

---

---

SENATE OF THE UNITED STATES  
ONE HUNDRED NINTH CONGRESS

---

FIRST SESSION { CONVENED JANUARY 4, 2005

SECOND SESSION {

---

---

EXECUTIVE CALENDAR

**Tuesday, June 7, 2005**



---

PREPARED UNDER THE DIRECTION OF EMILY J. REYNOLDS,  
SECRETARY OF THE SENATE

By Michelle Haynes, Executive Clerk

---

---

Issue No. 59

# UNANIMOUS CONSENT AGREEMENTS

(JANICE R. BROWN [CAL. NO. 72])

*Ordered*, That at 9:45 a.m. on Tuesday, June 7, 2005, the Senate return to executive session and resume consideration of the nomination of Janice R. Brown, of California, to be United States Circuit Judge for the District of Columbia Circuit;

*Ordered further*, That the time until 12 noon be equally divided between the Majority Leader and the Democratic Leader or their designees; provided further, that the last 20 minutes prior to the vote be divided with 10 minutes under the control of the Democratic Leader or his designee to be followed by 10 minutes under the control of the Majority Leader or his designee.

*Ordered further*, That the vote on invoking cloture on the nomination occur at 12 noon on Tuesday, June 7, 2005.

(May 26, June 6, 2005.)

## LIVE QUORUM WAIVED UNDER RULE XXII

(JANICE R. BROWN [CAL. NO. 72])  
(WILLIAM H. PRYOR, JR. [CAL. NO. 100])

*Ordered*, That relative to the motions to invoke cloture on the nominations of Janice R. Brown, and William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit, the mandatory live quorums under Rule XXII be waived.

(May 26, 2005.)

(RICHARD GRIFFIN [CAL. NO. 141])  
(DAVID MCKEAGUE [CAL. NO. 142])

*Ordered*, That at a time determined by the Majority Leader, after consultation with the Democratic Leader, it be in order to move to proceed en bloc to the following nominations if they are reported by the Committee on the Judiciary:

### THE JUDICIARY

Richard A. Griffin , of Michigan, to be United States Circuit Judge for the Sixth Circuit; and  
David W. McKeague, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

*Ordered further*, That the nominations be considered under a total time limitation of 10 hours, equally divided between the Chairman of the Committee on the Judiciary and the Ranking Member or their designees; provided further, that following the use or yielding back of time the Senate proceed to votes on the confirmation of the nominations with no further intervening action or debate; provided further, that following the votes the President be immediately notified of the Senate's action and the Senate then resume legislative session.

[THOMAS B. GRIFFITH (CAL. NO. 66)]

*Ordered*, That at a time determined by the Majority Leader, after consultation with the Democratic Leader the Senate proceed to the consideration of the nomination on the Executive Calendar of Thomas B. Griffith, of Utah, to be United States Circuit Judge for the District of Columbia Circuit; provided further, that there be 4 hours equally divided for debate on the nomination between the Chairman of the Committee on the Judiciary and Ranking Member or their designees; provided further, that following the use or yielding back of time the Senate proceed to a vote on the confirmation of the nomination with no further intervening action or debate; and finally the President be immediately notified of the Senate's action and the Senate then resume legislative session.

(May 24, 2005.)

## MOTIONS FOR RECONSIDERATION

After an action taken by the Senate, any Senator voting with the prevailing side or who has not voted may, on the same day or on either of the next two days of actual session thereafter, either enter a motion for reconsideration or move a reconsideration. This section contains such motions not yet acted on as so provided by Rule XIII, Paragraph 1.

| DATE         | SUBJECT  |
|--------------|--|
| May 26, 2005 | Mr. Frist "entered" a motion to reconsider the vote by which the motion to invoke cloture on the nomination of John R. Bolton (Cal. No. 103) was not agreed to (Roll Cal Vote No. 129 Ex.) |

# RESOLUTIONS

| CALENDAR<br>No. | S. RES.<br>No. | SUBJECT | REPORTED<br>BY |
|-----------------|----------------|---------|----------------|
|                 |                |         |                |

# TREATIES

| CALENDAR<br>No. | TREATY<br>Doc. No. | SUBJECT | REPORTED<br>BY |
|-----------------|--------------------|---------|----------------|
|                 |                    |         |                |

