

(45 U.S.C. 160) shall be extended until 12:01 a.m. on February 8, 2012, so that no change, except by agreement, shall be made by the rail carriers represented by the National Carriers' Conference Committee or by the employees of such carriers represented by labor organizations that are a party to such dispute, in the conditions out of which the dispute arose as such conditions existed prior to 12:01 a.m. on December 6, 2011.

By Mr. REID:

S.J. Res. 31. A joint resolution 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; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S. J. RES. 31

Whereas the labor dispute between numerous rail carriers that are common carriers by rail in interstate commerce, and certain of their employees represented by labor organizations, threatens to interrupt essential freight rail services of the United States;

Whereas it is essential to the national interest that essential freight rail services be maintained;

Whereas Congress finds that emergency measures are essential to maintaining the security and continuity of freight rail services;

Whereas the President, by Executive Order 13586 of October 6, 2011, and pursuant to the provisions of section 10 of the Railway Labor Act (45 U.S.C. 160), created Presidential Emergency Board 243 to investigate the dispute and report findings;

Whereas the recommendations of the Emergency Board 243 issued on November 5, 2011, have been exhausted and have not resulted in settlement of the dispute;

Whereas Congress, under the Commerce Clause of the Constitution, has the authority and responsibility to ensure the uninterrupted operation of essential freight rail services; and

Whereas Congress has in the past enacted legislation for such purposes: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REQUIRED CONDITIONS.

The following conditions shall apply 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 (45 U.S.C. 160) beyond 12:01 a.m. on December 6, 2011:

(1) The parties to such dispute shall take all necessary steps to restore or preserve the conditions out of which such dispute arose as such conditions existed before 12:01 a.m. on December 6, 2011, except as provided in paragraphs (2) and (3).

(2) The report and recommendations of the Emergency Board 243 shall be binding on the

parties upon the enactment of this joint resolution and shall have the same effect as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.), except that nothing in this joint resolution shall prevent a mutual written agreement to any terms and conditions different from those established by this joint resolution.

(3)(A) If there are unresolved implementing issues remaining with respect to the report and recommendations or agreement under paragraph (2) after 10 days after the date of enactment of this joint resolution, the parties to the dispute shall enter into binding arbitration to provide for a resolution of such issues.

(B) The National Mediation Board established by section 4 of the Railway Labor Act (45 U.S.C. 154) shall appoint an arbitrator to resolve the issues described in subparagraph (A). Except as provided in this joint resolution, such arbitration shall be conducted as if it were under section 7 of such Act, and any award of such arbitration shall be enforceable as if under section 9 of such Act.

(4) Within thirty days after the date of enactment of this joint resolution, the binding arbitration entered into pursuant to paragraph (3) shall be completed.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 340—TO AMEND THE STANDING RULES OF THE SENATE TO PROHIBIT A MEMBER, OFFICER, OR EMPLOYEE OF THE SENATE FROM DISCLOSING OR USING ANY MATERIAL NONPUBLIC INFORMATION LEARNED DURING THE COURSE OF HIS OR HER SERVICE FOR PERSONAL GAIN

Mr. BROWN of Massachusetts submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 340

Resolved,

SECTION 1. AMENDMENT TO THE STANDING RULES OF THE SENATE.

Rule XXXVII of the Standing Rules of the Senate is amended by—

(1) redesignating paragraph 15 as paragraph 16; and

(2) inserting after paragraph 14 the following:

“15. A Member, officer, or employee of the Senate shall not disclose or use any material nonpublic information learned during the course of his or her service for personal gain.”

SENATE RESOLUTION 341—DESIGNATING THE FIRST FULL WEEK OF DECEMBER IN 2011 AS “NATIONAL CHRISTMAS TREE WEEK”

Mr. MERKLEY (for himself, Mr. BARR, Ms. SNOWE, Mr. WYDEN, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. CASEY, Ms. CANTWELL and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

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.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1452. Mrs. HUTCHISON (for herself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 1246 submitted by Mr. MCCAIN to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1453. Mr. KYL (for himself and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1183 proposed by Mr. SESSIONS to the bill S. 1867, supra; which was ordered to lie on the table.

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.

TEXT OF AMENDMENTS

SA 1452. Mrs. HUTCHISON (for herself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 1246 by Mr. MCCAIN to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following: