

similar governmental entity in the State of California—

“(A) shall be considered an eligible entity for purposes of this subsection; and

“(B) may develop a program under this subsection.

“(3) DISTRICT PROGRAMS.—All landowners participating in a program under this subchapter that is sponsored by a district or entity described in paragraph (2) shall be willing participants in the program.

“(k) GROUNDWATER.—A right to groundwater shall not be subject to any provision of this section unless the right is granted—

“(1) under applicable State law; and

“(2) through a groundwater water rights process that is fully integrated with the surface water rights process of the applicable affected State.

“(l) FUNDING.—

“(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

“(A) \$25,000,000 for fiscal year 2002;

“(B) \$52,000,000 for fiscal year 2003; and

“(C) \$100,000,000 for each of fiscal years 2004 through 2006.

“(2) LIMITATION ON EXPENDITURES.—For any fiscal year, a State that participates in the program shall expend not more than 75 percent of the funds made available to the State under the program to pay—

“(A) the cost of converting from production of a water-intensive crop to a crop that requires less water; or

“(B) the cost of irrigation efficiency infrastructure and measures under subsection (f)(1).

“(3) MONITORING PROGRAM.—For each fiscal year, of the funds made available under paragraph (1), the Secretary shall use not more than \$5,000,000 to carry out the monitoring program under subsection (e)(5).

“(4) ADMINISTRATION.—

“(A) FEDERAL.—For each fiscal year, of the funds made available under paragraph (1), the Secretary shall use not more than \$500,000 for administration of the program.

“(B) STATE.—For each fiscal year, of the funds made available under paragraph (1), not more than 3 percent shall be made available to States for administration of the program.”.

## NOTICES OF HEARINGS/MEETINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, March 7, 2002, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills:

S. 213 and H.R. 37, to amend the National Trails System Act to update the feasibility and suitability studies of four national historic trails and provide for possible additions to such trails;

S. 1069 and H.R. 834, to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes; and

H.R. 1384, to amend the National Trails System Act to designate the route in Arizona and New Mexico which the Navajo and Mescalero Apache Indian Tribes were forced to walk in 1863 and 1864, for study for potential addition to the National Trails System.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, 312 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact David Brooks of the committee staff at (202-224-9863).

## PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Madam President, I ask unanimous consent that Cheryl Wasserman, who is a fellow in my office, be granted the privilege of the floor during the Senate's consideration of the farm bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 303, S. 1206.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1206) to reauthorize the Appalachian Regional Development Act of 1965, and for other purposes.

There being no objection, the Senate proceeded to consider the bill to reauthorize the Appalachian Regional Development Act of 1965, and for other purposes, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and insert the part printed in italic.

### SECTION 1. SHORT TITLE.

*This Act may be cited as the “Appalachian Regional Development Act Amendments of 2001”.*

### SEC. 2. PURPOSES.

(a) *THIS ACT.—The purposes of this Act are—*

(1) *to reauthorize the Appalachian Regional Development Act of 1965 (40 U.S.C. App.); and*

(2) *to ensure that the people and businesses of the Appalachian region have the knowledge, skills, and access to telecommunication and technology services necessary to compete in the knowledge-based economy of the United States.*

(b) *APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965.—Section 2 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—*

(1) *in subsection (b), by inserting after the third sentence the following: “Consistent with the goal described in the preceding sentence, the Appalachian region should be able to take ad-*

*vantage of eco-industrial development, which promotes both employment and economic growth and the preservation of natural resources.”; and*

(2) *in subsection (c)(2)(B)(ii), by inserting “, including eco-industrial development technologies” before the semicolon.*

### SEC. 3. FUNCTIONS OF THE COMMISSION.

*Section 102(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—*

(1) *in paragraph (5), by inserting “, and support,” after “formation of”;*

(2) *in paragraph (7), by striking “and” at the end;*

(3) *in paragraph (8), by striking the period at the end and inserting a semicolon; and*

(4) *by adding at the end the following:*

“(9) *encourage the use of eco-industrial development technologies and approaches; and*

