our Nation. I asked this question on the Senate floor before: Of all the people in the United States, who would you expect to get the best care possible? While we want every American to have high-quality care and access to medical treatment, we certainly want to make certain those who served our country and to whom a commitment was made that they would receive care—we want that commitment fulfilled, and we want it done in a way that is advantageous and easy for our veterans.

The Senator from Montana is correct. The Choice Act is a significant improvement, in my mind, for accessing care. Kansas is not quite as large as the State of Montana, but we are a large rural State, and it is a long distance to a VA hospital. So Choice was brought into play to try to alleviate the backlog, the lack of providers within the VA, and the wait times that veterans faced, but also to try to satisfy the needs of veterans who live long distances from a VA facility.

So Choice is in place, but it still has been a difficult time for many veterans across the country and certainly at home. It is the most common conversation I have when I am back in Kansas. In fact, I had a townhall meeting in southwest Kansas, in Dodge City, and it is veterans who, in the public forum, will tell me about the problems with the VA and particularly with Choice, or they will line up after or before that meeting to tell me in person that they need help.

This legislation does three significant things. More is to come. We need a permanent act. This is an extension of the Choice Act that expires on August 7, so continuing the program is the first step while we work out the desired outcome of a long-term permanent program.

Secondly, it provides the money through that period of time. It allows the expenditure of dollars to pay for Choice.

Third, it eliminates the intermediary—somebody separate from the VA in paying the bills—and that reduces the bureaucracy and burden on our veterans.

I was just looking through what we call casework, things Kansans bring to our office to try to get solved. Front and center is the number of veterans who are being harassed by collection agencies for bills they thought would be paid by the VA through the Choice Program, and they are not being paid in a timely fashion. This eliminates the intermediary—the manager of the program—from paying the bills and restores that authority to the VA to write out the checks with the goal of reducing the bureaucracy and paperwork for the veterans. It also increases the timeliness for the payment that is due the healthcare provider—the doctor, the pharmacy, and the hospital.

Again, as a rural American, many of our providers are struggling. Hospital doors are a challenge to remain open in rural communities across my State. And that long wait for a reimbursement check for services provided months ago also creates a burden on that hospital, that healthcare provider. So timely payment certainly will benefit the veterans, but it also increases the chances of the stability of healthcare providers in rural communities across my State and around the country.

Finally, it increases the ability for the sharing of medical records between the VA and that community healthcare provider.

Choice is in place to help those veterans who need to have care more quickly and who need to have care closer to home. This bill improves that program and extends it, and that is a significant development. I appreciate the opportunity I have had to work with the Senators from Arizona, Montana, and Georgia to make sure we got to the point we are today. I appreciate my colleagues' unanimous support for the passage of this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I want to thank the Senator from Kansas for all the hard work he has done, and the Senator from Montana. On the rare occasion I come to praise him, I would like to give him my deep and heartfelt appreciation for his work in a bipartisan fashion on this issue. I mean that with all sincerity. I also thank our distinguished chairman, Senator ISAKSON. I also think I share with my colleagues an appreciation for Dr. Shulkin, the new Secretary of the Veterans' Administration, who has been an active and helpful participant in this effort.

Most everything has been said except that I would like to remind my colleagues that we now have—since the enactment in 2014, over 7 million appointments have been made using the Choice Program. Now, over 30,000 appointments are successfully made each week under the Choice Program.

The programs are set to expire in a few months, and, as pointed out by my colleagues, the VA has already begun to limit care for pregnant mothers, as well as cancer patients, because their treatment would extend beyond August. Soon all veterans will be kicked off the Choice Program.

I would just like to point out to my colleagues, if I could, that this crisis started in Phoenix, AZ, where 15,000 veterans were put on a wait list and over 40 veterans died while awaiting care. That is not acceptable in this Nation.

I believe the Choice Program is a major step forward. The truth is, the VA has a lot more to do to provide for the care we have obligated this Nation to on behalf of those who have fought and sacrificed for our Nation. The Choice Card has made a major step forward. I hope we can consider removing any geographic or other limitations associated with it. But what the Senators from Kansas and Montana have done today is to make sure this program continues and why it is important to pass it today—not one dollar Congress authorized to care for veterans under the Choice Program should go unused.

