

quorum calls (except quorum calls immediately preceding a vote) and voting, shall come from the 10 hours of debate.

(D) AMENDMENTS.—No amendment to the Commission bill shall be in order in the Senate and the House of Representatives.

(E) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on the Commission bill, the vote on final passage of the Commission bill shall occur.

(F) OTHER MOTIONS NOT IN ORDER.—A motion to postpone consideration of the Commission bill, a motion to proceed to the consideration of other business, or a motion to recommit the Commission bill is not in order. A motion to reconsider the vote by which the Commission bill is agreed to or not agreed to is not in order.

(2) CONSIDERATION BY OTHER HOUSE.—If, before the passage by one House of the Commission bill that was introduced in such House, such House receives from the other House a Commission bill as passed by such other House—

(A) the Commission bill of the other House shall not be referred to a committee and may only be considered for final passage in the House that receives it under subparagraph (C);

(B) the procedure in the House in receipt of the Commission bill of the other House, shall be the same as if no Commission bill had been received from the other House; and

(C) notwithstanding subparagraph (B), the vote on final passage shall be on the Commission bill of the other House.

(3) Upon disposition of a Commission bill that is received by one House from the other House, it shall no longer be in order to consider the Commission bill that was introduced in the receiving House.

(C) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This section is enacted—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a Commission bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 207. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits the final evaluation and plan report under section 203.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for carrying out this title for each of the fiscal years 2010 through 2014.

NOTICE OF HEARING

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting scheduled before the Committee on Energy and Natural Resources, previously announced for February 11th, has been rescheduled and will now be held on Wednesday, February 10, 2010, at 9:30 a.m., immediately preceding the full committee hearing, in room SD-366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending nominations.

For further information, please contact Sam Fowler or Amanda Kelly.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on January 26, 2010 at 2:30 p.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on January 26, 2010 at 10 a.m. to conduct a hearing entitled "Intelligence Reform: The Lessons and Implications of the Christmas Day Attack, Part II."

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 26, 2010 at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff of mine be granted the privileges of the floor during consideration of the debt limit legislation: Christopher Goble, Dustin Stevens, Lucas Hamilton, Tsveta Polhemus.

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

Mr. BAUCUS. Mr. President, I ask unanimous consent that Paula Haurilesko, a detailee to the Committee on Homeland Security and Governmental Affairs, be granted the privilege of the floor for the remainder of the week.

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

IN MEMORY OF FORMER SENATOR CHARLES MCCURDY ("MAC") MATHIAS, JR.

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 397 submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 397) relative to the death of Charles McCurdy ("Mac") Mathias, Jr., former United States Senator for the State of Maryland.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 397) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 397

Whereas Mac Mathias served in the United States Navy during World War II from 1942–1946 and was a captain in the Naval Reserve;

Whereas Mac Mathias served the state of Maryland as an assistant attorney general, a city attorney, a member of the Maryland House of Delegates, and as a member of the United States House of Representatives;

Whereas Mac Mathias was called the "conscience of the Senate" by Majority Leader Mike Mansfield;

Whereas Mac Mathias served the Senate as Chairman of the Committee on Rules and Administration in the Ninety-seventh through Ninety-ninth Congresses and co-chairman of the Joint Committee on Printing in the Ninety-seventh and Ninety-ninth Congresses; and

Whereas Mac Mathias served the people of Maryland with distinction for 18 years in the United States Senate; Now therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Charles McC. Mathias, Jr., former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Charles McC. Mathias, Jr.

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 398 submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 398) to authorize representation by the Senate Legal Counsel in the case of *Schonberg, et al. v. Sanders, et al.*

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a civil action filed by two individuals against five Senators, two Representatives, and the Federal Election Commission. Plaintiffs' challenge rests on their claim to a right that Congress pass health care legislation that would benefit them. Plaintiffs' legal claim is that the Federal Election Campaign Act's designation of Members of Congress as agents of their

campaign committees violates the Constitution's prohibition on Members of Congress holding any other office under the United States while serving in the Congress.

Plaintiffs' complaint over the legislative actions of Senators is not cognizable before the courts. In addition, Senators' involvement with their campaign committees does not constitute holding an office of the United States and does not violate the Constitution.

This resolution authorizes the Senate Legal Counsel to represent the Senators named as defendants in this case and to move for its dismissal.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 398) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 398

Whereas, in the case of *Schonberg, et al. v. Sanders, et al.*, Case No. 5:09-CV-534, pending in the United States District Court for the Middle District of Florida, plaintiffs have named as defendants five Senators; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senators Lieberman, Lincoln, McConnell, McCain, and Sanders in the case of *Schonberg, et al. v. Sanders, et al.*

HONORING LAW ENFORCEMENT OFFICERS IN LAS VEGAS, NEVADA

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. Res. 399, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 399) honoring the heroic actions of Court Security Officer Stanley Cooper, Deputy United States Marshal Richard J. "Joe" Gardner, the law enforcement officers of the United States Marshals Service and Las Vegas Metropolitan Police Department, and the Court Security Officers in responding to the armed assault at the Lloyd D. George Federal Courthouse on January 4, 2010.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 399) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 399

Whereas on January 4, 2010, during an assault at the entrance of the Lloyd D. George Federal Courthouse in Las Vegas, Nevada, Court Security Officer Stanley Cooper was fatally wounded and died heroically in the line of duty while protecting the employees, occupants, and visitors of the courthouse;

Whereas Deputy United States Marshal Richard J. "Joe" Gardner was wounded in the line of duty while protecting the employees, occupants, and visitors of the courthouse;

Whereas the Court Security Officers and members of the United States Marshals Service and the Las Vegas Metropolitan Police Department acted swiftly and bravely to subdue the gunman and minimize risk and injury to the public; and

Whereas the heroic actions of Court Security Officer Stanley Cooper, Deputy United States Marshal Richard J. "Joe" Gardner, and the law enforcement officers who responded to the attack prevented additional harm to innocent bystanders: Now, therefore, be it

Resolved, That the Senate—

(1) commends the brave actions and quick thinking exhibited by Court Security Officer Stanley Cooper during the assault at the entrance of the Lloyd D. George Federal Courthouse on January 4, 2010;

(2) offers its deepest condolences to the family and friends of Court Security Officer Stanley Cooper, who valiantly gave his life in the line of duty;

(3) commends Deputy United States Marshal Richard J. "Joe" Gardner for his actions and bravery in responding to the assault;

(4) wishes Deputy United States Marshal Richard J. "Joe" Gardner a speedy recovery from the wounds he sustained in the line of duty; and

(5) applauds the Court Security Officers and members of the United States Marshals Service and Las Vegas Metropolitan Police Department for their brave and courageous actions in responding to the assault at the Lloyd D. George Federal Courthouse.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

ORDERS FOR JANUARY 27 AND 28, 2010

Mr. DURBIN. I ask unanimous consent when the Senate completes its business today, it adjourn until 8:20 p.m. on Wednesday, January 27; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and at 8:30 p.m. the Senate proceed as a body to the Hall of the House to hear an address from the President of the United States; that upon conclusion of

the Joint Session, the Senate adjourn until 9:30 a.m. on Thursday, January 28; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.J. Res. 45, the debt limit, as provided for under the previous order; further, I ask that when the Senate resumes consideration of H.J. Res. 45, there be 1 hour for debate equally divided and controlled between the two leaders or their designees, with Senator SANDERS controlling 15 minutes of majority time prior to the first vote.

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

PROGRAM

Mr. DURBIN. Mr. President, the Senate will not be in session until 8:20 p.m. tomorrow because of the Republicans' 1-day issues conference.

Tomorrow is the State of the Union Address and Senators are encouraged to gather in the Senate Chamber at 8:20 p.m. so that we may proceed to the Hall of the House at 8:30 p.m. to hear President Obama's address.

Senators should expect a series of five rollcall votes to begin as early as 10:30 a.m. on Thursday. Those votes will be in relation to the debt limit resolution.

Also, under a previous order, following the series of votes Thursday morning, there will be 1 hour for debate prior to a cloture vote on the Bernanke nomination.

Mr. President, I would like to clarify my unanimous consent request, and that is that there be 1 hour of morning business before the 1 hour of debate closing.

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

Mr. DURBIN. And the acknowledgment of Mr. SANDERS' right to control 15 minutes be part of that.

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

ADJOURNMENT UNTIL 8:20 P.M. TOMORROW

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent the Senate adjourn under the provisions of S. Res. 397, as a further mark of respect for the late Senator Mathias of Maryland.

There being no objection, the Senate, at 9:02 p.m., adjourned until Wednesday, January 27, at 8:20 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF AGRICULTURE

ELISABETH ANN HAGEN, OF VIRGINIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR FOOD SAFETY, VICE RICHARD A. RAYMOND, RESIGNED.