

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:

On page \_\_\_, between lines \_\_\_ and \_\_\_, insert the following:

**SEC. \_\_\_. WATER INFRASTRUCTURE JOBS AMENDMENT.**

(a) FINDINGS.—Congress finds that—

(1) the State water pollution control and State drinking water revolving funds create jobs, repair crumbling infrastructure, and protect public health;

(2) the State water pollution control and State drinking water revolving funds invest in short- and long-term improvements in communities across the United States, providing significant environmental, economic, and public health benefits;

(3) the water infrastructure of the United States is approaching a tipping point, as each day, the poor condition of water infrastructure of the United States results in significant losses and damage from broken water and sewer mains, sewage overflows, and other negative impacts of a water infrastructure system that is nearing the end of the useful life cycle of the system;

(4) the most recent infrastructure report card of the American Society of Civil Engineers gave the water infrastructure of the United States a D-, the lowest of any category;

(5) the Environmental Protection Agency estimates for the next 20 years put wastewater needs at \$187,900,000,000 and drinking water needs at \$334,800,000,000;

(6) investments in water infrastructure provide significant economic benefits and enjoy a strong return on investment;

(7) the United States Conference of Mayors notes that each public dollar invested in water infrastructure increases private, long-term Gross Domestic Product output by \$6.35;

(8) The National Association of Utility Contractors estimates that \$1,000,000,000 of water infrastructure investment can create more than 26,000 jobs; and

(9) the Department of Commerce estimates that each job created in the local water and sewer industry creates 3.68 jobs in the national economy, and each public dollar spent yields \$2.62 in economic output in other industries.

(b) CAPITALIZATION GRANTS.—Of the total amount made available by this Act, 4 percent shall be made available to the Administrator of the Environmental Protection Agency (referred to in this section as the “Administrator”) to establish water infrastructure grants, of which—

(1) ⅓ shall be for capitalization grants for State water pollution control revolving funds under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.); and

(2) ⅓ shall be for capitalization grants for State drinking water treatment revolving loan funds under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12).

(c) FEDERAL SHARE.—Notwithstanding section 202 and paragraphs (2) and (3) of section 602(b) of the Federal Water Pollution Control Act (33 U.S.C. 1282, 1382(b)) and section 1452(e) of the Safe Drinking Water Act (42 U.S.C. 300j-12(e)), the Federal share of the costs of a grant under this section shall be 90 percent.

(d) AVAILABILITY.—

(1) IN GENERAL.—The amounts made available to the Administrator under this section shall be available for obligation until the date that is 2 years after the date of the enactment of this Act.

(2) SCHEDULE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall obligate not less than 50 percent of the amounts made available under this section.

(e) USE OF AMOUNTS.—

(1) PRIORITY.—The Administrator shall only make a grant available under this section for projects that are on a State priority list and ready to proceed to construction not later than 1 year after the date of enactment of this Act.

(2) TRANSFER OF FUNDS.—Notwithstanding section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383), the Governor of a State may—

(A) reserve an amount equal to not more than the greater of—

(i) 33 percent of a capitalization grant made under this section; and

(ii) 33 percent of a capitalization grant made under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12); and

(B) add the reserved funds to any funds provided to the State under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12).

(3) GREEN PROJECTS.—To the extent there are sufficient eligible project applications, not less than 20 percent of the funds made available under this section to State water pollution control revolving funds, and not less than 10 percent of the funds made available under this section to State drinking water treatment revolving funds, shall be for projects that address—

(A) watershed restoration;

(B) green infrastructure, including through the use of watershed-based environmental management approaches;

(C) water or energy efficiency improvements; or

(D) other environmentally innovative activities.

(4) TRIBAL GRANTS.—Notwithstanding section 518(c) of the Federal Water Pollution Control Act (33 U.S.C. 1377(c)), the Administrator shall reserve not less than 1.5 percent of the amounts made available under this section to carry out that section.

(5) ADMINISTRATIVE EXPENSES.—The Administrator may retain up to .15 percent of the amounts made available under this section for management and oversight purposes.

**SA 923.** Mr. REID (for Mrs. FEINSTEIN (for herself and Mr. TOOMEY)) proposed an amendment to the bill S. 1759, to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition; as follows:

At the end, add the following:

**SEC. 7. VESSEL DOCUMENTATION EXEMPTION.**

(a) IN GENERAL.—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(1) LNG GEMINI (United States official number 595752).

(2) LNG LEO (United States official number 595753).

(3) LNG VIRGO (United States official number 595755).

(b) LIMITATION ON OPERATION.—Coastwise trade authorized under subsection (a) shall be limited to carriage of natural gas, as that term is defined in section 3(13) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(13)).

(c) TERMINATION OF EFFECTIVENESS OF ENDORSEMENTS.—The coastwise endorsement issued under subsection (a) for a vessel shall

expire on the date of the sale of the vessel by the owner of the vessel on the date of enactment of this Act to a person who is not related by ownership or control to such owner.

**SEC. 8. OPERATION OF DRY DOCK IN KETCHIKAN, ALASKA.**

A vessel transported in Dry Dock #2 (State of Alaska registration AIDEA FDD-2) is not merchandise for purposes of section 55102 of title 46, United States Code, if, during such transportation, Dry Dock #2 remains connected by a utility or other connecting line to pierside moorage located in Ketchikan, Alaska.

**NOTICE OF INTENT TO OBJECT TO PROCEEDING**

I, Senator CHARLES GRASSLEY, intend to object to proceeding to the nomination of Jessica Rosenworcel and Ajit Pai to be commissioners on the Federal Communications Commission, dated November 3, 2011.