## NOMINATIONS

| CALENDAR<br>No. | MESSAGE<br>No. | NOMINEE, OFFICE, AND PREDECESSOR   | REPORTED<br>BY   |
|-----------------|----------------|--|--|
| <b>26</b>       | 111            | <b>CORPORATION FOR NATIONAL AND<br/>COMMUNITY SERVICE</b><br>Edward L. Flippen, of Virginia, to be Inspector<br>General, Corporation for National and<br>Community Services, vice J. Russell George. | Mar 09, 2005 Senate Committee<br>on Homeland Security and<br>Governmental Affairs<br>discharged. Pursuant to<br>unanimous consent agreement<br>of January 20, 2005.<br><br>Feb 10, 2005 Reported by Mr.<br>Enzi, Committee on Health,<br>Education, Labor, and<br>Pensions, without printed<br>report. |
| * <b>35</b>     | 227            | <b>DEPARTMENT OF THE INTERIOR</b><br>Patricia Lynn Scarlett, of California, to be<br>Deputy Secretary of the Interior, vice J. Steven<br>Griles, resigned.   | Mar 16, 2005 Reported by Mr.<br>Domenici, Committee on<br>Energy and Natural Resources,<br>without printed report.   |
| <b>37</b>       | 199            | <b>THE JUDICIARY</b><br>William Gerry Myers III, of Idaho, to be United<br>States Circuit Judge for the Ninth Circuit, vice<br>Thomas G. Nelson, retired.  | Mar 17, 2005 Reported by Mr.<br>Specter, Committee on the<br>Judiciary, without printed<br>report.   |
| * <b>40</b>     | 283            | <b>DEFENSE BASE CLOSURE AND<br/>REALIGNMENT COMMISSION</b><br>Anthony Joseph Principi, of California, to be a<br>Member of the Defense Base Closure and<br>Realignment Commission. (New Position)    | Mar 17, 2005 Reported by Mr.<br>Warner, Committee on Armed<br>Services, without printed<br>report.   |
| * <b>57</b>     | 88             | <b>DEPARTMENT OF HEALTH AND HUMAN<br/>SERVICES</b><br>Daniel R. Levinson, of Maryland, to be Inspector<br>General, Department of Health and Human<br>Services, vice Janet Rehnquist, resigned.       | Apr 13, 2005 Senate Committee<br>on Homeland Security and<br>Governmental Affairs<br>discharged by Unanimous<br>Consent. Pursuant to an order<br>of the Senate of January 20,<br>2005.   |

\* Signifies nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate

# NOMINATIONS

| CALENDAR<br>No. | MESSAGE<br>No. | NOMINEE, OFFICE, AND PREDECESSOR  | REPORTED<br>BY  |
|-----------------|----------------|---|---|
|                 |                | <b>DEPARTMENT OF ENERGY</b>   | Mar 17, 2005 Reported by Mr. Grassley, Committee on Finance, without printed report.                      |
| * 58            | 284            | David Garman, of Virginia, to be Under Secretary of Energy, vice Robert Gordon Card, resigned.  | Apr 13, 2005 Reported by Mr. Domenici, Committee on Energy and Natural Resources, without printed report. |
|                 |                | <b>MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION</b>   |   |
| * 62            | 84             | D. Michael Rappoport, of Arizona, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2008. (Reappointment)                  | Apr 13, 2005 Reported by Mr. Inhofe, Committee on Environment and Public Works, without printed report.   |
|                 |                | <b>MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION</b>   |   |
| * 63            | 85             | Michael Butler, of Tennessee, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2008, vice Eric D. Eberhard, term expired. | Apr 13, 2005 Reported by Mr. Inhofe, Committee on Environment and Public Works, without printed report.   |
|                 |                | <b>THE JUDICIARY</b>  |   |
| 66              | 202            | Thomas B. Griffith, of Utah, to be United States Circuit Judge for the District of Columbia Circuit, vice Patricia M. Wald, retired.  | Apr 14, 2005 Reported by Mr. Specter, Committee on the Judiciary, without printed report.                 |
| 72              | 201            | Janice R. Brown, of California, to be United States Circuit Judge for the District of Columbia Circuit, vice Stephen F. Williams, retired.  | Apr 21, 2005 Reported by Mr. Specter, Committee on the Judiciary, without printed report.                 |

