

“(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

“(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

“(B) the vote on final passage shall be on the joint resolution of the other House.

#### “§ 804. Definitions

“For purposes of this chapter—

“(1) the term ‘Federal agency’ means any agency as that term is defined in section 551(1);

“(2) the term ‘major rule’ means any rule, including an interim final rule, that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in—

“(A) an annual effect on the economy of \$100,000,000 or more;

“(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

“(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets;

“(3) the term ‘nonmajor rule’ means any rule that is not a major rule; and

“(4) the term ‘rule’ has the meaning given such term in section 551, except that such term does not include—

“(A) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing;

“(B) any rule relating to agency management or personnel; or

“(C) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties.

#### “§ 805. Judicial review

“(a) No determination, finding, action, or omission under this chapter shall be subject to judicial review.

“(b) Notwithstanding subsection (a), a court may determine whether a Federal agency has completed the necessary requirements under this chapter for a rule to take effect.

#### “§ 806. Exemption for monetary policy

“Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

#### “§ 807. Effective date of certain rules

“Notwithstanding section 801—

“(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping; or

“(2) any rule other than a major rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, shall take effect at such time as the Federal agency promulgating the rule determines.”.

**SA 1530.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize

Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

#### **SEC. \_\_\_\_ . NATIONAL HIGHWAY PERFORMANCE PROGRAM; DEFICIT REDUCTION.**

(a) Of the amounts made available under titles II through VI of division I of the Consolidated Appropriations Act, 2012 (Public Law 112-74; 125 Stat. 786), \$14,677,000,000 are rescinded and transferred to the general fund of the Treasury and used for deficit reduction.

(b) The authorization of appropriations to carry out the national highway performance program under section 119 of title 23, United States Code (as amended by section 1106) is increased by \$7,338,000,000.

(c) The total amount specified in subsection (a) shall be derived from an amount rescinded from programs and projects for which funds are made available under titles II through VI of division I of the Consolidated Appropriations Act, 2012 (Public Law 112-74; 125 Stat. 786), as determined, for each such program or project, by the Secretary of State or the head of any other agency having administrative authority over the program or project.

**SA 1531.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **SEC. \_\_\_\_ . PROHIBITION ON FOREIGN ASSISTANCE TO EGYPT.**

Beginning 30 days after the date of the enactment of this Act, no amounts may be obligated or expended to provide any direct United States assistance to the Government of Egypt unless the President certifies to Congress that the Government of Egypt is not holding, detaining, prosecuting, harassing, or preventing the exit from Egypt of any person working for a nongovernmental organization supported by the United States Government, and that the Government of Egypt is not holding any property of any such nongovernmental organization.

**SA 1532.** Mr. PAUL (for himself, Mr. VITTER, and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **SEC. \_\_\_\_ . NONAPPLICATION OF DAVIS-BACON.**

None of the funds made available under this Act (or an amendment made by this Act) may be used to administer or enforce the wage-rate requirements of subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the “Davis-Bacon Act”) with respect to any project or program funded under this Act (or amendment).

**SA 1533.** Mr. MENENDEZ (for himself, Mr. KIRK, Mr. DURBIN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construc-

tion programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I of division A, add the following:

#### **SEC. \_\_\_\_ . PAY-TO-PLAY REFORM.**

Section 112 of title 23, United States Code, is amended by adding at the end the following:

“(h) PAY-TO-PLAY REFORM.—A State transportation department shall not be considered to have violated a requirement of this section solely because the State in which that State transportation department is located, or a local government within that State, has in effect a law or an order that limits the amount of money an individual or entity that is doing business with a State or local agency with respect to a Federal-aid highway project may contribute to a political party, campaign, candidate, or elected official.”.

### NOTICE OF HEARING

#### 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 field hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on Monday, March 12, 2012, at 2 p.m., at the U.S. Naval Station, Norfolk, Virginia.

The purpose of the hearing is to receive testimony on specific energy and water policies and programs that the U.S. Department of Navy is implementing as it pertains to its operations and facilities.

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 it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Meagan\_Gins@energy.senate.gov.

For further information, please contact Jonathan Black at (202) 224-6722 or Meagan Gins at (202) 224-0883.

