

to executive session to consider the following nominations: Calendar Nos. 1130, 1134, 1136, 1138, 1139 through 1146, and the nominations placed on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action and that any statements pertaining thereto be printed in the RECORD, with the preceding all occurring with no intervening action or debate.

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

The nominations were considered and confirmed as follows:

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

Mark B. McClellan, of the District of Columbia, to be Commissioner of Food and Drugs, Department of Health and Human Services.

#### CENTRAL INTELLIGENCE

Scott W. Muller, of Maryland, to be General Counsel of the Central Intelligence Agency.

#### AIR FORCE

The following named officer for appointment in the United States Air Force 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*

Lt. Gen. Glen W. Moorehead, III, 0000

The following officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

##### *To be brigadier general*

Col. Frederick F. Roggero, 0000

#### ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

##### *To be general*

Lt. Gen. Burwell B. Bell, III, 0000

The following named officer for appointment in the United States Army 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 W. Wagner, 0000

The following named officer for appointment in the United States Army 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. Richard A. Hack, 0000

The following Army National Guard officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., Section 12203:

##### *To be major general*

Brigadier General George A. Buskirk, Jr., 0000

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

##### *To be major general*

Brig. Gen. David C. Harris, 0000

#### 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. James T. Conway, 0000

#### 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. Lowell E. Jacoby, 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*

Rear Adm. David L. Brewer, III, 0000

#### NOMINATIONS PLACED ON THE SECRETARY'S DESK

#### AIR FORCE

PN2208 Air Force nomination of James M. Knauf, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2209 Air Force nomination of Gary P. Endersby, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2210 Air Force nomination of Mark A. Jeffries, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2211 Air Force nomination of John P. Regan, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2212 Air Force nomination of John S. McFadden, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2213 Air Force nomination of Larry B. Largent, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2214 Air Force nomination of Frank W. Palmisano, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2215 Air Force nominations (2) beginning David S. Brenton, and ending Brenda K. Roberts, which nominations were received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2216 Air Force nominations (2) beginning Cynthia A. Jones, and ending Jeffrey F. Jones, which nominations were received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2217 Air Force nomination of Mario G. Correia, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2218 Air Force nomination of Michael L. Martin, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2219 Air Force nominations (2) beginning Xiao Li Ren, and ending Jeffrey H. Sedgewick\*, which nominations were received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2220 Air Force nominations (3) beginning Thomas A. Augustine III\*, and ending Charles E. Pyke\*, which nominations were received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2229 Air Force nominations (39) beginning Errish Nasser G. Abu, and ending Ernest J. Zeringue, which nominations were received by the Senate and appeared in the Congressional Record of October 4, 2002.

PN2240 Air Force nominations (2) beginning Dana H. Born, and ending James L.

Cook, which nominations were received by the Senate and appeared in the Congressional Record of October 8, 2002.

#### ARMY

PN2221 Army nomination of Scott T. William, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2222 Army nomination of Erik A. Dahl, which was received by the Senate and appeared in the Congressional Record of October 1, 2002.

PN2241 Army nomination of James R. Kimmelman, which was received by the Senate and appeared in the Congressional Record of October 8, 2002.

PN2242 Army nomination of John E. Johnston, which was received by the Senate and appeared in the Congressional Record of October 8, 2002.

PN2243 Army nominations (5) beginning Janet L. Bargewell, and ending Mitchell E. Tolman, which nominations were received by the Senate and appeared in the Congressional Record of October 8, 2002.

PN2244 Army nominations (5) beginning Leland W. Dochterman, and ending Douglas R. Winters, which nominations were received by the Senate and appeared in the Congressional Record of October 8, 2002.

PN2245 Army nominations (6) beginning Glenn E. Ballard, and ending Marion J. Yester, which nominations were received by the Senate and appeared in the Congressional Record of October 8, 2002.

PN2246 Army nomination of Robert D. Boidock, which was received by the Senate and appeared in the Congressional Record of October 8, 2002.

PN2247 Army nomination of Dermot M. Cotter, which was received by the Senate and appeared in the Congressional Record of October 8, 2002.

