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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

**Tuesday, July 25, 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. 248

**UNANIMOUS CONSENT AGREEMENT**  
**Jerome A. Holmes (Cal. No. 764)**

*Ordered*, That at 9:45 a.m. on Tuesday, July 25, 2006, the Senate proceed to executive session to resume consideration of the nomination of Jerome A. Holmes, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit; provided further, that there be 2 hours of debate equally divided between the Chairman of the Committee on the Judiciary and the Ranking Member or their designees.

*Ordered further*, That following the use 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 resume legislative session.

*(July 21, 24, 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.

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* 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.
* 614	1347	<p style="text-align: center;"><b>ENVIRONMENTAL PROTECTION AGENCY</b></p> <p>William Ludwig Wehrum, Jr., of Tennessee, to be an Assistant Administrator of the Environmental Protection Agency, vice Jeffrey R. Holmstead, resigned.</p>	Apr 26, 2006 Reported by Mr. Inhofe, Committee on Environment and Public Works, without printed report.
* 622	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.

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<b>624</b>	1135	<b>THE JUDICIARY</b> Norman Randy Smith, of Idaho, to be United States Circuit Judge for the Ninth Circuit, vice Stephen S. Trott, retired.	May 04, 2006 Reported by Mr. Specter, Committee on the Judiciary, without printed report.
<b>* 670</b>	1400	<b>ENVIRONMENTAL PROTECTION AGENCY</b> Molly A. O'Neill, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency, vice Kimberly Terese Nelson.	May 23, 2006 Reported by Mr. Inhofe, Committee on Environment and Public Works, without printed report.
<b>* 737</b>	1391	<b>DEPARTMENT OF JUSTICE</b> Kenneth L. Wainstein, of Virginia, to be an Assistant Attorney General. (New Position)	Jun 22, 2006 Reported by Mr. Roberts, Committee on Intelligence, without printed report.  Jun 15, 2006 Reported by Mr. Specter, Committee on the Judiciary, without printed report.
<b>* 751</b>	1436	<b>DEPARTMENT OF STATE</b> Earl Anthony Wayne, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Argentina.	Jun 29, 2006 Reported by Mr. Lugar, Committee on Foreign Relations, without printed report.
<b>* 760</b>	1160	<b>DEPARTMENT OF TRANSPORTATION</b> James S. Simpson, of New York, to be Federal Transit Administrator, vice Jennifer L. Dorn.	Jun 29, 2006 Reported by Mr. Shelby, Committee on Banking, Housing, and Urban Affairs, without printed report.
<b>764</b>	1536	<b>THE JUDICIARY</b> Jerome A. Holmes, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit, vice Stephanie K. Seymour, retired.	Jul 13, 2006 Reported by Mr. Specter, Committee on the Judiciary, without printed report.

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* 769	1304	<p align="center"><b>DEPARTMENT OF TRANSPORTATION</b></p> <p>Andrew B. Steinberg, of Maryland, to be an Assistant Secretary of Transportation, vice Karan K. Bhatia.</p>	Jul 19, 2006 Reported by Mr. Stevens, Committee on Commerce, Science, and Transportation, without printed report.
* 770	1445	<p align="center"><b>NATIONAL TRANSPORTATION SAFETY BOARD</b></p> <p>Mark V. Rosenker, of Maryland, to be Chairman of the National Transportation Safety Board for a term of two years, vice Ellen G. Engleman, term expired.</p>	Jul 19, 2006 Reported by Mr. Stevens, Committee on Commerce, Science, and Transportation, without printed report.
* 771	1587	<p align="center"><b>REFORM BOARD (AMTRAK)</b></p> <p>R. Hunter Biden, of Delaware, to be a Member of the Reform Board (Amtrak) for a term of five years, vice Michael S. Dukakis, term expired.</p>	Jul 19, 2006 Reported by Mr. Stevens, Committee on Commerce, Science, and Transportation, without printed report.
* 772	1588	<p>Donna R. McLean, of the District of Columbia, to be a Member of the Reform Board (Amtrak) for a term of five years, vice John Robert Smith, term expired.</p>	Jul 19, 2006 Reported by Mr. Stevens, Committee on Commerce, Science, and Transportation, without printed report.
* 773	1589	<p align="center"><b>DEPARTMENT OF TRANSPORTATION</b></p> <p>John H. Hill, of Indiana, to be Administrator of the Federal Motor Carrier Safety Administration, vice Annette Sandberg, resigned.</p>	Jul 19, 2006 Reported by Mr. Stevens, Committee on Commerce, Science, and Transportation, without printed report.
* 774	1530	<p 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 align="center"><i>to be Rear Admiral</i></p> <p>Rear Adm. (lh) Gary T. Blore, [REDACTED]  Rear Adm. (lh) John P. Currier, [REDACTED]  Rear Adm. (lh) Joel R. Whitehead, [REDACTED]</p>	Jul 19, 2006 Reported by Mr. Stevens, Committee on Commerce, Science, and Transportation, without printed report.

