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# SENATE OF THE UNITED STATES

## ONE HUNDRED NINTH CONGRESS

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

SECOND SESSION { CONVENED JANUARY 3, 2006

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# EXECUTIVE CALENDAR

**Monday, March 6, 2006**



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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. 176

**UNANIMOUS CONSENT AGREEMENT**  
**(Timothy C. Batten, Sr. [No. 517])**  
**(Thomas E. Johnston [No. 518])**  
**(Aida M. Delgado-Colon [No. 519])**

*Ordered*, That at 5 p.m. on Monday, March 6, 2006, the Senate proceed to executive session for the consideration en block of the following nominations on the Executive Calendar:

The Judiciary

Timothy C. Batten, Sr., of Georgia, to be United States District Judge for the Northern District of Georgia;  
Thomas E. Johnston, of West Virginia, to be United States District Judge for the Southern District of West Virginia; and  
Aida M. Delgado-Colon, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

*Ordered further*, That the following Senators be allocated 5 minutes each in relation to the above listed nominations: The Senators from Georgia, Mr. Chambliss and Mr. Isakson; the Senators from West Virginia, Mr. Byrd and Mr. Rockefeller; and The Chairman of the Committee on the Judiciary, Mr. Hatch, and The Ranking Member of the Committee on the Judiciary, Mr. Leahy.

*Ordered further*, That at 5:30 p.m., the Senate proceed to consecutive votes on the confirmation of the nominations in the order listed, with no intervening action or debate; provided further, that following those votes the President be immediately notified of the Senate's actions, and the Senate then resume legislative session.

*(March 2, 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.

## 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

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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.
* 239	608	<b>EXECUTIVE OFFICE OF THE PRESIDENT</b> Benjamin A. Powell, of Florida, to be General Counsel of the Office of the Director of National Intelligence. (New Position)	Jul 26, 2005 Reported by Mr. Roberts, Committee on Intelligence, 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.
* 310	413	Gordon England, of Texas, to be Deputy Secretary of Defense, vice Paul D. Wolfowitz.	Jul 29, 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.

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CALENDAR No	MESSAGE No	NOMINEE, OFFICE, AND PREDECESSOR	REPORTED BY
428	1007	<p style="text-align: center;"><b>COAST GUARD</b></p> <p>The following named officers for appointment in the United States Coast Guard to the grade indicated under Title 14, U.S.C., Section 271:</p> <p style="text-align: center;"><i>to be Rear Admiral</i></p> <p>Rear Adm. (lh) Jody A. Breckenridge, [REDACTED]  Rear Adm. (lh) Arthur E. Brooks, [REDACTED]  Rear Adm. (lh) John E. Crowley, [REDACTED]  Rear Adm. (lh) Richard R. Houck, [REDACTED]  Rear Adm. (lh) Richard R. Kelly, [REDACTED]  Rear Adm. (lh) David P. Pekoske, [REDACTED]  Rear Adm. (lh) Fred M. Rosa, [REDACTED]  Rear Adm. (lh) Timothy S. Sullivan, [REDACTED]</p> <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p>	<p>Nov 02, 2005 Reported by Mr. Stevens, Committee on Commerce, Science, and Transportation, without printed report.</p>
* 439	683	<p>Julie L. Myers, of Kansas, to be an Assistant Secretary of Homeland Security, vice Michael J. Garcia.</p> <p style="text-align: center;"><b>DEPARTMENT OF ENERGY</b></p>	<p>Nov 07, 2005 Senate Committee on the Judiciary discharged by Unanimous Consent Agreement of 10-7-05.</p> <p>Oct 07, 2005 Reported by Ms. Collins, Committee on Homeland Security and Governmental Affairs, without printed report.</p>
* 443	840	<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> <p style="text-align: center;"><b>NATIONAL SECURITY EDUCATION BOARD</b></p>	<p>Nov 16, 2005 Reported by Mr. Domenici, Committee on Energy and Natural Resources, without printed report.</p>
* 484	73	<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>	<p>Dec 19, 2005 Reported by Mr. Warner, Committee on Armed Services, without printed report.</p>

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		<b>DEPARTMENT OF DEFENSE</b>	
<b>* 485</b>	922	Dorrance Smith, of Virginia, to be an Assistant Secretary of Defense, vice Victoria Clarke.	Dec 19, 2005 Reported by Mr. Warner, Committee on Armed Services, without printed report.
		<b>THE JUDICIARY</b>	
<b>517</b>	938	Timothy C. Batten, Sr., of Georgia, to be United States District Judge for the Northern District of Georgia, vice Willis B. Hunt, Jr., retired.	Feb 16, 2006 Reported by Mr. Specter, Committee on the Judiciary, without printed report.
<b>518</b>	940	Thomas E. Johnston, of West Virginia, to be United States District Judge for the Southern District of West Virginia, vice Charles H. Haden, II, deceased.	Feb 16, 2006 Reported by Mr. Specter, Committee on the Judiciary, without printed report.
<b>519</b>	1006	Aida M. Delgado-Colon, of Puerto Rico, to be United States District Judge for the District of Puerto Rico, vice Salvador E. Casellas, retired.	Feb 16, 2006 Reported by Mr. Specter, Committee on the Judiciary, without printed report.
<b>520</b>	1060	Leo Maury Gordon, of New Jersey, to be a Judge of the United States Court of International Trade, vice Thomas J. Aquilino, retired.	Feb 16, 2006 Reported by Mr. Specter, Committee on the Judiciary, without printed report.
		<b>DEPARTMENT OF JUSTICE</b>	
<b>523</b>	1055	Paul J. McNulty, of Virginia, to be Deputy Attorney General, vice James B. Comey, resigned.	Feb 16, 2006 Reported by Mr. Specter, Committee on the Judiciary, without printed report.
		<b>THE JUDICIARY</b>	
<b>547</b>	1117	Jack Zouhary, of Ohio, to be United States District Judge for the Northern District of Ohio, vice David A. Katz, retired.	Mar 02, 2006 Reported by Mr. Specter, Committee on the Judiciary, without printed report.
<b>548</b>	1133	Stephen G. Larson, of California, to be United States District Judge for the Central District of California, vice Robert J. Timlin, retired.	Mar 02, 2006 Reported by Mr. Specter, Committee on the Judiciary, without printed report.

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<b>549</b>	1134	<p style="text-align: center;"><b>DEPARTMENT OF JUSTICE</b></p> <p>Terrance P. Flynn, of New York, to be United States Attorney for the Western District of New York for the term of four years, vice Michael A. Battle, resigned.</p>	Mar 02, 2006 Reported by Mr. Specter, Committee on the Judiciary, without printed report.

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NOMINATIONS PLACED ON THE SECRETARY'S DESK

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