

The Senate Managers encourage the Secretary to conduct a study on impediments to the U.S. Army Corps of Engineers' Water Infrastructure Finance and Innovation Act (33 U.S.C. 3901 et seq.) (WIFIA) program implementation. In the study, the Secretary should examine obstacles to the implementation of the Corps WIFIA program and to identify all projects that the Secretary determines are potentially viable to receive assistance. Additionally, the study should describe any amendments to the Act or other legislative or regulatory changes that would improve the Secretary's ability to implement the Corps' WIFIA program. The report should be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives no later than one year after enactment of AWIA 2018.

Water resources projects have historically not been able to be completed after construction commences due to the use of benefit-cost analyses in the budgeting of water resources development projects. During construction, costs accrue while benefits are not yet realized, which lowers the benefit-cost ratio stalling projects. The Senate Managers continue to be concerned with this matter, and ask that the Corps provide recommendations to Congress on how to address this concern within 180 days of enactment of this Act.

Several Chief's Reports were neither completed nor received by Congress before negotiations closed on AWIA, and the bill was passed by the United States House of Representatives. The final bill did not include these projects for that reason. The Senate Managers believe that the Corps should expedite the completion of these reports in an expedient manner so these projects can be included in the next Water Resources Development Act.

The Senate Managers believe that the Secretary should expedite the expected Chief's Report for the Souris River Basin, Minot, North Dakota, flood risk management project that was authorized by section 209 of the Flood Control Act of 1966 (80 Stat. 1423).

The Senate Managers believe that the Secretary should expedite the expected Chief's Report for the Delta Islands and Levees, California, ecosystem restoration project. It was authorized by a June 1, 1948, Committee on Public Works of the Senate resolution; the resolution adopted by the Committee on Public Works of the House of Representatives on May 8, 1948; and House Report 108–357 accompanying the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137; 117 Stat. 1827).

The Senate Managers believe that the Secretary should expedite the expected Chief's Report for the Anacostia Watershed, Prince George's County, Maryland, for flood control, navigation, and ecosystem restoration. The project was authorized by a resolution adopted by the Committee on Public Works and Transportation of the House of Representatives on September 8, 1988.

The Senate Managers believe that the Secretary should expedite the expected Chiefs Report for the Hashamomuck Cove, New York, project for coastal storm risk management, which was authorized in title X of division A of the Disaster Relief Appropriations Act, 2013 (Public Law 113–2; 127 Stat. 23).

The Senate Managers encourage the Secretary to expedite the completion of the post authorization change report (PACR) for the Howard A. Hanson Dam, Washington project for water supply and ecosystem restoration. This project was authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 180) and modified by section 101(b)(15) of WRDA 1999.

The Senate Managers encourage the Secretary to expedite the completion of the PACR for the Port Pierce, Florida, shore protection and harbor mitigation project. The project was authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1092), section 102 of the River and Harbor Act of 1968 (82 Stat. 732), and section 506(a)(2) of the Water Resources Development Act of 1996 (110 Stat. 3757), and modified by section 313 of the Water Resources Development Act of 1999 (113 Stat. 301).

The Senate Managers encourage the Secretary to expedite the completion of the PACR for the Port of Iberia navigation project, authorized by section 1001(25) of WRDA 2007 (121 Stat. 1053; 128 Stat. 1351).

The Senate Managers encourage the Secretary to expedite the completion of PACR for the Wrightsville Beach, North Carolina, hurricane and storm damage risk reduction project. It was authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182) and section 501 of WRDA 1986 (100 Stat. 4135).

The Senate Managers also encourage the Secretary to expedite the completion of the PACR for the Carolina Beach, North Carolina, hurricane and storm damage risk reduction that was authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182).

The Senate Managers note that a number of environmental infrastructure projects were unable to be included in the final text of AWIA due to the statutory requirements of the project vetting process established in WRDA 2014. As noted in the Joint Managers Statement on September 13, 2018, AWIA amends the WRDA 2014 project vetting process to allow for the consideration of environmental infrastructure projects prospectively. Although the requirements of WRDA 2014 limited the consideration of environmental infrastructure projects during the development of S. 3021, the Senate Managers encourage the Corps to vet such projects using the updated review process and resubmit them for inclusion in the next water resources authorization.

