 2-month extension, and they have adjourned for the week. Regardless of what Senators think about the long-term solution for this legislation—legislation which we debated—we have an issue that we must settle today in terms of the extension. The House, again, passed a 2-month extension. They sent that to us and they have adjourned.

The real issue is that we absolutely must extend the current law to keep people working until we find some agreement. We will need to address this over the next several minutes because of the sense of urgency, the significance of not passing this highway extension today, this week. That is because beginning Monday, 3 days from now, no funds will be available to pay

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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for the operation of surface transportation programs or the salaries of individuals who run them. That is why we must act today.

That means, as of this Monday, more than 4,600 Department of Transportation employees will be furloughed, if we fail to act today. The Federal Highway Administration will have to stop paying bills on Monday. That includes reimbursements to States for ongoing highway projects.

Federal Highway Administration employees, 2,925 Federal Highway Administration employees, will be furloughed, in Washington, DC, and, indeed, in State offices around the country. If they are furloughed on Monday, these Federal Highway Administration employees will not be able to carry out the necessary steps required to approve the federally approved, funded highway projects. We have construction contractors and their suppliers who will suffer economic losses and hardships.

The National Highway Traffic Safety Administration also will be affected. They would have to stop paying bills on Monday. There are 630 Highway Traffic Safety Administration employees who would be furloughed. The operation of our Federal highway safety programs would be dramatically impacted. States would receive no Federal funding for things such as alcohol-impaired driving and safety belt programs.

In addition, the Federal Motor Carrier Safety Administration would have to stop its operations. The Motor Carrier Safety Administration employees, numbering 1,078, would have to be furloughed, and the agency and its partners would not be able to carry out the new entrant safety audits on motor carriers.

The issues go on and on. I state those at the outset because by the end of the day we have to come to some agreement to make sure that what could happen doesn't happen. It is important for people to understand the significance of where we are, in particular the leadership, as we address the other important issues we will talk about shortly.

For clarification, the House sent us two vehicles, a 2-month extension as well as a 4-month extension. The House is not in session today. The practical reality is we must pass one of the extensions—I think it would be the 2-month extension today—or 4,600 people are going to be laid off on Monday. We cannot let that happen.

Now the challenge is to figure out how we are going to address that. Again, it is a very important issue, which I know my colleague from Arizona will address shortly and we need to resolve it.

At this point, I am prepared to ask unanimous consent to allow us to pass the short-term extension. I know Senators will want to comment.

# UNANIMOUS CONSENT REQUEST— H.R. 3850

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 3850, a highway program extension bill, which is at the desk. I further ask unanimous consent that the bill be read the third time and passed, and the motion to reconsider be laid upon the table.

(Mr. CHAFEE assumed the Chair.)

Mr. REID. Is this the 2-month extension?

Mr. FRIST. Yes.

Mr. MCCAIN. Mr. President, reserving the right to object, first of all, I don't object to taking up the highway extension bill under the normal Senate procedures, which is that the bill is an amendable vehicle. That is the normal parliamentary procedure we abide by as we address legislation, so I don't object to taking up the highway extension bill under the normal Senate procedures, which makes the bill amendable. I would obviously have an amendment to the bill.

I object to the unanimous consent request that it be taken up and passed without debate or amendment.

Second of all, we have to make some choices here. The choice is whether we will have a short-term disruption—and I might point out no existing projects now underway would be cut off—of the highway programs, or we renege on our commitment to the families who lost their loved ones, brave firefighters and members of law enforcement agencies, on September 11, 2001.

Senator LIEBERMAN and I introduced legislation that created a commission to study the causes of the tragedy of September 11, 2001, and also an effort to prevent a recurrence of that terrible tragedy. We have a choice here between a temporary disruption—I might say a minor one, although it will be described, as it is whenever a government agency might be disrupted, as "Apocalypse Now"—or telling the families of those who died on September 11 the Commission will not be able to complete its work and part of the reason for it, as described by Commission members, is because of failure to cooperate on the part of the administration.

We are faced with a choice. If there is another amendable vehicle that would have an amendment on it that must pass by the House, I would be glad to agree to passage of this extension. If there is any way we could get the other body to agree with what the President has asked for—not Senators MCCAIN and LIEBERMAN, but what the President asked for—and that is an extension of 2 months of the 9/11 Commission, which was reported out of the Intelligence Committee unanimously yesterday, then I would be glad to withdraw my objection.

The majority leader just pointed out, this is the end of civilization as we know it if these highway employees are deprived of some hours. I might point

out we knew when this bill was going to expire. Why is it we do business in such a way that we are faced with a shutdown unless we give an extension, knowing when the bill was going to expire? Most importantly, we all have a choice to make here, including the majority leader and the Senator from Missouri and the Senator from Nevada. We have a choice. Are we going to face a disruption in some highway projects which, although important, can be fixed and repaired over time or are we going to abandon the families of 9/11 who demanded and received the appointment of a commission that would thoroughly and completely investigate the events that led up to one of the greatest tragedies in American history? That is our choice. I intend to again object to this unanimous consent agreement.

I will agree to taking up the highway extension bill and to not blocking it if I am allowed to amend it. I cannot dictate the schedule of the other body. But I do know the President of the United States, the majority leader, a majority of the Senate, the members of the 9/11 Commission, and the families of those who died want this Commission to be able to complete its work and, by God, we should honor that commitment to them.

I object.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, reserving the right to object, I intend to join Senator MCCAIN in this objection. Let me say this briefly because he has spoken clearly and powerfully. Life is about choices. We don't take any pleasure in stopping the extension of the highway law and the consequent disruption that may occur. There are priorities here.

As I see this, the objection we are registering in pursuit of an extension of the time limit or deadline of the work of the September 11 Commission, as agreed to by the White House, as requested by the bipartisan 9/11 Commission led by the distinguished former Governor of New Jersey, Republican Tom Kean, as demanded by the families of the victims of September 11, that has to take precedence in the choices we make.

I believe the work of this Commission is a critical element in the larger war on terrorism because the work of this Commission is to determine independently, aggressively how did September 11 happen. September 11 occasioned the official commencement of our war on terrorism. Unless we exhaust every opportunity to determine how it happened, we cannot feel we are successfully prepared to fight and win the war on terrorism and to protect the American people at home from ever having to suffer again the kind of devastating attack we suffered September 11, 2001. It is that important.

Senator MCCAIN and I introduced this proposal in the fall of 2001 to create the Commission. It took more time than it