

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

WORK OF THE SENATE

Mr. DASCHLE. Mr. President, in just a few minutes, the Republican leader will be joining me on the Senate floor.

Before he gets here, I rise to thank my colleagues for the good work we have been able to complete this week. It has been a very productive week. We were able to pass unanimously the new Corporate Accountability Act after a great deal of effort on all sides. I complimented the distinguished Senator from Maryland, the chairman of the Banking Committee, Mr. SARBANES, on a number of occasions, but I want to complete our week this week by recognizing again his contribution.

The Appropriations Committee deserves commendation. They have reported out all the appropriations bills now.

In many ways, they are actually ahead of schedule, even though we have had somewhat of a late start.

We finished the military construction appropriations bill this week. We also finished the legislative branch appropriations bill and set up an opportunity to complete our work on the DOD appropriations bill next week. There may be other appropriations bills that may be ready for consideration next week as well. On the appropriations front, secondly, I thought we had quite a good week.

At long last we were able to move to conference on terrorism insurance. I am hopeful in the not too distant future we will complete our work on that measure, as we did the Corporate Accountability Act. We have done a number of nominations. We are now on track with regard to nominations. We confirmed a circuit court judge today, filed cloture Wednesday and got cloture today on second one. That vote will occur on Monday night. It is currently my plan to move forward additional judicial nominees on Monday night as well.

In addition to the judicial nominees, we were able to complete our work on nominations on some very important commissions. The SEC, for example, had four outstanding vacancies. As a result of our work this week, we were able to complete work on the SEC nominations. There is now a full complement of SEC Commissioners. That, too, was an important aspect of the work of the Senate.

Off the floor, there were a couple of other important matters that we addressed. The bankruptcy reform conference report is soon to be filed. It was completed, the work was completed, as was the trade promotion authority—not only trade promotion authority but the Andean Trade Promotion Act, as well as the Trade Adjustment Assistance Act, the package of bills, late last night. The conference report to that package of bills was agreed to.

We are in a very good position now to move into the final week of this work

period. Senator LOTT and I have had a number of constructive discussions about next week. Our purpose in coming to the floor is to outline for our colleagues what our expectations are, and I will do that when he arrives.

I will also say, the confirmation of the district judge this morning brings to a total of 61 the number of confirmations since we took the majority a little over a year ago. That includes 49 district judges and 12 circuit judges.

On Monday, as I noted, we intend to take up at least 1 more, if not additional judges, and that would then bring to a total anywhere from 62 to 64 judges in the time that we have had the majority.

We are making progress on judicial nominations. We are determined to attempt to clear the calendar with regard to those judicial nominations over the course of the next few days, if it is at all possible.

Whether we clear the calendar, I must say, depends on whether we get all the other work done as well. There has to be an understanding that we do not have the luxury of focusing solely on nominations, as much as that would be a good thing to do. We have to complete our work on the prescription drug benefit and generic drug benefit legislation. We want to call up the fast-track conference report and file cloture. We want to complete our work on the Defense appropriations bill, if that is possible. We want to work to proceed to the homeland security legislation and file cloture on the motion to proceed to that bill.

We have a lot of work we need to complete before the end of next week. Given the fact we will get a late start on Monday afternoon, Senators should be aware that we could be involved in late nights, and we will certainly be here a week from this coming Friday.

I wanted to be sure my colleagues were made aware of our expectations for the schedule for that period of time.

I yield the floor and suggest the absence of a quorum until the arrival of the distinguished Republican leader.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. I ask unanimous consent that the Senate recess subject to the call of the Chair.

There being no objection, the Senate, at 3:23 p.m., recessed subject to the call of the Chair and reassembled at 3:36 p.m. when called to order by the Presiding Officer (Mr. REID.)