Let me mention what we have done. There are 7 million additional appointments for veterans in their communities, and over 1.5 million veterans have benefited from using the Choice Card that they would not have had otherwise. Some 350,000 more doctors, nurse practitioners, and physician assistants are available to treat veterans. There are 235,000 appointments per month through Veterans Choice—more than 10,000 per workday. The Veterans Choice Program more than doubles the number of medical providers nationwide that treat veterans. In Arizona, 11,700 medical providers in veterans communities have treated over 100,000 disabled veterans.

The Veterans Choice Card is being used at 700 hospitals and nearly 10,000 clinics nationwide. The Western Region is paying more than 90 percent of Veterans Choice doctors in less than 30 days and answering 900,000 phone calls per month, with an average time to answer of under 25 seconds. Over 3,000 veterans received hepatitis C treatments due to Veterans Choice funding.

There are still kinks in the operation. There are still bottlenecks. There are still times when veterans' payments, particularly, have not been done in a timely fashion, as the Senator from Kansas mentioned. Hopefully, that will change now. As with any program, it had its difficulties in its beginning. But I want to tell my colleagues that we should make the Choice Card available for any veteran, no matter where they happen to reside. It should be, I believe, the basis of our next effort. But in the meantime, I want to thank again the Senator from Kansas for his hard work.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

OLD VESSELS EXEMPTION ACT—Continued

UVALDE COUNTY, TEXAS, BUS ACCIDENT

Mr. CORNYN. Madam President, I wanted to come to the floor to talk about the important work for the Senate this week, now that the Judiciary Committee has voted on the Judge Neil Gorsuch nomination and he is available for floor consideration. But I wanted, first, to extend my deepest condolences to the families and friends of those tragically killed in an automobile crash near New Valley, TX, last week.

A bus carrying a group of 14 members of the First Baptist Church in New

Braunfels collided with a pickup truck on Highway 83. Thirteen people were killed and two others, including the driver of the other vehicle, were injured. You can imagine how heartbreaking this has been to everyone involved. I can't begin to imagine the pain and the grief felt by their loved ones, their church family, and their entire close-knit community of New Braunfels, TX, just north of San Antonio.

I had the opportunity to speak with the pastor of First Baptist of New Braunfels, Pastor McLean, the day after the accident. He is leading his congregation and that community during this very difficult time. He is shepherding his flock, though, with grace and strength. There is a phrase I am reminded off in times like this. After the terrible explosion in West Texas, I had a county commissioner from that area tell me: Being a Texan doesn't describe where you are from, it describes who your family is.

Today, our family is mourning. But I know Pastor McLean and all of my fellow Texans and all Americans really lift up this community in prayer, along with the families and friends of those we lost.

I am grateful to the first responders and medical professionals who were first to arrive at the scene of the accident and lent a hand to those in need.

NOMINATION OF NEIL GORSUCH

Separately, Madam President, as I have indicated, this is an important week for the American people. Earlier today, the Judiciary Committee voted to send Judge Gorsuch's nomination to the Senate floor for full consideration. Later this week, he will be confirmed as the next Associate Justice of the U.S. Supreme Court. For the past several weeks and through 20 grueling hours of questioning before the Judiciary Committee, Judge Gorsuch has proven to be one of the most qualified nominees to the Court in modern history.

Republicans in the Senate said we would give the American people a voice in who would select the next Supreme Court Justice. In a sense, we had a referendum of whether it would be a nominee selected by Donald Trump or by Hillary Clinton. On November 8, we saw the outcome of that election. This week, that referendum will be answered when the country will have its ninth Justice on the Supreme Court.

Unfortunately, our Democratic colleagues are doing their very best to decide that they should mount the first partisan filibuster of a Supreme Court nominee in American history. This is truly unprecedented. I know sometimes people want to talk about 1968 and the Abe Fortas nomination, but not even then was there a partisan filibuster that successfully blocked the confirmation of a Supreme Court Justice.

