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SENATE OF THE UNITED STATES  
ONE HUNDRED EIGHTH CONGRESS

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FIRST SESSION { CONVENED JANUARY 7, 2003

SECOND SESSION {

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EXECUTIVE CALENDAR

Monday, July 28, 2003



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

By Michelle Haynes, Executive Clerk

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Issue No. 99

## UNANIMOUS CONSENT AGREEMENTS

**Earl Leroy Yeakel III (Cal. No. 296)**

**Kathleen Cardone (Cal. No. 304)**

*Ordered*, That at 5:20 p.m. on Monday, July 28, 2003, the Senate proceed to executive session for the consideration of Earl Leroy Yeakel III, of Texas, to be United States District Judge for the Western District of Texas.

*Ordered further*, That there be 5 minutes of debate equally divided between the Senators from Texas (Mrs. Hutchison and Mr. Cornyn) and 5 minutes for the Senator from Vermont (Mr. Leahy); provided, that following debate the Senate proceed to vote on the confirmation of the nomination without intervening action or debate.

*Ordered further*, That immediately following the foregoing vote, the nomination of Kathleen Cardone, of Texas, to be United States District Judge for the Western District of Texas be confirmed, and the President be immediately notified of the Senate's action and the Senate then resume legislative session. *(July 24, 25, 2003.)*

**Priscilla Richman Owen (Cal. No. 86)**

*Ordered*, That relative to the cloture motion presented to end debate on the nomination of Priscilla Richman Owen, the mandatory quorum under Rule XXII be waived. *(July 25, 2003.)*

### RESOLUTIONS AND MOTIONS OVER, UNDER THE RULE

S. Res. 192	Executive Resolution to discharge the David W. McKeague nomination.	July 7, 2003. - Mr. Frist
S. Res. 193	Executive Resolution to discharge the Susan Bieke Neilson nomination.	July 7, 2003. - Mr. Frist
S. Res. 194	Executive Resolution to discharge the Henry W. Saad nomination.	July 7, 2003. - Mr. Frist
S. Res. 195	Executive Resolution to discharge the Richard A. Griffin nomination.	July 7, 2003. - Mr. Frist

# RESOLUTIONS

CALENDAR No.	EX.RES No.	SUBJECT	REPORTED By

# TREATIES

CALENDAR No.	TREATY Doc. No.	SUBJECT	REPORTED By

# NOMINATIONS

CALENDAR No.	MESSAGE No.	NOMINEE, OFFICE, AND PREDECESSOR	REPORTED By
		<b>FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION</b>	
* 17	81	Stanley C. Suboleski, of Virginia, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2006, vice Marc Lincoln Marks, term expired.	Jan 23, 2003 Reported by Mr. Gregg, Committee on Health, Education, Labor, and Pensions, without printed report.
		<b>OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION</b>	
* 18	82	W. Scott Railton, of Virginia, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2007, vice Gary L. Visscher, term expired.	Jan 23, 2003 Reported by Mr. Gregg, Committee on Health, Education, Labor, and Pensions, without printed report.
		<b>THE JUDICIARY</b>	
21	6	Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit, vice Patricia M. Wald, retired.	Jan 30, 2003 Reported by Mr. Hatch, Committee on the Judiciary, without printed report.
		<b>UNITED STATES INTERNATIONAL TRADE COMMISSION</b>	
* 48	114	Daniel Pearson, of Minnesota, to be a Member of the United States International Trade Commission for the term expiring June 16, 2011, vice Lynn M. Bragg, term expired.	Mar 5, 2003 Reported by Mr. Grassley, Committee on Finance, without printed report.
* 49	113	Charlotte A. Lane, of West Virginia, to be a Member of the United States International Trade Commission for a term expiring December 16, 2009, vice Dennis M. Devaney.	Mar 5, 2003 Reported by Mr. Grassley, Committee on Finance, without printed report.
		<b>DEPARTMENT OF ENERGY</b>	
* 61	148	Joseph Timothy Kelliher, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2007, vice Linda Key Breathitt, term expired.	Mar 12, 2003 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>THE JUDICIARY</b>	
<b>86</b>	11	Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit, vice William L. Garwood, retired.	Mar 27, 2003 Reported by Mr. Hatch, Committee on the Judiciary, without printed report.
		<b>DEPARTMENT OF DEFENSE</b>	
* <b>120</b>	264	John Paul Woodley, Jr., of Virginia, to be an Assistant Secretary of the Army, vice Michael Parker.	Apr 9, 2003 Reported by Mr. Inhofe, Committee on Environment and Public Works, without printed report. Mar 27, 2003 Reported by Mr. Warner, Committee on Armed Services, without printed report.
		<b>THE JUDICIARY</b>	
* <b>132</b>	40	Bruce E. Kasold, of Virginia, to be a Judge of the United States Court of Appeals for Veterans Claims for the term prescribed by law, vice a new position created by Public Law 107-103, approved December 27, 2001.	Apr 10, 2003 Reported by Mr. Specter, Committee on Veterans' Affairs, without printed report.
		<b>INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA</b>	
* <b>147</b>	96	Dennis L. Schornack, of Michigan, to be Commissioner on the part of the United States on the International Joint Commission, United States and Canada, vice Thomas L. Baldini.	Apr 10, 2003 Reported by Mr. Lugar, Committee on Foreign Relations, without printed report.
		<b>THE JUDICIARY</b>	
<b>165</b>	279	J. Leon Holmes, of Arkansas, to be United States District Judge for the Eastern District of Arkansas, vice Stephen M. Reasoner, retired.	May 1, 2003 Reported by Mr. Hatch, Committee on the Judiciary, without recommendation without printed report.
<b>169</b>	8	Carolyn B. Kuhl, of California, to be United States Circuit Judge for the Ninth Circuit, vice James R. Browning, retired.	May 8, 2003 Reported by Mr. Hatch, Committee on the Judiciary, without printed report.