“(10) *seek to coordinate the economic development activities of, and the use of economic development resources by, Federal agencies in the region.”.*

### SEC. 4. INTERAGENCY COORDINATING COUNCIL ON APPALACHIA.

*Section 104 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—*

(1) *by striking “The President” and inserting “(a) IN GENERAL.—The President”;* and

(2) *by adding at the end the following:*

“(b) *INTERAGENCY COORDINATING COUNCIL ON APPALACHIA.—*

“(1) *ESTABLISHMENT.—In carrying out subsection (a), the President shall establish an interagency council to be known as the ‘Interagency Coordinating Council on Appalachia’.*

“(2) *MEMBERSHIP.—The Council shall be composed of—*

“(A) *the Federal Cochairman, who shall serve as Chairperson of the Council; and*

“(B) *representatives of Federal agencies that carry out economic development programs in the region.”.*

### SEC. 5. TELECOMMUNICATIONS AND TECHNOLOGY INITIATIVE.

*Title II of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by inserting after section 202 the following:*

#### “SEC. 203. TELECOMMUNICATIONS AND TECHNOLOGY INITIATIVE.

“(a) *IN GENERAL.—The Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide funds to persons or entities in the region for projects—*

“(1) *to increase affordable access to advanced telecommunications, entrepreneurship, and management technologies or applications in the region;*

“(2) *to provide education and training in the use of telecommunications and technology;*

“(3) *to develop programs to increase the readiness of industry groups and businesses in the region to engage in electronic commerce; or*

“(4) *to support entrepreneurial opportunities for businesses in the information technology sector.*

“(b) *SOURCE OF FUNDING.—*

“(1) *IN GENERAL.—Assistance under this section may be provided—*

“(A) *exclusively from amounts made available to carry out this section; or*

“(B) *from amounts made available to carry out this section in combination with amounts made available under any other Federal program or from any other source.*

“(2) *FEDERAL SHARE REQUIREMENTS SPECIFIED IN OTHER LAWS.—Notwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Commission determines to be appropriate.*

“(c) *COST SHARING FOR GRANTS.—Not more than 50 percent (or 80 percent in the case of a project to be carried out in a county for which a distressed county designation is in effect*

under section 226) of the costs of any activity eligible for a grant under this section may be provided from funds appropriated to carry out this section.

“(d) BROADBAND STUDY.—

“(1) IN GENERAL.—The Commission shall make a grant, enter into an agreement, or otherwise provide funds for the conduct of a study on—

“(A) the availability of broadband telecommunications services and access to the Internet through such services in rural and other remote areas;

“(B) the impacts of the availability of those services on those areas; and

“(C) the means that are available for enhancing or facilitating the availability of those services in those areas.

“(2) COMPLETION OF STUDY.—The study under paragraph (1) shall be completed not later than 18 months after the date of enactment of the Appalachian Regional Development Act Amendments of 2001.”.

#### SEC. 6. ENTREPRENEURSHIP INITIATIVE.

Title II of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by inserting after section 203 (as added by section 5) the following:

##### “SEC. 204. ENTREPRENEURSHIP INITIATIVE.

“(a) DEFINITION OF BUSINESS INCUBATOR SERVICE.—In this section, the term ‘business incubator service’ means a professional or technical service necessary for the initiation and initial sustenance of the operations of a newly established business, including a service such as—

“(1) a legal service, including aid in preparing a corporate charter, partnership agreement, or basic contract;

“(2) a service in support of the protection of intellectual property through a patent, a trademark, or any other means;

“(3) a service in support of the acquisition and use of advanced technology, including the use of Internet services and Web-based services; and

“(4) consultation on strategic planning, marketing, or advertising.

“(b) PROJECTS TO BE ASSISTED.—The Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide funds to persons or entities in the region for projects—

“(1) to support the advancement of, and provide, high-quality entrepreneurial training and education for youths, students, and businesspersons;

“(2) to improve access to debt and equity capital, including the establishment of development venture capital funds;

“(3) to aid communities in identifying, developing, and implementing development strategies for various sectors of the economy; and

“(4)(A) to develop a working network of business incubators; and

“(B) to support entities that provide business incubator services.