Though not authorized in S. 3021, the Senate Managers have also agreed to request and support a National Academies study on the Rio Grande River Basin. Such study should examine the Rio Grande River Basin as a holistic system to better understand how the Corps should manage this river system in the face of extreme weather events to better meet water needs of the region. The National Academies should conduct an evaluation of the capacity, operation and state of existing basin reservoirs; look for opportunities to promote water conservation through operation, regulation or physical improvements of the reservoirs; and examine the impacts of reservoir operation and management on species and habitats to the region. The study is expected to provide recommendations for future management scenarios and recommendations in accordance with the Rio Grande Compact to assist in establishing more flexible operation procedures to meet the water needs of the Rio Grande River Basin. The Corps is encouraged to initiate this study with the National Academies as soon as practicable.

Mr. BARRASSO. I yield the floor.

DESIGNATING THE UNITED STATES COURTHOUSE LOCATED AT 300 SOUTH FOURTH STREET IN MINNEAPOLIS, MINNESOTA, AS THE "DIANA E. MURPHY UNITED STATES COURTHOUSE"

The PRESIDING OFFICER. The clerk will report the unfinished business.

The bill clerk read as follows:

House message to accompany S. 3021, a bill to designate the United States courthouse located at 300 South Fourth Street in Minneapolis, Minnesota, as the "Diana E. Murphy United States Courthouse".

Pending:

McConnell motion to concur in the amendments of the House to the bill.

McConnell motion to concur in the amendment of the House to the bill, with McConnell Amendment No. 4048 (to the motion to concur in the amendment of the House to the bill), to change the enactment date.

McConnell Amendment No. 4049 (to Amendment No. 4048), of a perfecting nature.

The PRESIDING OFFICER. Under the previous order, all postcloture time on the motion to concur in the House amendments to S. 3021 has expired, and the motion to concur with further amendments is withdrawn.

The question occurs on agreeing to the motion to concur in the House amendments to S. 3021.

Mr. BARRASSO. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—99

Alexander	Gardner	Murray
Baldwin	Gillibrand	Nelson
Barrasso	Graham	Paul
Bennet	Grassley	Perdue
Blumenthal	Harris	Peters
Blunt	Hassan	Portman
Booker	Hatch	Reed
Boozman	Heinrich	Risch
Brown	Heitkamp	Roberts
Burr	Heller	Rounds
Cantwell	Hirono	Rubio
Capito	Hooven	Sanders
Cardin	Hyde-Smith	Sasse
Carper	Inhofe	Schatz
Casey	Isakson	Schumer
Cassidy	Johnson	Scott
Collins	Jones	Shaheen
Coons	Kaine	Shelby
Corker	Kennedy	Smith
Cornyn	King	Stabenow
Cortez Masto	Klobuchar	Sullivan
Cotton	Kyl	Tester
Crapo	Lankford	Thune
Cruz	Leahy	Tillis
Daines	Manchin	Toomey
Donnelly	Markey	Udall
Duckworth	McCaskill	Van Hollen
Durbin	McConnell	Warner
Enzi	Menendez	Warren
Ernst	Merkley	Whitehouse
Feinstein	Moran	Wicker
Fischer	Murkowski	Wyden
Flake	Murphy	Young

NAYS—1

Lee

The motion was agreed to.

VOTE ON S.J. RES. 63

The PRESIDING OFFICER (Mrs. ERNST). Under the previous order, all time on the joint resolution is considered expired.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. LEE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 226 Leg.]

#### YEAS—50

Baldwin	Harris	Nelson
Bennet	Hassan	Peters
Blumenthal	Heinrich	Reed
Booker	Heitkamp	Sanders
Brown	Hirono	Schatz
Cantwell	Jones	Schumer
Cardin	Kaine	Shaheen
Carper	King	Smith
Casey	Klobuchar	Stabenow
Collins	Leahy	Tester
Coons	Manchin	Udall
Cortez Masto	Markey	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Murphy	Wyden
Gillibrand	Murray	

#### NAYS—50

Alexander	Gardner	Paul
Barrasso	Graham	Perdue
Blunt	Grassley	Portman
Boozman	Hatch	Risch
Burr	Heller	Roberts
Capito	Hoeven	Rounds
Cassidy	Hyde-Smith	Rubio
Corker	Inhofe	Sasse
Cornyn	Isakson	Scott
Cotton	Johnson	Shelby
Crapo	Kennedy	Sullivan
Cruz	Kyl	Thune
Daines	Lankford	Tillis
Enzi	Lee	Toomey
Ernst	McConnell	Wicker
Fischer	Moran	Young
Flake	Murkowski	

The resolution (S.J. Res. 63) was rejected.

The PRESIDING OFFICER. The majority whip.

#### ORDER OF PROCEDURE

Mr. CORNYN. Madam President, I ask unanimous consent that notwithstanding rule XXII, the cloture vote with respect to the Clark nomination occur at 2:15 p.m. today.