What I am talking about is blocking the ability to have an up-or-down vote. I am not talking about how people vote on the confirmation vote. I am talking about allowing us to have a vote—that up-or-down vote—or denying it by virtue of the filibuster. I, for one, have been encouraged to see people from across the country speaking out and urging our colleagues to drop their obstruction and to allow such an up-or-down vote on an incredibly qualified, upstanding, and brilliant judge.

Editorials from all over the country have registered their opposition to the idea of a filibuster and have done so rather bluntly. The Chicago Tribune, for example, said: ''Neil Gorsuch earns his Supreme Court seat.'' The Boston Herald says: ''Shame on Senate Dems.'' The Boston Herald specifically said that those going along with the strategy were ''blindly partisan for whom any nomination made by President Trump would never be qualified.''

The Denver Post, in the home State of Judge Gorsuch, urged Senators to confirm Judge Gorsuch to the Supreme Court and specifically urged the senior Senator from Colorado, Senator BENNET, not to cooperate with this blind partisanship and this filibuster but rather to allow the judge an up-or-down vote on the Senate floor.

Their editorial title made that much clearer. They said: ''Michael Bennet should buck Democrats and speak up for Neil Gorsuch.''

The Billings Gazette in Montana had this to say: ''Democrats refuse to rise above petty partisan politics.''

The Richmond Times-Dispatch took the junior Senator from Virginia to task and said: His opposition to Judge Gorsuch, ''suggests he can't come up with a defensible reason to oppose the nomination.''

Finally in New Hampshire, the New Hampshire Union Leader editorial last week was titled: ''Confirm Gorsuch: Dems plan pointless filibuster.'' ''Pointless'' about sums it up. There is no doubt that Judge Gorsuch is qualified. He has received the highest rating from the American Bar Association, which reportedly interviewed 500 leading lawyers and practitioners in the country, and the ratings system of the American Bar Association has been called by many of our Senate Democratic colleagues the ''gold standard'' when it comes to confirmations.

Among the legal and local communities, Judge Gorsuch enjoys broad bipartisan support, but that seems to make no difference to our friends across the aisle who voted on a party-line vote not to send his nomination from the Judiciary Committee. Of course, their minority position lost when the majority of the committee voted today to send that nomination to the floor.

I can't help but think that they are in an unenviable position, torn by their desire to do what they know is the right thing when it comes to confirming a good judge, and, on the other hand, being attacked by their own party's political base, telling them that if they vote to confirm this judge, they are somehow going to suffer some political damage.

Of these newspapers I mentioned, not one of them endorsed Donald Trump for President—not one. But unlike some of our Senate colleagues, they are able to distinguish between President Trump and Judge Neil Gorsuch, instead of using Donald Trump as a proxy not to vote to confirm Neil Gorsuch.

These newspapers are urging Senate Democrats to drop this pointless filibuster because they understand that it will not be President Trump we will be voting on next week. It is Judge Neil Gorsuch. Now, after repeatedly moving the goalposts for this nominee, my Democratic friends are saying that he has to pass the ''traditional'' threshold of 60 votes. Well, that is a made-up standard.

Throughout our Nation's history, the Senate has not had a tradition of filibustering judges. It was a strategy cooked up by Senator SCHUMER, Laurence Tribe from Harvard Law School, and other liberal activists to try to block President George W. Bush's judges when he was President of the United States. So there is no 60-vote threshold in Senate tradition. Actually, there have only been four cloture votes for a Supreme Court nominee—only four—and none of them for a partisan filibuster that actually succeeded in blocking an up-or-down vote for a nominee.

One of the newspaper fact checks concluded with this. They said: ''There is no traditional 60-vote 'standard' or 'rule' for Supreme Court nominations, no matter how much or how often Democrats claim otherwise.'' This should be a time when the Senate should come together in a bipartisan fashion and do what it is supposed to do when we receive the nomination of such a highly qualified person.

Judge Gorsuch has won bipartisan approval. People across the country understand that, as do a number of independent Democrats here in the Senate, and they understand the dangerous path the minority leader is setting us and them on. Unfortunately, the Democratic leader wants to mount the first successful partisan filibuster of a Supreme Court nominee in our history.

