

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

should have to create it. It has been created. The Commission has had more trouble than it should have had obtaining documents, including noncooperation—or at least footdragging by folks in the administration, which I don't understand, because we are all on the same side here. It is possible had that kind of delay not occurred, the original deadline of May 27 of this year for the work of the Commission would have been adequate. It is not.

The bipartisan commissioners have told us that the White House has agreed—to the President's credit and the administration's credit—that a 2-month extension is necessary, to July 27, plus an additional month for the Commission to wind down after it issues its report and the work it is doing.

The Senate Intelligence Committee unanimously reported out such a proposal yesterday. I don't believe there is any objection to it here in the Senate. There is bipartisan support. Yet some of our friends in the House leadership apparently do object. With all respect, I say they are plain wrong. I don't understand it.

Therefore, Senator MCCAIN and I are faced with a choice. We have to make a choice. We have made the choice and, in doing so, respectfully, there may be consequences to this highway bill. I join the Senator in saying we would be happy to have another vehicle that the House will definitely have to take up to get this done. It is that important.

We do not live in ordinary times. We have constitutional responsibilities to provide for the common defense and to insure domestic tranquility. To me, with all respect to the consequences of not extending the highway law—and they are real—they pale in significance to not giving this commission the extra time it needs to complete its work.

Here again, the Congress is challenged procedurally to find a way to allow what I think every Member of the Senate wants to happen. That is why Senator MCCAIN and I are standing up and basically crying out to our colleagues: Help us. Don't just help us, help the country successfully prosecute the war on terrorism with the information that will result from this Commission's report. Help us honor the memory of the 3,000 who were killed on September 11, 2001, and help us respond to the understandable appeals of the families of the victims of September 11, of which about 114 families live in the State of Connecticut.

It is for those reasons, respectfully, that I join Senator MCCAIN in this objection.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Objection is heard. The majority leader.

Mr. FRIST. Mr. President, let me make several points in response because we are going to work this out in some shape or form. I am not exactly sure how yet, but the challenge has been laid out.

We have two independent issues that my two colleagues are rightfully linking, but by linking them, 5,000 Americans and their families are going to be hurt. I would argue they are being hurt by their proposal—it can be blamed on all sorts of situations as to how we got to where we are, but the point is, if the action they propose is taken, 5,000 families who have nothing to do with the Commission—they are separate issues—these transportation families are going to be hurt unnecessarily by their action today.

I hope what I have just said is proven right by us working together today and settling this matter because what they propose, because the House is out of session and because the bill is before us, if amended, cannot be acted upon by the House until next Tuesday night, and 5,000 transportation families will be hurt by what they are insisting upon. Therefore, that is unacceptable to me.

I say that very quickly. Let me say that I support the extension. Both Senators who have spoken know I am a supporter of their initiative. The President of the United States supports their initiative of an extension. But I am not going to have 5,000 families hurt unnecessarily today. That is what we need to work out. That is No. 1.

No. 2, the Commission—I have talked mainly about transportation—the Commission about which my colleagues from Arizona and Connecticut talked so eloquently, and the families, my commitment is to them to also make sure through this Commission that we have an extension, and I will use all the powers that a leader has in his caucus to make sure that Commission has sufficient time and access in fairness to the benefit of those families. They deserve that. It is very important the families understand that is my commitment as majority leader of the Senate and that is what the majority of the Senate believes. Though we are having a disagreement with the House, in part, I am confident we will be able to work through that, as well.

The reason I say these 5,000 families do not have to be hurt, with paychecks stopping, a big furlough, don't show up for work, which has real repercussions throughout our transportation system, is that what we decide today on extension of the Commission will not have any impact if we can make that same decision a week from now or 2 days from now or 3 days from now.

Why do I say that? Because the Commission is still working. It is working February, March, April, and May. The Commission is underway. They are doing their work. Originally, on May 27, the Commission is supposed to end, and the idea is extending it 2 months beyond that, which, again, I support. But the Commission is underway. We do not have to hurt 5,000 people in transportation families which will affect our infrastructure today because the Commission is working and we can still address the extension.