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CALENDAR No.	MESSAGE No.	NOMINEE, OFFICE, AND PREDECESSOR	REPORTED By
		<b>FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION</b>	
* 175	405	Mary Lucille Jordan, of Maryland, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2008. (Reappointment)	May 14, 2003 Reported by Mr. Gregg, Committee on Health, Education, Labor, and Pensions, without printed report.
		<b>AFRICAN DEVELOPMENT FOUNDATION</b>	
* 199	379	Ephraim Batambuze, of Illinois, to be a Member of the Board of Directors of the African Development Foundation for a term expiring February 9, 2008, vice Henry McKoy, term expired.	May 21, 2003 Reported by Mr. Lugar, Committee on Foreign Relations, without printed report.
* 200	404	John W. Leslie, Jr., of Connecticut, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2007, vice Ernest G. Green, term expired.	May 21, 2003 Reported by Mr. Lugar, Committee on Foreign Relations, without printed report.
		<b>DEPARTMENT OF JUSTICE</b>	
219	131	David B. Rivkin, Jr., of Virginia, to be a Member of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 2004, vice Laramie Faith McNamara.	Jun 5, 2003 Reported by Mr. Hatch, Committee on the Judiciary, without printed report.
		<b>MERIT SYSTEMS PROTECTION BOARD</b>	
* 233	102	Susanne T. Marshall, of Virginia, to be Chairman of the Merit Systems Protection Board, vice Beth Susan Slavet.	Jun 17, 2003 Reported by Ms. Collins, Committee on Governmental Affairs, without printed report.
* 234	616	Neil McPhie, of Virginia, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2009, vice Beth Susan Slavet, term expired, to which position he was appointed during the last recess of the Senate.	Jun 17, 2003 Reported by Ms. Collins, Committee on Governmental Affairs, without printed report.

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CALENDAR No.	MESSAGE No.	NOMINEE, OFFICE, AND PREDECESSOR	REPORTED By
		<b>UNITED STATES POSTAL SERVICE</b>	
* 235	98	Albert Casey, of Texas, to be a Governor of the United States Postal Service for a term expiring December 8, 2009, vice Tirso del Junco, term expired.	Jun 17, 2003 Reported by Ms. Collins, Committee on Governmental Affairs, without printed report.
* 236	615	James C. Miller III, of Virginia, to be a Governor of the United States Postal Service for the term expiring December 8, 2010, vice Einar V. Dyhrkopp, term expired, to which position he was appointed during the last recess of the Senate.	Jun 17, 2003 Reported by Ms. Collins, Committee on Governmental Affairs, without printed report.
		<b>DEPARTMENT OF AGRICULTURE</b>	
* 237	140	Thomas C. Dorr, of Iowa, to be Under Secretary of Agriculture for Rural Development, vice Jill L. Long, resigned.	Jun 18, 2003 Reported by Mr. Cochran, Committee on Agriculture, Nutrition, and Forestry, without printed report.
* 238	141	Thomas C. Dorr, of Iowa, to be a Member of the Board of Directors of the Commodity Credit Corporation, vice Jill L. Long, resigned.	Jun 18, 2003 Reported by Mr. Cochran, Committee on Agriculture, Nutrition, and Forestry, without printed report.
		<b>DEPARTMENT OF TRANSPORTATION</b>	
* 242	440	Annette Sandberg, of Washington, to be Administrator of the Federal Motor Carrier Safety Administration, vice Joseph M. Clapp, resigned.	Jun 19, 2003 Reported by Mr. McCain, Committee on Commerce, Science, and Transportation, without printed report.
		<b>THE JUDICIARY</b>	
249	513	Thomas M. Hardiman, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania, vice William L. Standish, retired.	Jun 26, 2003 Reported by Mr. Hatch, Committee on the Judiciary, without printed report.
		<b>DEPARTMENT OF JUSTICE</b>	
250	393	Diane M. Stuart, of Utah, to be Director of the Violence Against Women Office, Department of Justice. (New Position)	Jun 26, 2003 Reported by Mr. Hatch, Committee on the Judiciary, without printed report.