**NOTICES OF HEARINGS**

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. BINGAMAN. Mr. President, I would like to announce that the Committee on Energy and Natural Resources will hold a business meeting on Thursday, November 10, 2011 at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

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

For further information, please contact Sam Fowler at (202) 224-7571 or Allison Seyferth at (202) 224-4905.

**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 hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, November 17, 2011, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the Secretary of the Interior's Order No. 3315 to Consolidate and Establish the Office of Surface Mining Reclamation and Enforcement within the Bureau of Land Management.

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, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to [Jake\\_McCook@energy.senate.gov](mailto:Jake_McCook@energy.senate.gov).

For further information, please contact Patricia Beneke (202) 224-5451 or Jake McCook (202) 224-9313.

# AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BROWN of Ohio. 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 November 3, 2011, at 10 a.m., to conduct a hearing entitled "Empowering and Protecting Servicemembers, Veterans and their Families in the Consumer Financial Marketplace."

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

## COMMITTEE ON THE JUDICIARY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on November 3, 2011, 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.

## SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 3, 2011, at 2:30 p.m.

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

## PERMANENT SUBCOMMITTEE ON INVESTIGATION

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 3, 2011, at 9 a.m., to conduct a hearing entitled, "Excessive Speculation and Compliance with the Dodd-Frank Act."

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

# UNANIMOUS CONSENT AGREEMENT—S.J. RES. 6 AND S.J. RES. 27

Mr. REID. Madam President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Republican leader, the Republican leader or his designee be recognized to move to proceed to the consideration of S.J. Res. 6, a joint resolution disapproving a rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices; that there be up to 4 hours of debate on the motion to proceed, with the time equally divided and controlled between the two leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote on the adoption of the motion to proceed; that if the motion is successful, then the time for debate with respect to the joint resolution be equally divided between the two leaders or their designees; that upon the use or yielding back of time, the joint

resolution be read a third time and the Senate proceed to vote on passage of the joint resolution; finally, that all other provisions of the statute governing consideration of the joint resolution remain in effect.

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

Mr. REID. Madam President, I ask unanimous consent that the order with respect to S.J. Res. 6 also apply to S.J. Res. 27, with the only exception being 2 hours of debate equally divided between the two leaders or their designees prior to a vote on the motion to proceed.

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

# DISCHARGE PETITIONS (S.J. RES. 6 AND S.J. RES. 27)

## S.J. RES. 6

We, the undersigned Senators, in accordance with chapter 8 of title 5, United States Code, hereby direct that the Senate Committee on Commerce, Science, and Transportation be discharged of further consideration of S.J. Res. 6, a resolution on providing for congressional disapproval of a rule submitted by the Federal Communications Commission relating to the matter of preserving the open Internet and broadband industry practices, and, further, that the resolution be immediately placed upon the Legislative Calendar under General Orders.

Kay Bailey Hutchison, Marco Rubio, Richard Burr, Thad Cochran, John Cornyn, Jon Kyl, Lamar Alexander, Ron Johnson, Mike Lee, Kelly Ayotte, Roy Blunt, Richard G. Lugar, Mitch McConnell, Johnny Isakson, Mike Johanns, Susan M. Collins, Roger F. Wicker, Richard C. Shelby, John McCain, James E. Risch, John Barrasso, Michael B. Enzi, John Boozman, Pat Roberts, Patrick Toomey, Lisa Murkowski, Jim DeMint, David Vitter, Bill Nelson, James M. Inhofe, Olympia J. Snowe, Orrin G. Hatch, Daniel Coats, Mark Kirk, Dean Heller, Mike Crapo, Rand Paul, John Thune, Jeff Sessions, Saxby Chambliss, John Hoeven, Rob Portman.

## S.J. RES. 27

We, the undersigned Senators, in accordance with chapter 8 of title 5, United States Code, hereby direct the Senate Committee on Environment and Public Works be discharged of further consideration of S.J. Res. 27, a resolution on providing for congressional disapproval of a rule submitted by the Environmental Protection Agency related to mitigation by States of cross-border air pollution under the Clean Air Act.

Rand Paul, David Vitter, Ron Johnson, James Risch, John Barrasso, John Thune, Roy Blunt, Orrin Hatch, Pat Roberts, John Boozman, John Cornyn, Jim DeMint, Mike Lee, Saxby Chambliss, Tom Coburn, Kay Bailey Hutchison, John McCain, Richard Burr, Jon Kyl, Chuck Grassley, Roger F. Wicker, Marco Rubio (FL), James Inhofe, Patrick J. Toomey, Thad Cochran, Jeff Sessions, John Hoeven, Johnny Isakson, Mitch McConnell, Lindsey Graham, Mike Johanns, Michael B. Enzi, Jerry Moran, Mike Crapo, Richard Shelby.

# 3% WITHHOLDING REPEAL AND JOB CREATION ACT—MOTION TO PROCEED

Mr. REID. Madam President, I move to proceed to Calendar No. 212, H.R. 674.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to proceed to H.R. 674, a bill to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes.

## CLOTURE MOTION

Mr. REID. Madam President, I have a cloture motion at the desk.

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

The legislative clerk read as follows:

## 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 debate on the motion to proceed to Calendar No. 212, H.R. 674, an act to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain health care related programs, and for other purposes.

Harry Reid, Christopher A. Coons, Joe Manchin III, Kay R. Hagan, Dianne Feinstein, Benjamin L. Cardin, Al Franken, Mark Begich, Mark R. Warner, Jeff Bingaman, Tom Udall, Amy Klobuchar, Jeanne Shaheen, Barbara A. Mikulski, Kent Conrad, Michael F. Bennet, Patty Murray.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 415; that the nomination be confirmed with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

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

The nomination considered and confirmed is as follows:

## EXECUTIVE OFFICE OF THE PRESIDENT

Alan B. Krueger, of New Jersey, to be a Member of the Council of Economic Advisers.