NEXT WEEK'S SCHEDULE

Mr. DASCHLE. Mr. President, the distinguished Republican leader and I

have been discussing the schedule for next week, as I noted a few moments ago. We know there are many obstacles and many challenges we will have to face next week. I believe it is important we come to the floor to share with our colleagues at least what our intentions are and indicate that, on a bileadership basis, it is our desire to work through each of these priorities in an effort to get as much done as we can and complete this work period as successfully as possible.

In keeping with that spirit, let me say it was our intention to attempt to complete our work on the prescription drug benefit by Tuesday night. We, of course, will take up additional nominations on Monday, three judges, and additional Executive Calendar nominees. We will chip away at that each day. We will be doing another block of nominations today. As we noted earlier this week, we are working under a unanimous consent agreement to take up the DOD appropriations bill no later than Wednesday. Now, it does not, of course, stipulate when on Wednesday, so in keeping with that request and that consent, we are obligated to bring it up.

It is my expectation that certainly if the prescription drug benefit bill has been completed, we will be able to come to the DOD bill and stay on it until it has been finished. We recognize there are those who are in opposition to both the trade promotion authority as well as to Homeland Security. Yet it is our desire to complete work on the trade promotion authority bill, the conference report, next week. So we will file cloture on the motion to proceed to the conference report in an effort to complete our work.

We also have a need to begin work on the homeland security legislation. It was reported out of committee on a bipartisan basis, out of the Governmental Affairs Committee this week, so we will file cloture, recognizing that there will be a need to do so. We will file cloture on the homeland defense bill and have a vote on the motion to proceed to that bill prior to the end of the week.

So that clearly will require cooperation and a good deal of effort on everyone's part. I think there is a mutual interest in getting this work done. Many of the issues that we will be taking up next week are high priorities for the administration, as they are for us. So I appreciate very much the distinguished Republican leader's interest in working together to accommodate that schedule. I thank him for coming to the floor.

I yield the floor at this time for whatever remarks he may want to make.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. LOTT. Mr. President, I thank the distinguished majority leader for his comments and for the effort that he has put into a number of these issues this week. For every small agreement

that is entered into on the floor it quite often represents hours of effort on our part, many times having had to go to Members repeatedly and work through concerns and legitimate disagreements. Then we finally get an agreement on the floor, and it moves quickly and it looks like it was a piece of cake, but it was not that way at all, as the distinguished Senator in the chair knows because he is here on the floor working these issues day in and day out.

As is always the case, this next week has the potential to be a very productive week. One of the two busiest weeks and most productive weeks each year is the one right before the August recess and the one right before we go out at the end of the year. I remember one day, the last day of a session, we moved over 50 bills at the last half of the day when most Members had gone. But we had worked through a number of agreements.

Next week we have a chance to do a lot. I want to look back, though, just a moment, to this week because there were some significant achievements this week. It looked as if at times we were not reaching agreement—we weren't. But sometimes before you reach an agreement you have to be clearly in disagreement. Maybe that is where we were this week.

But we did finally start to break the deadlock and had a thaw on nominations. We had reached almost a record high of 90-something nominations pending on the calendar. But efforts were made to work through that. Senator DASCHLE and I had worked through it twice, only to be met with a different hold. But the White House worked out concerns with Senator McCAIN and we started moving nominations, including, I think, some 15 last night. We are beginning to make a little progress on the judges.

We have some 204 nominations still pending in committees, but if everything goes according to normal practice around here, a lot of those nominations will be coming out next week and we will be moving them, hopefully, as fast as we can once we get them cleared.

We are doing some judges. It is difficult, but we are going to get action on one more circuit judge completed on Monday. We moved one other district judge last night and voted on that, I believe—this morning, actually. We are going to do two more, I believe Senator DASCHLE said. So we are beginning to thaw that issue, and that is good.

On the accounting reform, I want to emphasize once again we not only got an agreement on the conference, we got the conference done and sent to the President, and I believe that was a positive factor in beginning to restore confidence in our corporate world and accounting procedures.