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CALENDAR No.	MESSAGE No.	NOMINEE, OFFICE, AND PREDECESSOR	REPORTED By
		<b>DEPARTMENT OF STATE</b>	
* 285	439	Roger Francisco Noriega, of Kansas, to be an Assistant Secretary of State (Western Hemisphere Affairs), vice Otto J. Reich.	Jun 26, 2003 Reported by Mr. Lugar, Committee on Foreign Relations, without printed report.
		<b>THE JUDICIARY</b>	
296	583	Earl Leroy Yeakel III, of Texas, to be United States District Judge for the Western District of Texas, vice James R. Nowlin, retired.	Jul 10, 2003 Reported by Mr. Hatch, Committee on the Judiciary, without printed report.
		<b>DEPARTMENT OF JUSTICE</b>	
297	679	Karen P. Tandy, of Virginia, to be Administrator of Drug Enforcement, vice Asa Hutchinson.	Jul 10, 2003 Reported by Mr. Hatch, Committee on the Judiciary, without printed report.
		<b>DEPARTMENT OF HOMELAND SECURITY</b>	
* 299	451	Michael J. Garcia, of New York, to be an Assistant Secretary of Homeland Security. (New Position)	Jul 15, 2003 Senate Committee on the Judiciary discharged by Unanimous Consent. Agreement of July 13, 2003. Jun 17, 2003 Reported by Ms. Collins, Committee on Governmental Affairs, without printed report.
		<b>THE JUDICIARY</b>	
304	573	Kathleen Cardone, of Texas, to be United States District Judge for the Western District of Texas, vice a new position created by Public Law 107-273, approved November 2, 2002.	Jul 17, 2003 Reported by Mr. Hatch, Committee on the Judiciary, without printed report.
305	574	James I. Cohn, of Florida, to be United States District Judge for the Southern District of Florida, vice a new position created by Public Law 107-273, approved November 2, 2002.	Jul 17, 2003 Reported by Mr. Hatch, Committee on the Judiciary, without printed report.
306	579	Frank Montalvo, of Texas, to be United States District Judge for the Western District of Texas, vice a new position created by Public Law 107-273, approved November 2, 2002.	Jul 17, 2003 Reported by Mr. Hatch, Committee on the Judiciary, without printed report.
307	581	Xavier Rodriguez, of Texas, to be United States District Judge for the Western District of Texas, vice Edward C. Prado.	Jul 17, 2003 Reported by Mr. Hatch, Committee on the Judiciary, without printed report.

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		<b>DEPARTMENT OF JUSTICE</b>	
<b>308</b>	704	Jack Landman Goldsmith III, of Virginia, to be an Assistant Attorney General, vice Jay S. Bybee, resigned.	Jul 17, 2003 Reported by Mr. Hatch, Committee on the Judiciary, without printed report.
<b>309</b>	705	Christopher A. Wray, of Georgia, to be an Assistant Attorney General, vice Michael Chertoff.	Jul 17, 2003 Reported by Mr. Hatch, Committee on the Judiciary, without printed report.
		<b>THE JUDICIARY</b>	
<b>310</b>	512	William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit, vice Emmett Ripley Cox, retired.	Jul 23, 2003 Reported by Mr. Hatch, Committee on the Judiciary, without printed report.
		<b>EQUAL EMPLOYMENT OPPORTUNITY COMMISSION</b>	
* <b>311</b>	288	Eric S. Dreiband, of Virginia, to be General Counsel of the Equal Employment Opportunity Commission for a term of four years, vice Clifford Gregory Stewart.	Jul 23, 2003 Reported by Mr. Gregg, Committee on Health, Education, Labor, and Pensions, without printed report.
		<b>UNITED STATES INSTITUTE OF PEACE</b>	
* <b>312</b>	480	Stephen D. Krasner, of California, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005, vice Shibley Telhami.	Jul 23, 2003 Reported by Mr. Gregg, Committee on Health, Education, Labor, and Pensions, without printed report.
* <b>313</b>	482	Charles Edward Horner, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2007, vice Stephen Hadley, term expired.	Jul 23, 2003 Reported by Mr. Gregg, Committee on Health, Education, Labor, and Pensions, without printed report.
		<b>THE JUDICIARY</b>	
* <b>314</b>	542	H. Brent McKnight, of North Carolina, to be United States District Judge for the Western District of North Carolina, vice a new position created by Public Law 107-273, approved November 2, 2002.	Jul 24, 2003 Reported by Mr. Hatch, Committee on the Judiciary, without printed report.
<b>315</b>	536	James O. Browning, of New Mexico, to be United States District Judge for the District of New Mexico, vice C. LeRoy Hansen, retired.	Jul 24, 2003 Reported by Mr. Hatch, Committee on the Judiciary, without printed report.

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# NOMINATIONS PLACED ON THE SECRETARY'S DESK

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## FOREIGN SERVICE

PN778 Foreign Service nominations (101) beginning James M. Cunningham, and ending Howard M. Krawitz, which nominations were received by the Senate and appeared in the Congressional Record of June 25, 2003