PN2248 Army nomination of Connie R. Kalk, which was received by the Senate and appeared in the Congressional Record of October 8, 2002.

PN2249 Army nomination of Michael J. Hoilen, which was received by the Senate and appeared in the Congressional Record of October 8, 2002.

PN2250 Army nomination of Romeo Ng, which was received by the Senate and appeared in the Congressional Record of October 8, 2002.

PN2267 Army nominations (71) beginning Judy A. Abbott, and ending Dennis C. Zachary, which nominations were received by the Senate and appeared in the Congressional Record of October 10, 2002.

PN2268 Army nominations (48) beginning Jose Almocarrasquillo, and ending Matthew L. Zizmor, which nominations were received by the Senate and appeared in the Congressional Record of October 10, 2002.

PN2269 Army nominations (42) beginning Arthur L. Arnold, Jr., and ending Mark S. Vajcovec, which nominations were received by the Senate and appeared in the Congressional Record of October 10, 2002.

PN2270 Army nominations (41) beginning Adrine S. Adams, and ending Maryellen Yacka, which nominations were received by the Senate and appeared in the Congressional Record of October 10, 2002.

#### FOREIGN SERVICE

PN1894 Foreign Service nominations (139) beginning Dean B. Wooden, and ending Claudia L. Yellin, which nominations were received by the Senate and appeared in the Congressional Record of June 21, 2002.

PN1893-1 Foreign Service nominations (132) beginning Deborah C. Rhea, and ending Ashley J. Tellis, which nominations were received by the Senate and appeared in the Congressional Record of June 21, 2002.

#### NOMINATION OF MARK MCCLELLAN

Mr. KENNEDY. Dr. McClellan has an impressive background. He is both

economist and a physician. He is a member of the President's Council of Economic Advisers and he is also a major advisor on health policy to the President today. He was an associate professor of economics and medicine at Stanford University. He also served as deputy assistant secretary in the Department of Treasury. And, best of all, he received his medical degree, his doctorate in economics, and his master's degree in public health at Harvard and MIT.

This nomination to a major public health position is long overdue. Dr. McClellan has the training, the experience, and the stature to serve as the head of the country's most important public health regulatory agency—an agency that serves as the gold standard for the rest of the world.

FDA's mission is to protect the public health. Its mission affects more than a quarter of every dollar spent in the U.S. economy. The products that it regulates—food, drugs, biologics, devices supplements and cosmetics—af- fect public health and safety every day.

The agency also has a long and distinguished history of serving the public interest. It has a proud tradition of promoting the public interest ahead of special interests. It is an agency of skilled professionals who set high standards and demand excellence from the industries it regulates.

In this time of extraordinary medical breakthroughs and as new threats to public health arise, the FDA faces enormous challenges. The American people increasingly depend on the FDA to safeguard public health. Now is not the time for FDA to retreat from these challenges, or surrender its authority over public health.

Dr. McClellan has been nominated to a position of great responsibility. I believe he will make a fine commissioner, one who will help lead the agency into the 21st century.

#### PROTOCOL RELATING TO THE MADRID AGREEMENT—TREATY DOCUMENT NO. 106-41

Mr. REID. I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 1, the protocol relating to the Madrid agreement; that the protocol be considered as having advanced through its parliamentary stages up to and including the presentation of the resolution for ratification, and that the understandings, declarations and conditions be agreed to, and that the Senate now vote on the resolution of ratification.

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

The question is on agreeing to the resolution.

All those in favor of the resolution will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

In the opinion of the Chair, two-thirds of the Senators present and hav-

ing voted in the affirmative, the resolution is agreed to.

The resolution of ratification read as follows:

*Resolved (two-thirds of the Senators present concurring therein),*

#### SECTION 1. ADVICE AND CONSENT TO ACCESSION TO THE MADRID PROTOCOL, SUBJECT TO AN UNDERSTANDING, DECLARATIONS, AND CONDITIONS.