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		<b>EXPORT-IMPORT BANK OF THE UNITED STATES</b>	
* 775	1321	James Lambright, of Missouri, to be President of the Export-Import Bank of the United States for a term expiring January 20, 2009, vice Philip Merrill, resigned.	Jul 19, 2006 Reported by Mr. Shelby, Committee on Banking, Housing, and Urban Affairs, without printed report.
* 776	1723	Linda Mysliwy Conlin, of New Jersey, to be First Vice President of the Export-Import Bank of the United States for a term expiring January 20, 2009, vice April H. Foley, term expired.	Jul 19, 2006 Reported by Mr. Shelby, Committee on Banking, Housing, and Urban Affairs, without printed report.
* 777	1724	J. Joseph Grandmaison, of New Hampshire, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2009. (Reappointment)	Jul 19, 2006 Reported by Mr. Shelby, Committee on Banking, Housing, and Urban Affairs, without printed report.
		<b>FEDERAL HOUSING FINANCE BOARD</b>	
* 778	1696	Geoffrey S. Bacino, of Illinois, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2013, vice Franz S. Leichter, term expired.	Jul 19, 2006 Reported by Mr. Shelby, Committee on Banking, Housing, and Urban Affairs, without printed report.
		<b>FEDERAL RESERVE SYSTEM</b>	
* 779	1767	Frederic S. Mishkin, of New York, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2000, vice Roger Walton Ferguson, Jr., resigned.	Jul 19, 2006 Reported by Mr. Shelby, Committee on Banking, Housing, and Urban Affairs, without printed report.
		<b>DEPARTMENT OF THE TREASURY</b>	
* 780	1768	Edmund C. Moy, of Wisconsin, to be Director of the Mint for a term of five years, vice Henrietta Holsman Fore, resigned.	Jul 19, 2006 Reported by Mr. Shelby, Committee on Banking, Housing, and Urban Affairs, without printed report.
		<b>DEPARTMENT OF EDUCATION</b>	
* 781	1478	Lawrence A. Warder, of Texas, to be Chief Financial Officer, Department of Education, vice Jack Martin, resigned.	Jul 19, 2006 Reported by Mr. Enzi, Committee on Health, Education, Labor, and Pensions, without printed report.

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* 782	1551	Troy R. Justesen, of Utah, to be Assistant Secretary for Vocational and Adult Education, Department of Education, vice Susan K. Sclafani.	Jul 19, 2006 Reported by Mr. Enzi, Committee on Health, Education, Labor, and Pensions, without printed report.
<b>NATIONAL MEDIATION BOARD</b>			
* 783	1403	Harry R. Hoglander, of Massachusetts, to be a Member of the National Mediation Board for a term expiring July 1, 2008. (Reappointment)	Jul 19, 2006 Reported by Mr. Enzi, Committee on Health, Education, Labor, and Pensions, without printed report.
* 784	1633	Elizabeth Dougherty, of the District of Columbia, to be a Member of the National Mediation Board for a term expiring July 1, 2009, vice Read Van de Water, term expiring.	Jul 19, 2006 Reported by Mr. Enzi, Committee on Health, Education, Labor, and Pensions, without printed report.
<b>EQUAL EMPLOYMENT OPPORTUNITY COMMISSION</b>			
* 785	1402	Ronald S. Cooper, of Virginia, to be General Counsel of the Equal Employment Opportunity Commission for a term of four years, vice Eric S. Dreiband, resigned.	Jul 19, 2006 Reported by Mr. Enzi, Committee on Health, Education, Labor, and Pensions, without printed report.

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NOMINATIONS PLACED ON THE SECRETARY'S DESK

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