There is no urgency about addressing the extension today. I understand my colleagues are using the leverage of this must-pass transportation bill, in my mind, to force the vote today on the extension. But for me, it does not have to be done today. I pledge to keep working with them.

Mr. REID. Will the Senator yield for a question?

Mr. FRIST. Let me go through my points quickly because it is important for people to understand we have been working on this for the last couple of days. I have been working with the Senator from Arizona, and he knows my commitment in trying to work out alternatives.

The Senators from Arizona and Connecticut asked if there is another vehicle on which we can put this extension that is a must-do that will get through the system and make sure it will happen, which is their objective and my objective. The problem with that—and again we had this discussion—is, What vehicle does he suggest?

I suggested the adjournment resolution. That is usually a must-do. But then the response to that was that is not certain these days for all sorts of reasons. Can we put it on the underlying bill that is pending before the Senate, the gun liability bill? That may not quite work because we don't know what the outcome of that bill is going to be.

I mention that only to say, let's work together, and if we can agree on another amendable vehicle, then I am willing to work with that, and I will do everything I can. I think we can be successful. The problem is when you set a bar that is going to become law in the next few days, it is impossible.

Mr. MCCAIN. Will the majority leader yield?

Mr. FRIST. One other point, because it is going to be important as we go forward, has to do with what the Intelligence Committee did yesterday. Again, all of the Senators are aware that the Intelligence Committee yesterday, on Thursday, marked up a bill which is consistent with what I believe and what the Senator from Arizona believes, that a 2-month extension is appropriate. They marked up that legislation. We are going to hotline that bill right now to see if we can get unanimous consent for that bill. I just want to put that on the table. Again, it is a freestanding bill that later this morning I will ask unanimous consent that we address. That bill would be brought to the floor and passed, which again is exactly what the families want, what Senator MCCAIN wants, what Senator LIEBERMAN wants, what the President of the United States, I suppose, the administration wants and would ask that my two colleagues at least consider that approach as well.

Let me close and say it is unnecessary to hurt these 5,000 people today. There are alternatives that will allow the Commission, if we work together, to be extended, if that is the will of the

Senate. We would be unnecessarily hurting our transportation community by linking two unrelated issues just to use leverage to get this extension passed.

Mr. MCCAIN. Mr. President, will the majority leader yield for one question?

Mr. FRIST. Let me yield to the Senator from Connecticut and then the Senator from Arizona, or either one.

Mr. MCCAIN. Mr. President, I just have a brief question for the majority leader. In case he missed the morning Washington Post, it says that the independent commission investigating the September 11, 2001, attacks will have to consider scaling back the scope of its inquiry and limiting public hearings unless Congress agrees by next week to give the panel more time to finish its work, its chairman. Governor Keane, a Republican chairman, said that their ability to conduct their investigation will be impaired permanently and severely unless Congress acts by next week.

Mr. FRIST. In response to the Senator's question, I have not read the article today, but I am glad he pointed it out. Let's do it by next week and not hurt 5,000 people with an unrelated issue trying to use leverage that he knows we have no alternative to deal with on the floor of the Senate.

I am glad he pointed it out. Let's deal with it next week. He knows I am working to deal with it, which shows it does not have to be dealt with today and hurt 5,000 people.

Mr. MCCAIN. The majority leader is incorrect. This article was last Friday, talking about this week, the chairman of the panel talking about this week.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair and the leader.

My friend from Arizona is right. That is the first thing I wanted to point out that it was February 20, 1 week ago, in the Washington Post that Governor Keane made those statements.

I will give a quote from him:

Every week that goes by makes the extension less valuable. When you have to work toward the earlier deadline, you have to start cancelling things and you can't go over things quite as clearly as you might like.

This is last Friday. He says:

Congress comes back into session next week and we really need to hear something by then.

We all know we would not be here doing this if the leadership in the House at one point had not said quite clearly that they were not going to let this extension pass, notwithstanding the fact that the Commission requested it, the President has accepted the extension, and it is pretty clear to me, Senator FRIST, the leader, the Democratic leadership, all support the extension.

