

Assistant Attorney General or the Commission to take action, under this title shall not bar any proceeding or any action with respect to any agreement between a brand name drug company and a generic drug applicant at any time under any other provision of law, nor shall any filing under this title constitute or create a presumption of any violation of any antitrust or competition laws.

SEC. 911. EFFECTIVE DATE.

This title shall—

(1) take effect 30 days after the date of enactment of this title; and

(2) shall apply to agreements described in section 905 that are entered into 30 days after the date of enactment of this title.

Amend the title so as to read: "An Act to amend title XVIII of the Social Security Act to provide for a voluntary prescription drug benefit under the medicare program and to strengthen and improve the medicare program, and for other purposes."

The PRESIDING OFFICER. The passage of S. 1 is vitiated and the bill is placed back on the calendar.

ORDERS FOR TUESDAY, JULY 8, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Tuesday, July 8. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 11:30 a.m., with the time equally divided between the two leaders or their designees; provided that at 11:30 a.m., the Senate proceed to executive session to consider Executive Calendar No. 227, the nomination of David Campbell to be a U.S. District Judge for the District of Arizona, and that the time until 11:45 a.m. be equally divided between the chairman and ranking member of the Judiciary Committee or their designees.

I further ask unanimous consent that the Senate recess from 12:30 p.m. to 2:15 p.m. for the weekly party lunches.

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

PROGRAM

Mr. FRIST. Mr. President, for the information of all Senators, tomorrow the Senate will be in a period of morning business until 11:30 a.m. Following morning business, the Senate will begin up to 15 minutes of debate on the nomination of David Campbell to be a U.S. District Judge for the District of Arizona. At 11:45 a.m., the Senate will vote on the Campbell nomination. Immediately following that vote, the Senate will proceed to a vote on the motion to invoke cloture on the nomination of Victor Wolski to be a judge of the U.S. Court of Federal Claims. Therefore, the first vote in tomorrow's session will occur at 11:45 a.m. That vote will be the first of two back-to-back votes.

For the remainder of the day, the Senate will resume debate on the mo-

tion to proceed to S. 11, the Patients First Act. A short while ago, I filed a cloture motion on the motion to proceed to the bill and that cloture vote will occur on Wednesday.

In addition to debating the motion to proceed tomorrow, the Senate may proceed to any Executive Calendar item that can be cleared for action. Therefore, Senators should anticipate additional votes during tomorrow's session.

I thank the distinguished majority whip for his leadership on managing the attempt to proceed to the underlying bill today. The debate, I thought, was superb. I outlined a number of the issues that we should aggressively be addressing on the floor of the Senate for the benefit of the American people.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:16 p.m., adjourned until Tuesday, July 8, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 7, 2003:

DEPARTMENT OF DEFENSE

JAMES G. ROCHE, OF MARYLAND, TO BE SECRETARY OF THE ARMY, VICE THOMAS E. WHITE, RESIGNED.

DEPARTMENT OF STATE

JEANE J. KIRKPATRICK, OF MARYLAND, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE HUMAN RIGHTS COMMISSION OF THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

DONALD K. STEINBERG, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF NIGERIA.

DEPARTMENT OF JUSTICE

FEDERICO LAWRENCE ROCHA, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE JAMES J. MOLINARI, RESIGNED.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT M. SHEA, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. GARY ROUGHEAD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. JAMES C. DAWSON JR., 0000

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

DAVID A. ARCHER, 0000
JAMES B. BAXTER, 0000

MICHAEL D. BISH, 0000
EDWARD S. CLARK, 0000
LYNN D. FISHER, 0000
FERGAL I. FOLEY, 0000
DEBRA A. SPEAR, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS, UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

NATHAN E. BAKER, 0000
BRIAN D. BARNHART, 0000
MATTHEW K. BRUNER, 0000
STEPHANIE CALHOUN-JAMISON, 0000
JERRY M. CARBONE, 0000
MYUNGSOOK CHO, 0000
SO B. CHOI, 0000
STEPHEN E. CLARY, 0000
SCOTT P. DAY, 0000
EDWARD L. DONALDSON, 0000
RUSSELL S. EDDY, 0000
KENNETH J. ERLEY, 0000
WILLIE R. FAISON, 0000
ROBERT N. GALBREATH, 0000
CRAIG M. GAYTON, 0000
MICHAEL J. GLIDDON, 0000
MARRERO J. GONZALEZ, 0000
BRETT H. HENSON, 0000
TYLER J. INGERSOLL, 0000
FAISON T. JONES, 0000
MICHAEL R. KERTES, 0000
NEIL E. MOREY, 0000
SANDRA N. MUOGHALU, 0000
TODD E. PIENKOS, 0000
RODNEY R. RICHARDS, 0000
DAVID C. SCHAEFFER, 0000
YILDIZTERESA SILTA, 0000
YUN U. SONG, 0000
JASON C. STRANGE, 0000
MICHAEL S. TROUT, 0000
RYAN J. WANG, 0000
FREDERICK V. WRIGHT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT IN THE DENTAL CORPS (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

LISA M. *ANDERSON, 0000
CHRISTOPHER L. *ARNHEITER, 0000
SHAN K. *BAGBY, 0000
DAVID R. *BEANLAND, 0000
HOWELL I. *BEARD, 0000
JEFFREY G. *CHAFFIN, 0000
PETER H. *GUEVARA, 0000
ROBERT W. *HEROLD, 0000
JAMES M. *HOWELL III, 0000
SHAUN L. *KANION, 0000
COLLINS T. *LYONS, 0000
DAVID V. *MALAVE, 0000
KATHLEEN *MCNALLY, 0000
RAMON E. *MELENDEZ, 0000
GRANT K. *NAKASHIMA, 0000
GEN B. *PAEK, 0000
DIANNE D. *PANNES, 0000
CHRISTOPHER D. *PERRIN, 0000
MICHAEL L. *ROBERTS, 0000
ALFRED J. *TERP, 0000
ANTHONY S. *THOMAS, 0000
JAMES W. *TURONIS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

BRETT T. *ACKERMANN, 0000
ALEXANDER D. *ALLAIRE, 0000
ANTHONY W. *ALLEN, 0000
PEDRO *ARCHEVALD, 0000
KRISTEN C. BARNER, 0000
ROSS BARNER, 0000
PATRICK J. BENNETT, 0000
MARY J. BORSSES, 0000
FRED H. *BRENNAN JR., 0000
CHRISTOPHER M. *BRIAN, 0000
NORI Y. BUISING, 0000
CHRISTOPHER P. *CANNON, 0000
CHRISTOPHER L. *CATALAN, 0000
TIMOTHY T. *CHANG, 0000
MICHAEL K. *CHING, 0000
FRANCIS M. *CHIRICOSTA, 0000
FRANK L. *CHRISTOPHER, 0000
MATHEW H. *CHUNG, 0000
CYNTHIA L. CLAGETT, 0000
DAVID B. CLINE, 0000
TERESA A. *COLEMAN, 0000
JAN M. COMBS, 0000
WILLIAM C. CONNER, 0000
PATRICK J. CONTINO, 0000
MARICELA *CONTRERAS, 0000
JOHN W. *COURSEY, 0000
JOHN J. *CRAWFORD, 0000
MARK H. CROLEY, 0000
TELITA CROSLAND, 0000
MARTIN P. *CURRY, 0000
LEONARD E. *DEAL, 0000
JOSE C. *DEHOYOS, 0000
DIANE *DEVITA, 0000
KEVIN D. DEWEBER, 0000