“(c) SOURCE OF FUNDING.—

“(1) IN GENERAL.—Assistance under this section may be provided—

“(A) exclusively from amounts made available to carry out this section; or

“(B) from amounts made available to carry out this section in combination with amounts made available under any other Federal program or from any other source.

“(2) FEDERAL SHARE REQUIREMENTS SPECIFIED IN OTHER LAWS.—Notwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Commission determines to be appropriate.

“(d) COST SHARING FOR GRANTS.—Not more than 50 percent (or 80 percent in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 226) of the costs of any activity el-

igible for a grant under this section may be provided from funds appropriated to carry out this section.”.

#### SEC. 7. REGIONAL SKILLS PARTNERSHIPS.

Title II of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by inserting after section 204 (as added by section 6) the following:

##### “SEC. 205. REGIONAL SKILLS PARTNERSHIPS.

“(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means a consortium that—

“(1) is established to serve 1 or more industries in a specified geographic area; and

“(2) consists of representatives of—

“(A) businesses (or a nonprofit organization that represents businesses);

“(B) labor organizations;

“(C) State and local governments; or

“(D) educational institutions.

“(b) PROJECTS TO BE ASSISTED.—The Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide funds to eligible entities in the region for projects to improve the job skills of workers in a specified industry, including projects for—

“(1) the assessment of training and job skill needs for the industry;

“(2) the development of curricula and training methods, including, in appropriate cases, electronic learning or technology-based training;

“(3) the purchase, lease, or receipt of donations of training equipment;

“(4)(A) the identification of training providers; and

“(B) the development of partnerships between the industry and educational institutions, including community colleges;

“(5) the development of apprenticeship programs;

“(6) the development of training programs for workers, including dislocated workers; and

“(7) the development of training plans for businesses.

“(c) ADMINISTRATIVE COSTS.—An eligible entity may use not more than 10 percent of the funds made available to the eligible entity under subsection (b) to pay administrative costs associated with the projects described in subsection (b).

“(d) SOURCE OF FUNDING.—

“(1) IN GENERAL.—Assistance under this section may be provided—

“(A) exclusively from amounts made available to carry out this section; or

“(B) from amounts made available to carry out this section in combination with amounts made available under any other Federal program or from any other source.

“(2) FEDERAL SHARE REQUIREMENTS SPECIFIED IN OTHER LAWS.—Notwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Commission determines to be appropriate.

“(e) COST SHARING FOR GRANTS.—Not more than 50 percent (or 80 percent in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 226) of the costs of any activity eligible for a grant under this section may be provided from funds appropriated to carry out this section.”.

#### SEC. 8. PROGRAM DEVELOPMENT CRITERIA.

(a) ELIMINATION OF GROWTH CENTER CRITERIA.—Section 224(a)(1) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking “in an area determined by the State have a significant potential for growth or”.

(b) ASSISTANCE TO DISTRESSED COUNTIES AND AREAS.—Section 224 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by adding at the end the following:

“(d) ASSISTANCE TO DISTRESSED COUNTIES AND AREAS.—For each fiscal year, not less than 50

percent of the amount of grant expenditures approved by the Commission shall support activities or projects that benefit severely and persistently distressed counties and areas.”.

#### SEC. 9. GRANTS FOR ADMINISTRATIVE EXPENSES OF LOCAL DEVELOPMENT DISTRICTS.

Section 302(a)(1)(A)(i) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by inserting “(or, at the discretion of the Commission, 75 percent of such expenses in the case of a local development district that has a charter or authority that includes the economic development of a county or part of a county for which a distressed county designation is in effect under section 226)” after “such expenses”.

#### SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 401 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended to read as follows:

##### “SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—In addition to amounts authorized by section 201 and other amounts made available for the Appalachian development highway system program, there are authorized to be appropriated to the Commission to carry out this Act—

“(1) \$88,000,000 for each of fiscal years 2002 through 2004;

“(2) \$90,000,000 for fiscal year 2005; and

“(3) \$92,000,000 for fiscal year 2006.