\* Signifies nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate

## NOMINATIONS

| CALENDAR<br>No.                     | MESSAGE<br>No. | NOMINEE, OFFICE, AND PREDECESSOR   | REPORTED<br>BY  |
|-------------------------------------|----------------|--|---|
| <b>100</b>                          | 200            | William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit.   | May 12, 2005 Reported by Mr. Specter, Committee on the Judiciary, without printed report.   |
| <b>DEPARTMENT OF AGRICULTURE</b>    |                |  |   |
| <b>101</b>                          | 68             | Thomas C. Dorr, of Iowa, to be Under Secretary of Agriculture for Rural Development, vice Jill L. Long, resigned.  | May 12, 2005 Senate Committee on Agriculture, Nutrition, and Forestry discharged by Unanimous Consent.  |
| <b>102</b>                          | 69             | Thomas C. Dorr, of Iowa, to be a Member of the Board of Directors of the Commodity Credit Corporation, vice Jill L. Long, resigned.  | May 12, 2005 Senate Committee on Agriculture, Nutrition, and Forestry discharged by Unanimous Consent.  |
| <b>DEPARTMENT OF STATE</b>          |                |  |   |
| * <b>103</b>                        | 326            | John Robert Bolton, of Maryland, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations. | May 18, 2005 Reported by Mr. Lugar, Committee on Foreign Relations, without recommendation, and with printed report no. S. Ex. Rept. 109-1. Minority views filed. |
| <b>UNITED STATES POSTAL SERVICE</b> |                |  |   |
| * <b>137</b>                        | 114            | Carolyn L. Gallagher, of Texas, to be a Governor of the United States Postal Service for the remainder of the term expiring December 8, 2009, vice Louis J. Giuliano, resigned.  | May 25, 2005 Reported by Ms. Collins, Committee on Homeland Security and Governmental Affairs, without printed report.  |
| * <b>138</b>                        | 115            | Louis J. Giuliano, of New York, to be a Governor of the United States Postal Service for a term expiring December 8, 2005, vice Carolyn L. Gallagher.  | May 25, 2005 Reported by Ms. Collins, Committee on Homeland Security and Governmental Affairs, without printed report.  |
| * <b>139</b>                        | 117            | Louis J. Giuliano, of New York, to be a Governor of the United States Postal Service for a term expiring December 8, 2014. (Reappointment)   | May 25, 2005 Reported by Ms. Collins, Committee on Homeland Security and Governmental Affairs, without printed report.  |

\* Signifies nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate



## NOMINATIONS

| CALENDAR<br>No. | MESSAGE<br>No. | NOMINEE, OFFICE, AND PREDECESSOR   | REPORTED<br>BY  |
|-----------------|----------------|--|---|
| * 140           | 355            | <p><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p>Philip J. Perry, of Virginia, to be General Counsel, Department of Homeland Security, vice Joe D. Whitley, resigned.</p>        | May 25, 2005 Reported by Mr. Warner for Ms. Collins, Committee on Homeland Security and Governmental Affairs, without printed report. |
|                 |                | <b>THE JUDICIARY</b>   |   |
| 141             | 195            | Richard A. Griffin, of Michigan, to be United States Circuit Judge for the Sixth Circuit, vice Damon J. Keith, retired.  | May 26, 2005 Reported by Mr. Specter, Committee on the Judiciary, without printed report.   |
| 142             | 196            | David W. McKeague, of Michigan, to be United States Circuit Judge for the Sixth Circuit, vice Richard F. Suhrheinrich, retired.  | May 26, 2005 Reported by Mr. Specter, Committee on the Judiciary, without printed report.   |
|                 |                | <b>DEPARTMENT OF JUSTICE</b>   |   |
| 143             | 359            | Regina B. Schofield, of Virginia, to be an Assistant Attorney General, vice Deborah J. Daniels.  | May 26, 2005 Reported by Mr. Specter, Committee on the Judiciary, without printed report.   |
| 144             | 303            | Paul D. Clement, of Virginia, to be Solicitor General of the United States, vice Theodore Bevery Olson, resigned.  | May 26, 2005 Reported by Mr. Specter, Committee on the Judiciary, without printed report.   |
| 145             | 212            | Gretchen C. F. Shappert, of North Carolina, to be United States Attorney for the Western District of North Carolina for the term of four years, vice Robert J. Conrad, Jr.       | May 26, 2005 Reported by Mr. Specter, Committee on the Judiciary, without printed report.   |
| 146             | 223            | Anthony Jerome Jenkins, of Virgin Islands, to be United States Attorney for the District of the Virgin Islands for the term of four years, vice James Allan Hurd, Jr., resigned. | May 26, 2005 Reported by Mr. Specter, Committee on the Judiciary, without printed report.   |
| 147             | 224            | Stephen Joseph Murphy III, of Michigan, to be United States Attorney for the Eastern District of Michigan for the term of four years, vice Jeffrey Gilbert Collins, resigned.    | May 26, 2005 Reported by Mr. Specter, Committee on the Judiciary, without printed report.   |

\* Signifies nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate

## NOMINATIONS

| CALENDAR<br>No. | MESSAGE<br>No. | NOMINEE, OFFICE, AND PREDECESSOR   | REPORTED<br>BY   |
|-----------------|----------------|--|--|
| 148             | 449-2          | <p><b>ARMY</b></p> <p>The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:</p> <p style="text-align: center;"><i>to be Major General</i></p> <p>Brigadier General Rita M. Broadway, [REDACTED]</p> | <p>May 25, 2005 Reported by Mr. Warner, Committee on Armed Services, without printed report. Placed on Calendar. Cal. No. 112.</p> |
| 149             | 517-4          | <p>The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:</p> <p style="text-align: center;"><i>to be Brigadier General</i></p> <p>Col. Donald M. Bradshaw, [REDACTED]</p>                               | <p>May 25, 2005 Reported by Mr. Warner, Committee on Armed Services, without printed report. Placed on Calendar. Cal. No. 114.</p> |

\* Signifies nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate

---

---

NOMINATIONS PLACED ON THE SECRETARY'S DESK

---

---