The Senate advises and consents to the accession by the United States to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, adopted at Madrid on June 27, 1989, entered into force on December 1, 1995 (Treaty Doc. 106-41; in this resolution referred to as the "Protocol"), subject to the understanding in section 2, the declarations in section 3, and the conditions in section 4.

#### SEC. 2. UNDERSTANDING.

The advice and consent of the Senate under section 1 is subject to the understanding, which shall be included in the United States instrument of accession to the Protocol, that no secretariat is established by the Protocol and that nothing in the Protocol obligates the United States to appropriate funds for the purpose of establishing a permanent secretariat at any time.

#### SEC. 3. DECLARATIONS.

The advice and consent of the Senate under section 1 is subject to the following declarations:

(1) NOT SELF-EXECUTING.—The United States declares that the Protocol is not self-executing.

(2) TIME LIMIT FOR REFUSAL NOTIFICATION.—Pursuant to Article 5(2)(b) of the Protocol, the United States declares that, for international registrations made under the Protocol, the time limit referred to in subparagraph (a) of Article 5(2) is replaced by 18 months. The declaration in this paragraph shall be included in the United States instrument of accession.

(3) NOTIFYING REFUSAL OF PROTECTION.—Pursuant to Article 5(2)(c) of the Protocol, the United States declares that, when a refusal of protection may result from an opposition to the granting of protection, such refusal may be notified to the International Bureau after the expiry of the 18-month time limit. The declaration in this paragraph shall be included in the United States instrument of accession.

(4) FEES.—Pursuant to Article 8(7)(a) of the Protocol, the United States declares that, in connection with each international registration in which it is mentioned under Article 3ter of the Protocol, and in connection with each renewal of any such international registration, the United States chooses to receive, instead of a share in revenue produced by the supplementary and complementary fees, an individual fee the amount of which shall be the current application or renewal fee charged by the United States Patent and Trademark Office to a domestic applicant or registrant of such a mark. The declaration in this paragraph shall be included in the United States instrument of accession.

#### SEC. 4. CONDITIONS.

The advice and consent of the Senate under section 1 is subject to the following conditions:

(1) TREATY INTERPRETATION.—The Senate reaffirms condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (adopted at Vienna on May 31, 1996), approved by the Senate on May 14, 1997 (relating to condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988).

(2) NOTIFICATION OF THE SENATE OF CERTAIN EUROPEAN COMMUNITY VOTES.—The President shall notify the Senate not later than 15 days after any nonconsensus vote of the European Community, its member states, and the United States within the Assembly of the Madrid Union in which the total number of votes cast by the European Community and its member states exceeded the number of member states of the European Community.

Mr. REID. Mr. President, I ask unanimous consent that any statements relating thereto be printed in the RECORD.

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

#### LEGISLATIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

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

#### MORNING BUSINESS

Mr. REID. We are in morning business, is that correct?

The PRESIDING OFFICER. The Senator is correct.

#### U.S. EFFORTS IN POST-CONFLICT IRAQ

Mr. DASCHLE. Mr. President, early last Friday morning, the Senate acted on the President's request to grant him authority to use force in Iraq. I joined with a majority of my colleagues from both sides of the aisle to support the resolution granting that authority, but made clear then and continue to believe now that our vote was the first step in our effort to address the threat posed by Iraq's weapons of mass destruction. In my statement before that vote, I indicated the President faces several challenges as he attempts to fashion a policy that will be successful in our efforts against Saddam Hussein and his weapons of mass destruction.

One of those challenges is preparing for what might happen in Iraq after Saddam Hussein and preparing the American people for what might be required of us on this score. To that end, I was interested to see an article in Friday morning's newspaper with the title, "U.S. Has a Plan to Occupy Iraq, Officials Report."

Citing unnamed administration officials, the article contends the administration is modeling plans for the economic and political reconstruction of Iraq on the successful efforts in post-WWII Japan. The article goes on to report that the Administration has yet to endorse a final position and this issue had not been discussed with key American allies. When questioned at a press conference Friday afternoon, the White House spokesperson distanced himself from this specific plan.

If this news account is true, I have no choice but to conclude this administration has much to do before it will be in position to present a plan to the American people and the world about what