“(b) TELECOMMUNICATIONS AND TECHNOLOGY INITIATIVE.—Of the amounts made available under subsection (a), the following amounts may be made available to carry out section 203:

“(1) \$10,000,000 for fiscal year 2002.

“(2) \$8,000,000 for fiscal year 2003.

“(3) \$5,000,000 for each of fiscal years 2004 through 2006.

“(c) AVAILABILITY.—Sums made available under subsection (a) shall remain available until expended.”.

#### SEC. 11. STUDIES.

(a) STUDY OF REGIONAL CHARACTERISTICS OF UPPER NEW YORK STATE.—Section 403 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the second sentence of the last undesignated paragraph by striking “June 30, 1970” and inserting “September 30, 2002”.

(b) STUDY OF IMPACTS OF TERRORIST ATTACKS ON ECONOMY OF NEW YORK.—

(1) IN GENERAL.—The Appalachian Regional Commission shall provide for a study to be conducted by an academic institution located within the Appalachian region of New York State—

(A) to examine the immediate and potential short-term and long-term economic impacts of the events of September 11, 2001, on New York City and on other areas of New York State; and

(B) to identify mechanisms and resources that could be used to prevent, reduce, and ameliorate those impacts.

(2) COMPLETION OF STUDY.—The study under paragraph (1) shall be completed not later than 1 year after the date of enactment of this Act.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Appalachian Regional Commission to carry out this subsection \$300,000 for fiscal year 2002, to remain available until expended.

#### SEC. 12. TERMINATION.

Section 405 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking “2001” and inserting “2006”.

#### SEC. 13. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 101(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the third sentence by striking “implementing investment program” and inserting “strategy statement”.

(b) Section 106(7) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking “expiring no later than September 30, 2001”.

(c) Sections 202, 214, and 302(a)(1)(C) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) are amended by striking "grant-in-aid programs" each place it appears and inserting "grant programs".

(d) Section 202(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the second sentence by striking "title VI of the Public Health Service Act (42 U.S.C. 291–291o), the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (77 Stat. 282)," and inserting "title VI of the Public Health Service Act (42 U.S.C. 291 et seq.), the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.)."

(e) Section 207(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "section 221 of the National Housing Act, section 8 of the United States Housing Act of 1937, section 515 of the Housing Act of 1949," and inserting "section 221 of the National Housing Act (12 U.S.C. 1715l), section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), section 515 of the Housing Act of 1949 (42 U.S.C. 1485)."

(f) Section 214 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the section heading, by striking "GRANT-IN-AID" and inserting "GRANT";

(2) in subsection (a)—

(A) by striking "grant-in-aid Act" each place it appears and inserting "Act";

(B) in the first sentence, by striking "grant-in-aid Acts" and inserting "Acts";

(C) by striking "grant-in-aid program" each place it appears and inserting "grant program"; and

(D) by striking the third sentence;

(3) by striking subsection (c) and inserting the following:

"(c) DEFINITION OF FEDERAL GRANT PROGRAM.—

"(1) IN GENERAL.—In this section, the term 'Federal grant program' means any Federal grant program authorized by this Act or any other Act that provides assistance for—

"(A) the acquisition or development of land;

"(B) the construction or equipment of facilities; or

"(C) any other community or economic development or economic adjustment activity.

"(2) INCLUSIONS.—In this section, the term 'Federal grant program' includes a Federal grant program such as a Federal grant program authorized by—

"(A) the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.);

"(B) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.);

"(C) the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.);

"(D) the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.);

"(E) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(F) title VI of the Public Health Service Act (42 U.S.C. 291 et seq.);

"(G) sections 201 and 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141, 3149);

"(H) title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); or

"(I) part IV of title III of the Communications Act of 1934 (47 U.S.C. 390 et seq.).

"(3) EXCLUSIONS.—In this section, the term 'Federal grant program' does not include—

"(A) the program for construction of the Appalachian development highway system authorized by section 201;

"(B) any program relating to highway or road construction authorized by title 23, United States Code; or

"(C) any other program under this Act or any other Act to the extent that a form of financial

assistance other than a grant is authorized."; and

(4) by striking subsection (d).