The House is in the process, or has by now completed homeland security legislation. The Senate committee completed markup and we are ready to go

forward. That was a very big achievement by the committee. Even though you disagree with some of what was done, they did get their work completed and they reported it to the Senate, and we did the legislative appropriations bill and we got an agreement to do the Department of Defense appropriations bill.

For our colleagues on my side of the aisle, they have been calling for this. In fact, we are going to get it done, we are going to call it up next Wednesday, and we will complete it if it takes 2 hours a day or 2 days, as Senator DASCHLE said. So those things we did, after a lot of work, seeing some agreement reached.

On prescription drugs, we don't have agreement. It is obvious we had concerns about the way it was brought to the floor and about some of the legislation that was offered. But efforts are still underway to see if we can find common ground. We will continue to try to do that.

There is pending an amendment on medical malpractice. That is an issue that is very important to a lot of people of my State. There has developed a real problem with tort reform and with doctors losing their insurance coverage or leaving the State because there is no limit on punitive damages. No matter how this turns out in this debate, this is a debate that we and the States of America are going to have to deal with in some way.

We will have an opportunity late Monday afternoon and Tuesday to see what can be done on prescription drugs. I know there are conversations going on today between Members of the Senate and House, Republican and Democrat, and also with the administration to see maybe what can be done there. Senator DASCHLE has indicated that he would begin action to get a vote on at least cloture on a motion to proceed on homeland security. I had hoped and he had hoped, and had stated, that we would do our best to get homeland security completed before the August recess. But there is a physical limit to what we can do in a limited period of time, especially if we have Senators who are going to exercise to their fullest their rights to have debate.

The trade conference report, I think the whole city was shocked this morning when they got up and found out that there had basically been an agreement on the trade conference report. As I look at it, it sounds as if they have done a good job. I would probably change parts of it, and so would Senator DASCHLE, but I do think they probably have made a very wise move. Instead of subjecting themselves to 6 weeks of pressures and counterpressures, they went ahead and addressed the issue and had the bill ready.

We are going to work together next week to take the early action necessary to get cloture on fast track and complete action on that bill. This is a

very important bill for the economy of our country and for our ability to be involved in trade promotion and trade, fair trade and open trade, all over the world. We have kind of fallen behind in that area with some other countries.

The bankruptcy conference report finally worked out, too. I would like to see us even try to deal with that. If we cannot get that done next week, we will be ready to go to it shortly after we return.

I do want to say to Senator DASCHLE and to others, I am working to try—I discussed concerns about getting agreement to go ahead with the energy and water appropriations bill. If we could add that to our list next week, that would be very big. I don't find a lot of resistance to it, but we have had to clear it with some people who did have some potential amendments. There is one other concern related to that bill that I am trying to work through.

We have just given a litany of bills. It will not be easy to get all that done. We may not get it all done next week. But by working together and by asking our colleagues to cooperate with us, I think we can produce an awful lot of good legislation next week. I would like to be able to have a press conference next week as we go home and say: The Senate has done well. I haven't said that a lot lately, but I am prepared to do so when it is merited. I think there is a chance for that to occur next week. We could have a really important legislative achievement next week with a little extra work and a little extra input from all of our colleagues.

I thank Senator DASCHLE for working with us to move these nominations. There are a lot of people who try to view every bill, every nomination, as leverage on some other issue. At some point we have to stop that and move them forward in order to do what the American people expect us to do. I am going to be involved next week to try to help in every way I can.

Quite often, Senator DASCHLE and I get accused of being on both sides of the same issue, by many different forces. It amazes me sometimes what I am supposed to have done. In fact, I saw yesterday where somebody had put out that there was a Daschle-Lott agreement on prescription drugs. It came as a shock to Senator DASCHLE and me, but it was actually something in writing. Somebody downtown had a brilliant idea. Maybe we ought to look at it.

