

---

---

# SENATE OF THE UNITED STATES

## ONE HUNDRED NINTH CONGRESS

---

FIRST SESSION { CONVENED JANUARY 3, 2005  
ADJOURNED DECEMBER 22, 2005

SECOND SESSION { CONVENED JANUARY 3, 2006

---

---

# EXECUTIVE CALENDAR

**Monday, May 15, 2006**



---

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

By Michelle Haynes, Executive Clerk

---

---

Issue No. 208

**UNANIMOUS CONSENT AGREEMENT**

(Milan D. Smith, Jr. [Cal. No. 625])

*Ordered*, That on Tuesday, May 16, 2006, immediately following the time provided for the two Leaders, the Senate proceed to executive session for the consideration of the nomination of Milan D. Smith, Jr., of California, to be United States Circuit Judge for the Ninth Circuit; *Provided further*, that prior to the vote there be 15 minutes for debate equally divided between the Chairman, Ranking Member of the Committee on the Judiciary and the Senator from Oregon (Mr. Smith) and that at the expiration or yielding back of time the Senate proceed to a vote on the confirmation of the nomination with no intervening action or debate; *Provided further*, that following the vote the President be immediately notified of the Senate's action and the Senate then resume legislative session.

*(May 11, 2006.)*

# RESOLUTIONS

CALENDAR No.	S. RES. No.	SUBJECT	REPORTED BY

## TREATIES

CALENDAR No.	TREATY Doc. No.	SUBJECT	REPORTED BY
5	108-11	Council of Europe Convention on Cybercrime	Nov 09, 2005 Reported by Mr. Lugar, Committee on Foreign Relations with printed Ex. Rept.109-6 and a resolution of advice and consent to ratification with 6 reservations and 5 declarations.
13	108-27	Mutual Legal Assistance Treaty with Germany	Apr 06, 2006 Reported favorably by Mr. Lugar, Committee on Foreign Relations with printed Ex. Rept.109-14 and a resolution of advice and consent to ratification.

