

the Department of Defense for fiscal year 2012 pursuant to an authorization of appropriations under this Act, to the Secretary of Energy for the weapons activities of the National Nuclear Security Administration an amount up to \$125,000,000.

(b) **APPLICABILITY OF NOTIFICATION PROCEDURES.**—The transfer authorized under subsection (a) shall be subject to the notification procedures under section 1001 of this Act and section 8005 of the Department of Defense Appropriations Act, 2012.

(c) **TRANSFER AUTHORITY.**—The transfer authority provided under this section is in addition to any other transfer authority provided under this Act.

**SA 1454.** Mr. JOHNSON of South Dakota (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title II of division A, at the end of the sections under the heading "GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR", add the following:

Sec. \_\_\_\_\_. Any funds available to carry out the Oglala Sioux Rural Water Supply System authorized by section 3(a) of the Mni Wiconi Project Act of 1988 (Public Law 100-516; 102 Stat. 2566; 108 Stat. 4539) shall also be available for the Secretary of the Interior to plan, design, construct, operate, maintain, and replace the Oglala Sioux Rural Water Supply System within the entire boundary of the Pine Ridge Indian Reservation, including the tract of land in the State of Nebraska set aside as part of the Pine Ridge Indian Reservation by the Executive order dated February 20, 1904.

#### NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator CHARLES GRASSLEY, intend to object to proceeding to H.R. 3012, a bill to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes, dated November 30, 2011.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEVIN. 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 November 30, 2011, 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 VETERANS' AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session on November 30, 2011. The Committee will

meet in room 418 of the Russell Senate Office Building beginning at 10 a.m.

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

##### SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS AND HUMAN RIGHTS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Human Rights, be authorized to meet during the session of the Senate, on November 30, 2011, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "A Balanced Budget Amendment: The Perils of Constitutionalizing the Budget Debate."

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

##### SPECIAL COMMITTEE ON AGING

Mr. LEVIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on November 30, 2011, at 2 p.m., in room 562 of the Dirksen Senate Office Building to conduct a hearing entitled: "Overprescribed: The Human and Taxpayers' Costs of Antipsychotics in Nursing Homes."

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

#### PRIVILEGES OF THE FLOOR

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that Stefanie Peterson, an Air Force major who is a military fellow in my office, be granted the privilege of the floor during the debate on S. 1867.

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

#### FEDERAL COURTS JURISDICTION AND VENUE CLARIFICATION ACT OF 2011

Mr. DURBIN. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 394.

The Chair laid before the Senate the following message:

H.R. 394

*Resolved*, That the House agree to the amendment numbered 1 of the Senate to the bill (H.R. 394) entitled "An Act to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes," and be it further

*Resolved*, That the House agree to the amendment numbered 2 of the Senate to the aforementioned bill, with the following House Amendment to Senate Amendment:

Add at the end of the Senate engrossed amendment numbered 2 the following:

*Redesignate section 104 as section 105 and insert the following after section 103:*

##### SEC. 104. TECHNICAL AMENDMENT.

*Section 1446(g) of title 28, United States Code, is amended by striking "subsections (b) and (c)" and inserting "subsection (b) of this section and paragraph (1) of section 1455(b)".*

*Amend the table of contents of the House engrossed bill by striking the item relating to section 104 and inserting the following:*

*Sec. 104. Technical amendment.*

*Sec. 105. Effective date.*

Mr. DURBIN. I ask unanimous consent that the Senate concur in the House amendment to the Senate amendment and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

#### NATIONAL CHRISTMAS TREE WEEK

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 341 submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 341) designating the first full week of December in 2011 as "National Christmas Tree Week."

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 on the table, with no intervening action or debate, and any related statements be printed in the record as if read.

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

The resolution (S. Res. 341) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 341

Whereas Christmas trees are grown in all 50 States;

Whereas Christmas trees have been sold commercially in the United States since about 1850;

Whereas Edward Johnson, assistant to Thomas Edison, came up with the idea of electric lights for Christmas trees in 1882;

Whereas President Calvin Coolidge started the National Christmas Tree Lighting ceremony on the White House lawn in 1923;

Whereas there are close to 15,000 farms growing Christmas trees in the United States;

Whereas there are approximately 100,000 people employed full or part-time in the Christmas tree industry;

Whereas Christmas tree farms in the United States planted approximately 35,000,000 Christmas trees in 2011 to replace those harvested in 2010; and

Whereas growing Christmas trees preserves green space and small family-owned farms, provides habitats for wildlife, and sequesters carbon dioxide; Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the first full week of December in 2011 as "National Christmas Tree Week";

(2) encourages the celebration of Christmas trees during that week;

(3) recognizes the role Christmas trees have played in the history of the United States;

(4) reaffirms the environmental benefits of Christmas tree farms and recycled Christmas trees;

(5) encourages the recycling of Christmas trees after the holiday season; and

(6) celebrates the joy Christmas trees bring to families across the United States.

MEASURES READ THE FIRST TIME—S.J. RES. 30, S.J. RES. 31, S.J. RES. 32, S. 1930, S. 1931, S. 1932

Mr. DURBIN. Mr. President, I understand there are six measures at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title for the first time en bloc.

The legislative clerk read as follows:

A resolution (S.J. Res. 30) extending the cooling-off period under section 10 of the Railway Labor Act with respect to the dispute referred to in Executive Order No. 13586 of October 6, 2011.