But I would point out that no Republican Senator in the Senate has ever voted to filibuster a Supreme Court nominee, including those nominated by Democratic Presidents. As a matter of fact, Justice Clarence Thomas was confirmed with 52 votes. If the threshold were really 60, then he would not currently be serving on the Supreme Court of the United States. Even such polar opposites as Justice Scalia and Justice Ginsburg were confirmed by virtually unanimous votes because people understood that once the President was elected, that the President's choice should matter, and the Senate should not artificially try to lift up a 60-vote threshold in order to block, effectively, the will of the voters in choosing the president.

A few years ago, when we considered the nominations of Justice Sotomayor

and Justice Kagan, we gave both nominees a simple up-or-down vote. So our friends across the aisle have a simple but very important decision to make. They can listen to the extremist groups on the left that are urging them to resist at all costs or they can assert some of their independence.

As of today, several of our Democratic colleagues have done exactly that. I congratulate them. I am glad Senator HEITKAMP, Senator MANCHIN, and Senator DONNELLY have said they will assert their prerogative, as Senators, to allow an up-or-down vote for this nominee and actually vote for them. I hope they stand firm, but I hope, more importantly, more of their colleagues will demonstrate the same sort of independence from the radical base of the Democratic Party that says no to everything this President does. I hope they at least afford Judge Gorsuch an up-or-down vote because, if the Democrats successfully block Judge Gorsuch, there is literally no nominee from this President who they will not block—plain and simple.

So as we have been saying, Judge Gorsuch will be confirmed at the end of this week, but it is up to the Democrats as to how that happens.

Madam President, I yield the floor.

Mr. CARDIN. Madam President, I wish to express my opposition to S. 89 because it exempts certain vessels—actually one specific vessel called the *Delta Queen*—from current fire retardant construction standards and, according to the U.S. Coast Guard, represents ''an unacceptable degree of fire safety risk. . . . ''

Maritime history has numerous examples of catastrophic on-board fires followed by the passage—or attempted passage—of laws designed to improve safety and protect passengers and crew.

In response to the sinking of the RMS *Titanic*, in 1914, the International Maritime Organization, IMO, prescribed emergency equipment and safety procedures IMO-flagged ships were required to have in place.

The 1934 fire on the SS *Morro Castle* prompted the adoption of multiple Federal safety regulations, including the use of fire retardant construction materials.

A series of fires aboard international passenger ships in the early 1960s prompted the U.S. to enact the Safety of Life at Sea Act, SOLAS, which mandated that ''no passenger vessel of the United States shall be granted a certificate of inspection [. . .] unless the vessel is constructed of fire-retardant materials.''

Congress delayed the implementation of the SOLAS mandate first until 1968, then until 1970, then again until 1973, but only for U.S. passenger vessels operating on inland rivers.

In 1973, Congress again delayed the effect of the mandate, but this time EXPRESSLY for one ship—the *Delta Queen*—and only for one 5-year period ''while a new [overnight passenger] riverboat is being constructed.''

Despite the clear intent of Congress in 1973, the various owners of the *Delta Queen* successfully secured exemptions from SOLAS for the *Delta Queen* in 1986, 1991, and 1996.

Their attempts to seek a 10-year extension in 2007 and a 15-year extension in 2013 were unsuccessful, so they made another run in the 114th Congress and now in the 115th Congress with S. 89.

Current law requires passenger vessels with overnight accommodations for 50 or more passengers to be constructed of fire-retardant materials, unless an exemption is made, but in the case of the *Delta Queen*, the U.S. Coast Guard has consistently opposed legislation to provide the *Delta Queen* an exemption to remain in service as an overnight passenger cruise vessel.

A Coast Guard Special Inspection Report on the *Delta Queen* in 2008 found ''an unnecessary and unacceptable accumulation of combustible fire load.'' In a January 8, 2016, letter to Senator BILL NELSON, the Coast Guard's then-Assistant Secretary of Legislative Affairs wrote ''the Department of Homeland Security is resigned to oppose continuously any legislation that would provide any form of statutory relief for the steamer *Delta Queen*.''

S. 89 is contrary to public safety. It is contrary to the Safety of Life at Sea Act regulations which have been in full force in the U.S. since 1966, and it is contrary to the guidance of the U.S. Coast Guard.