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

#### RECESS

Mr. CORNYN. Madam President, I ask unanimous consent that the Senate stand in recess as if under the previous order.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:27 p.m., recessed until 2:15 p.m., and was reassembled when called to order by the Presiding Officer (Mr. COTTON).

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the

Senate the pending cloture motion, which the clerk will state.

The senior assistant 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, do hereby move to bring to a close debate on the nomination of Jeffrey Bossert Clark, of Virginia, to be an Assistant Attorney General.

Mitch McConnell, James Lankford, John Hoeven, James M. Inhofe, Johnny Isakson, David Perdue, John Cornyn, Steve Daines, John Barrasso, Mike Rounds, Thom Tillis, Lamar Alexander, James E. Risch, Jeff Flake, Richard Burr, Roy Blunt, Deb Fischer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that Jeffrey Bossert Clark, of Virginia, to be an Assistant Attorney General shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Ms. HEITKAMP), the Senator from Florida (Mr. NELSON), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 44, as follows:

[Rollcall Vote No. 227 Ex.]

#### YEAS—53

Alexander	Gardner	Murkowski
Barrasso	Graham	Paul
Blunt	Grassley	Perdue
Boozman	Hatch	Portman
Burr	Heller	Risch
Capito	Hoeven	Roberts
Cassidy	Hyde-Smith	Rounds
Collins	Inhofe	Rubio
Corker	Isakson	Sasse
Cornyn	Johnson	Scott
Cotton	Kennedy	Shelby
Crapo	Kyl	Sullivan
Cruz	Lankford	Thune
Daines	Lee	Tillis
Enzi	Manchin	Toomey
Ernst	McCaskill	Wicker
Fischer	McConnell	Young
Flake	Moran	

#### NAYS—44

Baldwin	Gillibrand	Peters
Bennet	Harris	Reed
Blumenthal	Hassan	Sanders
Booker	Heinrich	Schatz
Brown	Hirono	Schumer
Cantwell	Jones	Shaheen
Cardin	Kaine	Smith
Carper	King	Stabenow
Casey	Klobuchar	Tester
Coons	Leahy	Udall
Cortez Masto	Markey	Van Hollen
Donnelly	Menendez	Warner
Duckworth	Merkley	Warren
Durbin	Murphy	Whitehouse
Feinstein	Murray	

#### NOT VOTING—3

Heitkamp	Nelson	Wyden
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The motion is agreed to.

The PRESIDING OFFICER. On this vote the yeas are 53, the nays are 44.

The motion is agreed to.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Jeffrey Bossert Clark, of Virginia, to be an Assistant Attorney General.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, I seek recognition to speak at this time.

The PRESIDING OFFICER. The Senator from Massachusetts.

S. 3021

Mr. MARKEY. Mr. President, I rise to convey my strong support for the America's Water Infrastructure Act, which passed Congress earlier today.

With communities throughout Massachusetts and the country working to improve the quality of their drinking water, bracing for rising seas and more intense storms, and seeking to be more competitive in the global economy, this legislative package will provide welcome relief and support for critical infrastructure.

I have long focused on providing resources needed to improve the maritime linchpin of my State's economy: Boston Harbor. But this economic engine needs direct Federal funding to fire on all cylinders, especially as we transition to a new, supersized shipping era.

Two years ago, the Panama Canal completed an expansion project that allows bigger vessels, called post-Panamax ships, to pass through the canal. These ships, which are the length of aircraft carriers and can carry more than three times as much cargo as their competitors, are too large to dock at Boston Harbor today. That is why, in the 2014 Federal water resources bill, I fought to authorize \$216 million in Federal funding for the Boston Harbor improvement project, which will deepen the harbor to accommodate those post-Panamax ships. I am pleased that my provision dedicating an additional \$16 million to this crucial project was included in the 2016 water resources bill.

The Boston Harbor improvement project is projected to double the harbor's container volume, protect and grow 7,000 jobs, and generate \$4.6 billion in economic activity throughout the New England region. It is a simple formula: Larger ships mean more cargo, more cargo means more commerce, and more commerce means more jobs for Boston and the State of Massachusetts.

I am pleased that the Corps has to date allocated \$91 million of funding to this critical project thus far, but deepening the harbor alone does not ensure that the Port of Boston can accommodate these new, gargantuan giants of the seas. We must also deepen the berths, the area where the ships dock. That is why I am proud to secure a provision in this bill that will allow the port to construct more expansive berths, and I am pleased to help secure