I am thankful for the comments of Senator DASCHLE, and I will work with him next week to do everything we can to produce a good result. I yield the floor.

THE PRESIDING OFFICER. The majority leader.

MR. DASCHLE. Mr. President, I compliment the distinguished Republican leader for the spirit of his comments, and indicate that he is so correct. There are so many times when there are rumors and there are allegations of all kinds, sometimes positive and

sometimes negative, about things that he and I are doing, which is why I thought having a colloquy at the end of the week might be helpful.

With regard to the schedule, with regard to our intentions, let me be clear. It is my hope, based on the cooperative spirit that we both have attempted to articulate this afternoon, that we can get a lot done.

I have indicated to the President this week that it is my hope we can clear the calendar of all of the noncontroversial nominations, both judicial as well as executive appointments. That is what we will continue to try to chip away at. I don't see any reason why, at the end of the week, all noncontroversial nominations could not have been successfully addressed. We will do that.

I appreciate very much Senator LOTT's willingness to come to the floor to restate our intentions to try to achieve this ambitious agenda.

THE CALENDAR

Mr. DASCHLE. Mr. President, I have a number of matters to address prior to the time we adjourn for the day.

All of these matters have been reviewed by the distinguished Republican leader. He is here, and he is now in a position to express himself if he has any additional comments. But I will begin.

UNANIMOUS CONSENT AGREEMENT—THE EXECUTIVE CALENDAR

Mr. REID. Mr. President, as if in executive session, I ask unanimous consent that on Monday, July 29, immediately following the disposition of the nomination of Executive Calendar No. 810, the nomination of Julia Smith Gibbons, the Senate remain in executive session to consider the following nominations; that there be 2 minutes of debate equally divided and controlled in the usual form between the votes; that the votes following the first be 10 minutes in duration; that the Senate proceed to vote on confirmation of the nominations; that the President be immediately notified of the Senate's action; and that the Senate resume legislative session without further intervening action or debate: Executive Calendar No. 827, the nomination of Joy Flowers Conti, of Pennsylvania, to be U.S. District Judge for the Western District of Pennsylvania; Executive Calendar No. 828, John E. Jones, III, of Pennsylvania to be U.S. District Judge for the Middle District of Pennsylvania.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

JOHN F. KENNEDY CENTER PLAZA AUTHORIZATION ACT OF 2002

Mr. DASCHLE. Mr. President, I now ask unanimous consent that the Sen-

ate proceed to the immediate consideration of Calendar No. 524, S. 2771.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2771) to amend the John F. Kennedy Center Plaza Authorization Act of 2002 to authorize the Secretary of Transportation to carry out a project for construction of a plaza adjacent to the John F. Kennedy Center for the Performing Arts, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD without any intervening action or debate.

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

The bill (S. 2771) was read the third time and passed, as follows:

S. 2771

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "John F. Kennedy Center Plaza Authorization Act of 2002".

SEC. 2. JOHN F. KENNEDY CENTER PLAZA.

The John F. Kennedy Center Act (20 U.S.C. 76h et seq.) is amended—

(1) by redesignating sections 12 and 13 as sections 13 and 14, respectively; and

(2) by inserting after section 11 the following:

"SEC. 12. JOHN F. KENNEDY CENTER PLAZA.

"(a) DEFINITIONS.—In this section:

"(1) AIR RIGHT.—The term 'air right' means a real property interest conveyed by deed, lease, or permit for the use of space between streets and alleys within the boundaries of the Project.

"(2) CENTER.—The term 'Center' means the John F. Kennedy Center for the Performing Arts.

"(3) GREEN SPACE.—The term 'green space' means an area within the boundaries of the Project or affected by the Project that is covered by grass, trees, or other vegetation.

"(4) PLAZA.—The term 'Plaza' means improvements to the area surrounding the John F. Kennedy Center building that are—

"(A) carried out under the Project; and

"(B) comprised of—

"(i) transportation elements (including roadways, sidewalks, and bicycle lanes); and

"(ii) nontransportation elements (including landscaping, green space, open public space, and water, sewer, and utility connections).