The *Delta Queen* is an old ship made of wood. The boilers are original and open to the wood superstructure. There are no structural boundaries to contain a fire and only one means of egress.

I understand that supporters of S. 89 are concerned about the historic preservation of this ship and the economic opportunities that operation of the ship could bring to its homeport.

We should first and foremost be concerned with the safety of the people who will work on the ship and vacation on the ship and that they can have the same opportunities and experiences on a ship that is compliant with the reasonable safety standards that have been in place in this country for more than 50 years.

Mr. CORNYN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. FLAKE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

NOMINATION OF NEIL GORSUCH

Mr. FLAKE. Madam President, as I have done from the time he was nominated and as I will continue to do until he is confirmed, I rise to support the nomination of Neil Gorsuch to serve on the Supreme Court. Judge Gorsuch is an accomplished, mainstream jurist. I look forward to helping make sure he can receive a vote here on the Senate floor.

In the weeks since his nomination, I have spoken at length about his qualifications to serve on the Supreme Court. I have recognized him as a conservative champion of religious liberty, a defender of the separation of powers, and a westerner who will bring some much needed geographic diversity and a regional perspective to the Court.

During his confirmation hearing before the Senate Judiciary Committee, Judge Gorsuch showed the country what it means to be a judge.

Big or small, popular or unpopular, powerful or powerless, Judge Gorsuch promised to render judgments based on the facts of the case, nothing else. He also has a remarkable record of respectful cooperation with judges appointed by Presidents of both parties.

During his decade-long tenure on the Tenth Circuit Court of Appeals, Judge Gorsuch participated in more than 2,700 appeals. These comprised some of the most difficult cases across six States. Of those cases, 97 percent of them were decided unanimously—97 percent.

Judge Gorsuch was in the majority 99 percent of the time. He was in the majority on those cases 99 percent of the time. This is a testament to Judge Gorsuch's ability to consider other points of view and to seek out consensus, where possible. To try to paint Judge Gorsuch as an ideologue simply doesn't work. Those are essential qualities for any prospective Supreme Court Justice.

Now that we have reported Judge Gorsuch out of committee as of today, I would like to say a few words on the obstacles that stand in the way of his being considered here on the Senate floor.

As we proceed with Judge Gorsuch's confirmation, I would like to explain my support for confirming him in light of what transpired in the waning months of the previous administration.

For nearly 230 years, Presidents have been making nominations to the Supreme Court. According to the Congressional Research Service: ''From the appointment of the first Justices in 1789 through its consideration of Nominee Elena Kagan in 2010, the Senate has confirmed 124 Supreme Court nominations out of 160 received.''

I would like to reiterate that number. Out of 160 Supreme Court nominations in our Nation's history, 124 were confirmed.

The Congressional Research Service goes on to state: ''Of the 36 nominations which were not confirmed, 11 were rejected outright in roll-call votes by the Senate, while nearly all of the rest, in the face of substantial committee or Senate opposition to the nominee or the President, were withdrawn by the President, or were postponed, tabled, or never voted on by the Senate.''

The manner in which the Senate decides to provide its constitutional advice and consent on Presidential nominations has varied over the centuries

with respect to nominations. This includes decisions not to take up Supreme Court nominees.

As Jonathan Adler put it in his article in the George Mason Law Review:

> Much as the Senate may reject a legislative proposal that originated in the House of Representatives by voting it down, killing it in committee, or simply refusing to take up the measure, the Senate may withhold its consent by voting against confirmation of a nominee, rejecting the nominee in committee, or simply refusing to act.

Is refusing to act the preferred outcome? I can certainly see where some would say no, as would I.

However, the history of the Senate demonstrates that to do otherwise in similar circumstances, as we just experienced is, in fact, a rare exception.

To cite Adler's law review article again, he states: ''The last time a Supreme Court vacancy arose in the calendar year of a Presidential election and was filled prior to [the] election was in 1932.''

President Obama nominated Judge Merrick Garland to the Supreme Court in the heat of the 2016 Presidential election. When he was nominated, I understood the frustration of those on the other side of the aisle over the fate of that nomination.

I met Judge Garland. He is a good man and a good judge, but the decision by the majority not to take up Judge Garland's nomination was not inconsistent with a longstanding practice of filling Supreme Court vacancies after elections.