(g) Section 224(a)(2) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "relative per capita income" and inserting "per capita market income".

(h) Section 225 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.)—

(1) in subsection (a)(3), by striking "development program" and inserting "development strategies"; and

(2) in subsection (c)(2), by striking "development programs" and inserting "development strategies".

(i) Section 303 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the section heading, by striking "INVESTMENT PROGRAMS" and inserting "STRATEGY STATEMENTS";

(2) in the first sentence, by striking "implementing investments programs" and inserting "strategy statements"; and

(3) by striking "implementing investment program" each place it appears and inserting "strategy statement".

(j) Section 403 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the next-to-last undesignated paragraph by striking "Committee on Public Works and Transportation" and inserting "Committee on Transportation and Infrastructure".

#### AMENDMENT NO. 2840

Mr. REID. Mr. President, I understand Senator JEFFORDS has a substitute amendment at the desk. I, therefore, ask unanimous consent that the amendment be agreed to, the committee substitute amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid on the table with no intervening action or debate, and that any statements relating to these matters be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2840) was agreed to.

(The amendment is printed in today's RECORD under "Amendments Submitted.")

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1206), as amended, was passed.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Executive Session consider Executive Calendar Nos. 677 through 694; that the nominations be confirmed, the motions to reconsider be laid on the table, that any statements thereupon be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

#### DEPARTMENT OF JUSTICE

Thomas P. Colantuono, of New Hampshire, to be United States Attorney for the District of New Hampshire for the term of four years.

James K. Vines, of Tennessee, to be United States Attorney for the Middle District of Tennessee for the term of four years.

James Duane Dawson, of West Virginia, to be United States Marshal for the Southern District of West Virginia for the term of four years.

William Carey Jenkins, of Louisiana, to be United States Marshal for the Middle District of Louisiana for the term of four years.

Ronald Richard McCubbin, Jr., of Kentucky, to be United States Marshal for the Western District of Kentucky for the term of four years.

David Reid Murtaugh, of Indiana, to be United States Marshal for the Northern District of Indiana for the term of four years.

Nehemiah Flowers, of Mississippi, to be United States Marshal for the Southern District of Mississippi for the term of four years.

Arthur Jeffrey Heddon, of Tennessee, to be United States Marshal for the Eastern District of Tennessee, for the term of four years.

David Glenn Jolley, of Tennessee, to be United States Marshal for the Western District of Tennessee for the term of four years.

Michael Wade Roach, of Oklahoma, to be United States Marshal for the Western District of Oklahoma for the term of four years.

Eric Eugene Robertson, of Washington, to be United States Marshal for the Western District of Washington for the term of four years.

Brian Michael Ennis, of Nebraska, to be United States Marshal for the District of Nebraska for the term of four years.

Chester Martin Keely, of Alabama, to be United States Marshal for the Northern District of Alabama for the term of four years.

John William Loyd, of Oklahoma, to be United States Marshal for the Eastern District of Oklahoma for the term of four years.

David Donald Viles, of Maine, to be United States Marshal for the District of Maine for the term of four years.

Johnny Lewis Hughes, of Maryland, to be United States Marshal for the District of Maryland for the term of four years.

Randy Merlin Johnson, of Alaska, to be United States Marshal for the District of Alaska for the term of four years.

Larry Wade Wagster, of Mississippi, to be United States Marshal for the Northern District of Mississippi for the term of four years.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR NOS. 670 AND 676

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that on Monday, February 11, the Senate proceed to executive session to consider the following nominations: Calendar No. 670, Michael Melloy, to be United States Circuit Judge; and Calendar No. 676, Jay Zainey, to be United States District Judge; that there be 15 minutes for debate on both nominations, equally divided between the chairman and ranking member of the Judiciary Committee or their designees; that at 6 p.m. the Senate vote on Calendar No. 670, and that upon the disposition of that nomination, the Senate vote immediately on Calendar