### AUTHORITY FOR COMMITTEES TO MEET

#### COMMITTEE ON ARMED SERVICES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 9, 2012, at 9:30 a.m.

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

#### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 9, 2012, at 10 a.m., to conduct a Committee hearing entitled “State of the Housing Market: Removing Barriers to Economic Recovery.”

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

## COMMITTEE ON INDIAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate, on February 9, 2012, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building.

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

## COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on February 9, 2012, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

## COMMITTEE ON NATURAL RESOURCES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on February 9, 2012, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

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

## SELECT COMMITTEE ON INTELLIGENCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 9, 2012, at 2:30 p.m.

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

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask that we proceed to executive session to consider Calendar No. 437.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Adalberto Jose Jordan, of Florida, to be United States Circuit Judge for the Eleventh Circuit.

## CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of Adalberto Jose Jordan, of Florida, to be United States Circuit Judge for the Eleventh Circuit:

Harry Reid, Joe Manchin III, Sherrod Brown, Tom Udall, Patty Murray, Mark Begich, Herb Kohl, Bill Nelson, Frank R. Lautenberg, Jeanne Shaheen, Richard Blumenthal, Benjamin L. Cardin, Chris Coons, Dianne Feinstein, Patrick J. Leahy, Richard J. Durbin, Joseph I. Lieberman, Charles E. Schumer.

Mr. REID. I ask unanimous consent that on February 13, 2012, at 4:30 p.m., the Senate proceed to executive session to consider Calendar No. 437; that there be an hour of debate equally divided in the usual form prior to the vote; further, that the mandatory quorum under rule XXII be waived.

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

## LEGISLATIVE SESSION

Mr. REID. I now ask unanimous consent we resume legislative session.

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

## NATIONAL SCHOOL COUNSELING WEEK

Mr. REID. Mr. President, I ask unanimous consent we proceed to S. Res. 371.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 371) designating the week of February 6 through 10, 2012, as "National School Counseling Week."

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

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

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

The resolution (S. Res. 371) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

## S. RES. 371

Whereas the American School Counselor Association has designated the week of February 6 through 10, 2012, as "National School Counseling Week";

Whereas the importance of school counseling has been recognized through the inclusion of elementary- and secondary-school counseling programs in amendments to the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

Whereas school counselors have long advocated that the education system of the United States must provide equitable opportunities for all students;

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors help develop well-rounded students by guiding the students through academic, personal, social, and career development;

Whereas school counselors assist with and coordinate efforts to foster a positive school culture resulting in a safer learning environment for all students;

Whereas school counselors have been instrumental in helping students, teachers, and parents deal with personal trauma as well as tragedies in the community and the United States;

Whereas students face myriad challenges every day, including peer pressure, depression, the deployment of family members to serve in conflicts overseas, and school violence;

Whereas school counselors are one of the few professionals in a school building who are trained in both education and mental-health matters;

Whereas the roles and responsibilities of school counselors are often misunderstood;

Whereas the school-counselor position is often among the first to be eliminated to meet budgetary constraints;

Whereas the national average ratio of students to school counselors of 459 to 1 is almost twice that of the ratio of 250 to 1 recommended by the American School Counselor Association, the American Counseling Association, the National Association for College Admission Counseling, and other organizations; and

Whereas the celebration of National School Counseling Week would increase awareness of the important and necessary role school counselors play in the lives of students in the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of February 6 through 10, 2012, as "National School Counseling Week"; and

(2) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the role school counselors play in the school and the community at large in preparing students for fulfilling lives as contributing members of society.

## ORDERS FOR MONDAY, FEBRUARY 13, 2012

Mr. REID. Mr. President, I ask unanimous consent that the Senate adjourn until 2 p.m. on Monday, February 13, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 4:30 p.m., with Senators permitted to speak therein up to 10 minutes each; and that following morning business, the Senate proceed to executive session under the previous order.

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

## PROGRAM

Mr. REID. Mr. President, the next rollcall vote will be at 5:30 p.m. on Monday on the motion to invoke cloture on the Jordan nomination.

## ADJOURNMENT UNTIL MONDAY, FEBRUARY 13, 2012, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:33 p.m., adjourned until Monday, February 13, 2012, at 2 p.m.

## CONFIRMATION

Executive nomination confirmed by the Senate February 9, 2012:

## THE JUDICIARY

CATHY ANN BENCIVENGO, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA.