

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.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER:
KAREN L. ZENS, OF THE DISTRICT OF COLUMBIA
CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:
DAVID W. FULTON, OF VIRGINIA
THOMAS E. MOORE, OF VIRGINIA
CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:
MARIA J. ANDREWS, OF MISSOURI
MICHAEL A. LALLY, OF NEW YORK
JOHN M. MCCASLIN, OF OHIO
REGINALD A. MILLER, OF VIRGINIA
RICHARD STEFFENS, OF NEW JERSEY

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. BYRON C. HEPBURN

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL JEFFREY N. COLT
COLONEL PETER A. DELUCA
COLONEL ROBERT M. DYESS, JR.
COLONEL DONALD M. MACWILLIE

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DAVID A. NORDSTRAND

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

HELEN K. CROUCH
MICKRA H. KING

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RANDALL B. DELL
EDDIE P. SANCHEZ

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CHARLES T. HUGUELET
ROBERT LEE
KENNETH B. MCKAY
MICHAEL E. SAVAGE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

GLENDA K. M. GRONES
TERESA W. RYAN
SANDRA G. STEBLIN
MONA P. TERNUS
NANCY A. WESTBROOK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

FRANK J. ARCHER
DAVID B. CARMACK
MATTHEW J. CAZAN
JAMES W. DICKEY
LEE H. DIEHL
SHARON H. EVERS
APRIL S. FITZGERALD
DOUGLAS E. HEMLER
KRISTINE H. HENDERSON

KARL M. LARSEN
GEZA V. LORANTH
GUY R. MOISE
DEBORAH L. MUELLER
BONNIE J. NOWACZYK
EDUARDO SAN MIGUEL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

THOMAS J. PIZZOLO
MICHAEL K. SAVAGE
CLIFFORD ZDANOWICZ, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

TARN M. ABELL
JOSEPH ALMODOVAR
ROSS R. ANDERSON
COURTNEY J. ARNOLD
LAEN D. AUGUST
THOMAS L. AYERS
JAMES R. BARKLEY
SAMUEL A. BELLIA
HELEN K. BIRCHENOUGH
LISA A. BOYCE
DONALD R. BUCKLEY
JOHN H. BURLING
CHRISTINE M. CARTAYA
RICHARD M. COCKLEY
DAVID E. DAVIS
THOMAS B. DAVIS
STEPHEN R. DAY
GARY W. DICKINSON
TED A. DOEDERLEIN
BRIAN M. DWYER
SAMUEL L. ELKINS
KEVIN R. FESLER
JAMES B. FINNEY
DALE A. FORMAN
YVES T. FUHRMANN
SCOTT D. GAHRING
TERENCE J. GIBSON
ERNEST M. GOODMAN
ANNE B. GUNTER
MICHAEL P. HAMES
DOUGLAS L. HARRISON
KATHY S. HASH
CATHLEEN A. HAVERSTOCK
HUBERT C. HEGTVEDT
ROBERT W. HEHEMANN
JOHN M. HILLYER
DANA M. HOWARD
ERIC A. JORGENSEN
KENNETH L. KEMPER
CATHERINE K. KLEMAN
KEITH A. KNUDSON
TRACI L. KUEKERMURPHY
CRAIG L. LAFAVE
BRENDAN P. LEWIS
STEVEN T. LIDDY
TEDDY A. LUKE
JAMES T. MAIN
MARTHA J. MANN
TODD A. MANNING
JENNIFER A. MARRS
TIMOTHY J. MCCOY
JOHN D. MCKAYE
TONY H. MCKENZIE
PATRICE A. MELANCON
MARK D. METZ
MICHAEL E. MICHNO
DENISE M. MINNICK
JOSE R. MONTEAGUDO
BRADFORD G. MONTGOMERY
ELLEN M. MOORE
JEFFREY S. MULLEN
MYLES P. MURPHY
CHARLENE N. NELSON
ROBERT S. OATES
RICHARD W. PARKINSON
CRAIG C. PETERS
JAMES M. PHILLIPS
TERESA M. PITTS
DAVID L. POND
CARL E. PRICE
PAUL R. PRYOR
BRYAN P. RADLIFF
WESLEY C. REED
RUSSELL P. REIMER
MARK J. ROBERTS
ELWIN A. ROZYSKIE
BARRY A. RUTLEDGE
SCOTT A. SAUTER
LANE A. SEAHOLOM
HOUSTON A. SEWELL

PATRICK A. SHOPE
ROBERT J. SIANI
MARK E. SIGLER
PATRICK G. SLATTERY
TAMMY L. SMEEEKS
RONALD J. STAUFFER
MATHIAS J. SUTTON
ELIZABETH A. SYDOW
LLOYD I. TERRY
PAUL T. THEISEN
KIMBERLY A. THOMPSON
MARYBETH P. ULRICH
CONSTANCE M. VONHOFFMAN
EDWIN O. WALLER
ROBERT S. WEAVER
PATRICK W. WEBB
JOHN B. WILLIAMS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LOUIS GEVIRTZMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C. SECTION 12203:

To be colonel

BRENDA M. ARZU
JOHN W. HUSTLEBY
CLAUDE L. LOVELL III
TONY P. MEYER
JOHN R. MILLS

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

DAVID W. TERHUNE

To be commander

PETER G. MAYER
CESAR C. SANTOS

To be lieutenant commander

LEO C. ALTAMIRANO
LISA E. BERGER
VIRGILIO A. CANTU
JOHN D. HARRAH, JR.
DAREN R. MEALER
CORY L. RUSSELL
OMAR SAEED
DET R. SMITH

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

ERIC R. AKINS
MARK B. ALLEN
LARRY J. ARBUCKLE
LARRION D. CASSIDY
BRIAN L. COCHRAN
JOSHUA P. CORBIN
JANUARY J. CRIVELLO
JOHN M. CYCYK
TIMOTHY J. DEBELAK
DANIEL R. FULTON
PRESTON W. GILMORE
LEONARDO GIOVANNELLI
PATRICK A. GRIFFIN
JOHN W. HAMILTON
KARL D. HOERSTER
DAVID A. JOHNS
DAVID J. LATTA
JASON E. MUCH
BRIAN T. MURPHY
LEWIS J. PATTERSON
REGINALD N. PRESTON
PATRICK K. PRUITT
CRAIG M. REPLOGLE
DARIN R. RIGGS
GREGORY K. RING
MATTHEW R. SHELLOCK
MATTHEW F. THOMPSON
ADAM B. WEINER
MICHELLE D. WEISSINGER
SCOTT T. WILBUR