## NOMINATIONS

CALENDAR No.	MESSAGE No.	NOMINEE, OFFICE, AND PREDECESSOR	REPORTED BY
<b>37</b>	199	<b>THE JUDICIARY</b> William Gerry Myers III, of Idaho, to be United States Circuit Judge for the Ninth Circuit, vice Thomas G. Nelson, retired.	Mar 17, 2005 Reported by Mr. Specter, Committee on the Judiciary, without printed report.
<b>* 40</b>	283	<b>DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION</b> Anthony Joseph Principi, of California, to be a Member of the Defense Base Closure and Realignment Commission. (New Position)	Mar 17, 2005 Reported by Mr. Warner, Committee on Armed Services, without printed report.
<b>* 62</b>	84	<b>MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION</b> 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>* 63</b>	85	<b>MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION</b> 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>169</b>	192	<b>THE JUDICIARY</b> Terrence W. Boyle, of North Carolina, to be United States Circuit Judge for the Fourth Circuit, vice J. Dickson Phillips, Jr., retired.	Jun 16, 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 No.	MESSAGE No.	NOMINEE, OFFICE, AND PREDECESSOR	REPORTED BY
171	358	<b>DEPARTMENT OF JUSTICE</b> Alice S. Fisher, of Virginia, to be an Assistant Attorney General, vice Christopher R. Wray.	Jun 16, 2005 Reported by Mr. Specter, Committee on the Judiciary, without printed report.
* 252	70	<b>DEPARTMENT OF DEFENSE</b> Peter Cyril Wyche Flory, of Virginia, to be an Assistant Secretary of Defense, vice Jack Dyer Crouch, II.	Jul 28, 2005 Reported by Mr. Warner, Committee on Armed Services, without printed report.
* 376	763	<b>EXECUTIVE OFFICE OF THE PRESIDENT</b> Bertha K. Madras, of Massachusetts, to be Deputy Director for Demand Reduction, Office of National Drug Control Policy, vice Andrea G. Barthwell.	Oct 19, 2005 Reported by Mr. Enzi, Committee on Health, Education, Labor, and Pensions, without printed report.
* 390	756	<b>DEPARTMENT OF STATE</b> C. Boyden Gray, of the District of Columbia, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador Extraordinary and Plenipotentiary.	Oct 25, 2005 Reported by Mr. Lugar, Committee on Foreign Relations, without printed report.
407	674	<b>DEFENSE NUCLEAR FACILITIES SAFETY BOARD</b> A. J. Eggenberger, of Montana, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2008. (Reappointment)	Oct 27, 2005 Reported by Mr. Warner, Committee on Armed Services, without printed report.
* 439	683	<b>DEPARTMENT OF HOMELAND SECURITY</b> Julie L. Myers, of Kansas, to be an Assistant Secretary of Homeland Security, vice Michael J. Garcia.	Nov 07, 2005 Senate Committee on the Judiciary discharged by Unanimous Consent Agreement of 10-7-05.  Oct 07, 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 No.	MESSAGE No.	NOMINEE, OFFICE, AND PREDECESSOR	REPORTED BY
* 443	840	<p style="text-align: center;"><b>DEPARTMENT OF ENERGY</b></p> <p>Edward F. Sproat III, of Pennsylvania, to be Director of the Office of Civilian Radioactive Waste Management, Department of Energy, vice Margaret S. Y. Chu, resigned.</p>	Nov 16, 2005 Reported by Mr. Domenici, Committee on Energy and Natural Resources, without printed report.
* 484	73	<p style="text-align: center;"><b>NATIONAL SECURITY EDUCATION BOARD</b></p> <p>Andrew J. McKenna, Jr., of Illinois, to be a Member of the National Security Education Board for a term of four years, vice Robert N. Shamansky, term expired.</p>	Dec 19, 2005 Reported by Mr. Warner, Committee on Armed Services, without printed report.
* 553	876	<p style="text-align: center;"><b>DEPARTMENT OF LABOR</b></p> <p>Richard Stickler, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health, vice David D. Lauriski, resigned.</p>	Mar 08, 2006 Reported by Mr. Enzi, Committee on Health, Education, Labor, and Pensions, without printed report.
* 556	531	<p style="text-align: center;"><b>FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION</b></p> <p>Arlene Holen, of the District of Columbia, to be a Member of the Federal Mine Safety and Health Review Commission for a term expiring August 30, 2010, vice Robert H. Beatty, Jr., term expired.</p>	Mar 08, 2006 Reported by Mr. Enzi, Committee on Health, Education, Labor, and Pensions, without printed report.
* 572	1089	<p style="text-align: center;"><b>DEPARTMENT OF THE INTERIOR</b></p> <p>David Longly Bernhardt, of Colorado, to be Solicitor of the Department of the Interior, vice Sue Ellen Wooldridge.</p>	Mar 15, 2006 Reported by Mr. Domenici, Committee on Energy and Natural Resources, without printed report.
* 573	1093	<p style="text-align: center;"><b>DEPARTMENT OF ENERGY</b></p> <p>Raymond L. Orbach, of California, to be Under Secretary for Science, Department of Energy. (New Position)</p>	Mar 15, 2006 Reported by Mr. Domenici, Committee on Energy and Natural Resources, 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 No.	MESSAGE No.	NOMINEE, OFFICE, AND PREDECESSOR	REPORTED BY
		<b>DEPARTMENT OF TRANSPORTATION</b>	
* 590	1162	Roger Shane Karr, of the District of Columbia, to be an Assistant Secretary of Transportation, vice Nicole R. Nason.	Mar 16, 2006 Reported by Mr. Stevens, Committee on Commerce, Science, and Transportation, without printed report.
* 591	1163	Tyler D. Duvall, of Virginia, to be an Assistant Secretary of Transportation, vice Emil H. Frankel.	Mar 16, 2006 Reported by Mr. Stevens, Committee on Commerce, Science, and Transportation, without printed report.