"(5) PROJECT.—

"(A) IN GENERAL.—The term 'Project' means the Plaza project, as described in the TEA-21 report, providing for—

"(i) construction of the Plaza; and

"(ii) improved bicycle, pedestrian, and vehicular access to and around the Center.

"(B) INCLUSIONS.—The term 'Project'—

"(i) includes—

"(I) planning, design, engineering, and construction of the Plaza;

"(II) buildings to be constructed on the Plaza; and

"(III) related transportation improvements; and

"(ii) may include any other element of the Project identified in the TEA-21 report.

"(6) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(7) TEA-21 REPORT.—The term 'TEA-21 report' means the report of the Secretary submitted to Congress under section 1214 of the Transportation Equity Act for the 21st Century (20 U.S.C. 76j note; 112 Stat. 204).

"(b) RESPONSIBILITIES OF THE SECRETARY.—

"(1) IN GENERAL.—The Secretary shall be responsible for the Project and may carry out such activities as are necessary to construct the Project, other than buildings to be constructed on the Plaza, substantially as described in the TEA-21 report.

"(2) PLANNING, DESIGN, ENGINEERING, AND CONSTRUCTION.—The Secretary shall be responsible for the planning, design, engineering, and construction of the Project, other than buildings to be constructed on the Plaza.

"(3) AGREEMENTS WITH THE BOARD AND OTHER AGENCIES.—The Secretary shall enter into memoranda of agreement with the Board and any appropriate Federal or other governmental agency to facilitate the planning, design, engineering, and construction of the Project.

"(4) CONSULTATION WITH THE BOARD.—The Secretary shall consult with the Board to maximize efficiencies in planning and executing the Project, including the construction of any buildings on the Plaza.

"(5) CONTRACTS.—Subject to the approval of the Board, the Secretary may enter into contracts on behalf of the Center relating to the planning, design, engineering, and construction of the Project.

"(c) RESPONSIBILITIES OF THE BOARD.—

"(1) IN GENERAL.—The Board may carry out such activities as are necessary to construct buildings on the Plaza for the Project.

"(2) RECEIPT OF TRANSFERS OF AIR RIGHTS.—The Board may receive from the District of Columbia such transfers of air rights as are necessary for the planning, design, engineering, and construction of the Project.

"(3) CONSTRUCTION OF BUILDINGS.—The Board—

"(A) may construct, with nonappropriated funds, buildings on the Plaza for the Project; and

"(B) shall be responsible for the planning, design, engineering, and construction of the buildings.

"(4) ACKNOWLEDGMENT OF CONTRIBUTIONS.—

"(A) IN GENERAL.—The Board may acknowledge private contributions used in the construction of buildings on the Plaza for the Project in the interior of the buildings, but may not acknowledge private contributions on the exterior of the buildings.

"(B) APPLICABILITY OF OTHER REQUIREMENTS.—Any acknowledgement of private contributions under this paragraph shall be consistent with the requirements of section 4(b).

"(d) RESPONSIBILITIES OF THE DISTRICT OF COLUMBIA.—

"(1) MODIFICATION OF HIGHWAY SYSTEM.—Notwithstanding any State or local law, the Mayor of the District of Columbia, in consultation with the National Capital Planning Commission and the Secretary, shall have exclusive authority, as necessary to meet the requirements and needs of the Project, to amend or modify the permanent system of highways of the District of Columbia.

"(2) CONVEYANCES.—

"(A) AUTHORITY.—Notwithstanding any State or local law, the Mayor of the District of Columbia shall have exclusive authority, as necessary to meet the requirements and needs of the Project, to convey or dispose of any interests in real estate (including air rights and air space (as that term is defined by District of Columbia law)) owned or controlled by the District of Columbia.