Unfortunately, the nature of the presses that often breaks down here, the only way one can get done what one really thinks is necessary in the national interest is to stand up and say, stop.

Of course, we do not want to put those 5,000 families at a disadvantage even temporarily, but we do not have an alternative.

Mr. FRIST. Will the Senator yield?

Mr. LIEBERMAN. Yes.

Mr. FRIST. Is it the contention of both the Senators that the Commission right now has had to shut down this week because we have not allowed this extension?

Mr. LIEBERMAN. No, not at all.

Mr. FRIST. Is that what the Senator from Arizona is basically implying, that the Commission has cut back this week or if it is not settled today that the Commission has been compromised?

Mr. MCCAIN. Could I respond by again repeating what was in last week's Washington Post: The independent Commission will have to consider scaling back the scope of its inquiry, limiting public hearings, unless the Congress agrees by next week—that is this week—to give the panel more time.

They may not have to shut down but certainly their ability to conduct their investigation, according to the chairman of the Commission, Mr. Keane, former Governor of New Jersey, a Republican, says would be impaired.

Every week that goes by makes the extension less valuable, and when they have to work toward the earlier deadline they have to start cancelling things and cannot go over things quite as clearly as they might like. There is a certain urgency, obviously, to Governor Keane's plea that we act this week.

Mr. FRIST. Mr. President, let me go ahead, because I had asked that we further explore the only option I see, and again I think we ought to at least address that. If we do what the Senator from Arizona has proposed, 4,600 employees cannot show up for work, are not going to be paid and are going to be hurt if we accept their proposal. So I ask that they consider the proposal which I mentioned a few minutes ago, I said we would be hotlining, and to take the bill that was passed out of the Intelligence Committee yesterday, that does exactly what they want, what I want, which is to extend the Commission, and pass that as a free-standing bill. So as majority leader, I am prepared to get this bill done this minute.

EXTENSION OF FINAL REPORT DATE OF NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES

Mr. FRIST. I ask unanimous consent that the Senate now proceed to the consideration of S. 2136, a bill to extend the 9/11 Commission. 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.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, and I will not object, that is the bill that was passed through the Intelligence Committee yesterday; is that correct?

Mr. FRIST. That is correct.

Mr. MCCAIN. I do not object.

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

The bill (S. 2136) was read the third time and passed, as follows:

S. 2136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES.

(a) FINAL REPORT DATE.—Subsection (b) of section 610 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 6 U.S.C. 101 note; 116 Stat. 2413) is amended by striking “18 months” and inserting “20 months”.

(b) TERMINATION DATE.—Subsection (c) of that section is amended—

(1) in paragraph (1), by striking “60 days” and inserting “30 days”; and

(2) in paragraph (2), by striking “60-day period” and inserting “30-day period”.

(c) ADDITIONAL FUNDING.—Section 611 of that Act (6 U.S.C. 101 note; 116 Stat. 2413) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following new subsection (b):

“(b) ADDITIONAL FUNDING.—In addition to the amounts made available to the Commission under subsection (a) and under chapter 2 of title II of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108-11; 117 Stat. 591), of the amounts appropriated for the programs and activities of the Federal Government for fiscal year 2004 that remain available for obligation, not more than \$1,000,000 shall be available for transfer to the Commission for purposes of the activities of the Commission under this title.”; and

(3) in subsection (c), as so redesignated, by striking “subsection (a)” and inserting “this section”.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent to proceed as if in morning business for 15 minutes.

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

Mr. GREGG. Mr. President, I ask unanimous consent to modify my unanimous consent to have the Senator from Missouri proceed for 5 minutes followed by myself for 15.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Missouri.

EXTENSION OF TEA-21

Mr. BOND. Mr. President, I thank my colleague from New Hampshire for his request.

Before the distinguished minority assistant leader leaves the Chamber, I want to say I appreciate the good work of the majority leader and the minority to try to resolve this roadblock.