* 592	1165	Nicole R. Nason, of Virginia, to be Administrator of the National Highway Traffic Safety Administration, vice Jeffrey William Runge.	Mar 16, 2006 Reported by Mr. Stevens, Committee on Commerce, Science, and Transportation, without printed report.
* 593	1178	Thomas J. Barrett, of Alaska, to be Administrator of the Pipeline and Hazardous Materials Safety Administration, Department of Transportation. (New Position)	Mar 16, 2006 Reported by Mr. Stevens, Committee on Commerce, Science, and Transportation, without printed report.
		<b>FEDERAL COMMUNICATIONS COMMISSION</b>	
* 595	1278	Robert M. McDowell, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2004, vice Kathleen Q. Abernathy, resigned.	Mar 16, 2006 Reported by Mr. Stevens, Committee on Commerce, Science, and Transportation, without printed report.
		<b>ENVIRONMENTAL PROTECTION AGENCY</b>	
* 613	1166	James B. Gulliford, of Missouri, to be Assistant Administrator for Toxic Substances of the Environmental Protection Agency, vice Stephen L. Johnson, resigned.	Apr 26, 2006 Reported by Mr. Inhofe, Committee on Environment and Public Works, without printed report.
* 614	1347	William Ludwig Wehrum, Jr., of Tennessee, to be an Assistant Administrator of the Environmental Protection Agency, vice Jeffrey R. Holmstead, resigned.	Apr 26, 2006 Reported by Mr. Inhofe, Committee on Environment and Public Works, 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 No.	MESSAGE No.	NOMINEE, OFFICE, AND PREDECESSOR	REPORTED BY
<b>* 615</b>	1374	<p style="text-align: center;"><b>DEPARTMENT OF TRANSPORTATION</b></p> <p>Richard Capka, of Pennsylvania, to be Administrator of the Federal Highway Administration, vice Mary E. Peters, resigned.</p>	Apr 26, 2006 Reported by Mr. Inhofe, Committee on Environment and Public Works, without printed report.
<b>* 621</b>	1424	<p style="text-align: center;"><b>DEPARTMENT OF VETERANS AFFAIRS</b></p> <p>Daniel L. Cooper, of Pennsylvania, to be Under Secretary for Benefits of the Department of Veterans Affairs for a term of four years. (Reappointment)</p>	Apr 27, 2006 Reported by Mr. Craig, Committee on Veterans' Affairs, without printed report.
<b>* 622</b>	1039	<p style="text-align: center;"><b>POSTAL RATE COMMISSION</b></p> <p>Mark D. Acton, of Kentucky, to be a Commissioner of the Postal Rate Commission for a term expiring October 14, 2010, vice Dana Bruce Covington, Sr., term expired.</p>	May 02, 2006 Reported by Ms. Collins, Committee on Homeland Security and Governmental Affairs, without printed report.
<b>624</b>	1135	<p style="text-align: center;"><b>THE JUDICIARY</b></p> <p>Norman Randy Smith, of Idaho, to be United States Circuit Judge for the Ninth Circuit, vice Stephen S. Trott, retired.</p>	May 04, 2006 Reported by Mr. Specter, Committee on the Judiciary, without printed report.
<b>625</b>	1327	Milan D. Smith, Jr., of California, to be United States Circuit Judge for the Ninth Circuit, vice A. Wallace Tashima, retired.	May 04, 2006 Reported by Mr. Specter, Committee on the Judiciary, without printed report.
<b>626</b>	1182	Renee Marie Bumb, of New Jersey, to be United States District Judge for the District of New Jersey, vice William H. Walls, retired.	May 04, 2006 Reported by Mr. Specter, Committee on the Judiciary, without printed report.
<b>627</b>	1186	Noel Lawrence Hillman, of New Jersey, to be United States District Judge for the District of New Jersey, vice William G. Bassler, retired.	May 04, 2006 Reported by Mr. Specter, Committee on the Judiciary, without printed report.
<b>628</b>	210	Peter G. Sheridan, of New Jersey, to be United States District Judge for the District of New Jersey, vice Stephen M. Orlofsky, resigned.	May 04, 2006 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 No.	MESSAGE No.	NOMINEE, OFFICE, AND PREDECESSOR	REPORTED BY
<b>629</b>	1188	Susan Davis Wigenton, of New Jersey, to be United States District Judge for the District of New Jersey, vice John W. Bissell, retired.	May 04, 2006 Reported by Mr. Specter, Committee on the Judiciary, without printed report.
		<b>DEPARTMENT OF THE INTERIOR</b>	
<b>* 630</b>	1446	Dirk Kempthorne, of Idaho, to be Secretary of the Interior, vice Gale Ann Norton, resigned.	May 10, 2006 Reported by Mr. Domenici, Committee on Energy and Natural Resources, without printed report.
		<b>DEPARTMENT OF STATE</b>	
<b>631</b>	1361	George McDade Staples, of Kentucky, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Director General of the Foreign Service, vice W. Robert Pearson, resigned.	May 10, 2006 Senate Committee on Foreign Relations discharged by Unanimous Consent and placed on the Executive Calendar.
		<b>THE JUDICIARY</b>	
<b>632</b>	1179	Brett M. Kavanaugh, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit, vice Laurence H. Silberman, retired.	May 11, 2006 Reported by Mr. Specter, Committee on the Judiciary, without printed report.
<b>633</b>	206	Thomas L. Ludington, of Michigan, to be United States District Judge for the Eastern District of Michigan, vice Paul V. Gadola, retired.	May 11, 2006 Reported by Mr. Specter, Committee on the Judiciary, without printed report.
<b>634</b>	207	Sean F. Cox, of Michigan, to be United States District Judge for the Eastern District of Michigan, vice Lawrence P. Zatkoff, retired.	May 11, 2006 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 PLACED ON THE SECRETARY'S DESK

---

---