A resolution (S.J. Res. 31) applying certain conditions to the dispute referred to in Executive Order 13586 of October 6, 2011, between the enumerated freight rail carriers, common carriers by rail in interstate commerce, and certain of their employees represented by labor organizations that have not agreed to extend the cooling-off period under section 10 of the Railway Labor Act beyond 12:01 a.m. on December 6, 2011.

A resolution (S.J. Res. 32) to provide for the resolution of the outstanding issues in the current railway labor-management dispute.

A bill (S. 1930) to prohibit earmarks.

A bill (S. 1931) to provide civilian payroll tax relief, to reduce the Federal budget deficit, and for other purposes.

A bill (S. 1932) to require the Secretary of State to act on a permit for the Keystone XL pipeline.

Mr. DURBIN. Mr. President, I ask for the second reading and object to my own request en bloc.

The PRESIDING OFFICER. Objection having been heard, the measures will be read for a second time on the next legislative day.

S.J. RES. 32

Mr. ENZI. Mr. President, I have introduced this resolution to prevent the labor dispute between our Nation's railroads and their labor unions from delivering a knockout punch to the U.S. economy just before the holiday season. The contract renegotiation that has been ongoing for some time has been through the National Mediation Board process and recommendations put forth by the Presidential Emergency Board selected by President Obama have been accepted by the majority of the unions. In fact, 10 of the 13 unions have reached agreement, and I congratulate both sides for coming to the table and working it out. Unfortunately, the threat of a nationwide rail strike still remains and that is something our economy simply cannot bear at this time.

I have heard from numerous U.S. manufacturers about the negative consequences this strike will have on them. They are concerned not just for their companies but for the employees who may have to be laid off if they are unable to ship product and for the customers who will not be able to get supplies they need. A rail strike may start on December 6, but the impact of this threat is already being felt. As someone who comes from a State that relies on commercial rail for much of its economy, I know how serious this is

and that is why I have introduced this resolution.

I urge the Senate, the House and the President to act quickly to avert this manmade national disaster.

#### APPOINTMENT

THE PRESIDING OFFICER. The Chair, on behalf of the Republican leader, after consultation with the Vice Chairman of the Select Committee on Intelligence, and pursuant to the provisions of Public Law 107-306, as amended by Public Law 111-259, announces the appointment of the following individual to serve as a member of the National Commission for Review of Research and Development Programs of the United States Intelligence Community: John J. Young of Virginia.

#### ORDERS FOR THURSDAY, DECEMBER 1, 2011

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, December 1, 2011; that following the prayer and Pledge of Allegiance, 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 11 a.m. with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of S. 1867, the Department of Defense Authorization Act postcloture; finally, that all time during adjournment and morning business count postcloture on S. 1867.

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

#### PROGRAM

Mr. DURBIN. Mr. President, we expect to complete action on the Defense authorization bill during tomorrow's session. Additionally, the majority leader filed cloture on the motion to proceed to S. 1917, the Middle Class Tax Cut Act of 2011. If no agreement is reached, this vote will be Friday morning.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. 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 7:40 p.m., adjourned until Thursday, December 1, 2011, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### SOCIAL SECURITY ADMINISTRATION

MARIE F. SMITH, OF HAWAII, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2016. VICE DANA K. BILYEU, TERM EXPIRED.

##### DEPARTMENT OF ENERGY

ARUNAVA MAJUMDAR, OF CALIFORNIA, TO BE UNDER SECRETARY OF ENERGY, VICE KRISTINA M. JOHNSON, RESIGNED.

##### DEPARTMENT OF STATE

FREDERICK D. BARTON, OF MAINE, TO BE AN ASSISTANT SECRETARY OF STATE (CONFLICT AND STABILIZATION OPERATIONS), VICE BRADFORD R. HIGGINS.

FREDERICK D. BARTON, OF MAINE, TO BE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION. (NEW POSITION)

##### THE JUDICIARY

TIMOTHY S. HILLMAN, OF MASSACHUSETTS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS, VICE NANCY GERTNER, RETIRED.

ROBIN S. ROSENBAUM, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA, VICE ALAN S. GOLD, RETIRED.

ROBERT J. SHELBY, OF UTAH, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF UTAH, VICE TENA CAMPBELL, RETIRED.

##### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE COMMANDANT OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 47:

##### *To be vice admiral*

VICE ADM. JOHN P. CURRIER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY IN THE U.S. COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

##### *To be vice admiral*

REAR ADM. PAUL F. ZUKUNFT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY IN THE U.S. COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

##### *To be vice admiral*

VICE ADM. MANSON K. BROWN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY IN THE U.S. COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

##### *To be vice admiral*

REAR ADM. PETER V. NEFFENGER

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be lieutenant general*

LT. GEN. FRANK GORENC

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 brigadier general*

COL. SEAN L. MURPHY

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 brigadier general*

COL. CHARLES E. POTTER

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

##### *To be brigadier general*

COL. BRIAN E. DOMINGUEZ

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

##### *To be brigadier general*

COL. JOHN P. CURRENTI

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

##### *To be brigadier general*

COLONEL JOHN D. BANSEMER  
COLONEL DAVID B. BEEN  
COLONEL MICHAEL T. BREWER  
COLONEL THOMAS A. BUSSIÈRE