This brings us today to why I support confirming Judge Gorsuch to the Supreme Court. There is no question about the appropriateness of confirming Supreme Court nominees during the first years of the President's term, let alone the first 3 months. In fact, there is absolutely no justification for filibustering a highly qualified Supreme Court nominee put forward by the President who was just elected. That is just unprecedented.

There was an attempt to use this tactic in 2006 with Justice Samuel Alito's nomination to the Supreme Court, but he garnered sufficient bipartisan support so that cloture was invoked.

Today, it appears that we will not enjoy that same rational support. My preference would be to change the behavior of Senators rather than change the rules of the Senate. But here we are, where a nominee who would have received unanimous or nearly unanimous support just a few years ago is about to be filibustered.

My question is this: If we can't confirm a judge like Judge Gorsuch under contemporary use of Senate rules, who can we confirm?

It looks as if we will move forward later this week and make the rest of the Executive Calendar subject to the same simple majority threshold. Again, a change in Senate rules is not my preferred outcome, but this rule change will simply make de jure what was de facto prior to 2003, when filibusters were virtually never used on the President's Executive Calendar.

Now, I want to make clear my steadfast support to preserve the legislative filibuster. We need to distinguish between the President's Executive Calendar, which has traditionally never been filibustered or subject to filibuster, and the legislative filibuster, which is used frequently here to ensure that we work across the aisle.

The Framers of our Constitution had the wisdom to create a Senate with a strong minority to serve as a check on runaway power. If we were to eliminate the legislative filibuster, we would cease to be that check, and, indeed, the Senate would cease to be the Senate.

We have a qualified mainstream jurist before us. That is Judge Gorsuch. I encourage all of my colleagues to give him fair consideration and to advance his nomination to an up-or-down vote. I will be voting to confirm him, and I urge my colleagues to do the same.

I yield back the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MORAN). Without objection, it is so ordered.

Mrs. MCCASKILL. Mr. President, I rise to ask my colleagues to support the bill that is in front of us, S. 89, which will allow the historic *Delta Queen* paddle wheeler to return to operation on the Mississippi and Ohio Rivers.

This bill is supported by the National Trust for Historic Preservation, the Seafarers International Union of North America, along with a whole lot of excited people who live in Kimmswick, MO, where this boat will have its home base.

The *Delta Queen* is an important piece of history. The vessel connects us to a time before railroads and highways, when rivers were key arteries of travel and commerce in this country. It was first placed on the National Register of Historic Places in 1970 and was designated as a national historic landmark in 1989.

The *Delta Queen*'s steel hull was originally built in pieces in Scotland and then was assembled in Stockton, CA, in 1926, until the beginning of World War II, when it ferried passengers between Sacramento and San Francisco. During the war, she was acquired by the U.S. Navy to support its operations in the San Francisco Bay. Following the war, she was taken to Cincinnati, where she took passengers up and down the river system for the next 60 years.

Three different U.S. Presidents have sailed on the *Delta Queen*—Herbert Hoover, Missouri's own Harry Truman, and Jimmy Carter. In fact, President Carter went on a week-long campaign tour on the vessel in 1979, along the Upper Mississippi.

For years, this vessel was home-ported in Cincinnati and was later used as a hotel in Chattanooga. Should the bill before us be enacted, the *Delta Queen* will be home-ported in Kimmswick, MO, just south of St. Louis. There, its operations will create more than 170 jobs and have an economic impact of more than $36 million, which is a big impact for one boat in a small community.

The bill before the Senate today would reinstate the exemption that the *Delta Queen* repeatedly received in the past when it was grandfathered from regulations that occurred in 1966, which prevented wooden boats from having passengers overnight. Congress repeatedly renewed this waiver from 1968 to 2008 and recognized that these regulations were primarily designed for ships on the high seas and that this ship was a link to an important time period in American history.

Over the 40 years that the *Delta Queen* had its exemption, it operated without incident, but the exemption was allowed to expire in 2008. S. 89 adds a new number of safety provisions as a condition of the waiver, making it a very strong improvement over every previous waiver that was issued by Congress during that time period.

I will not go through the long list of safety requirements that are contained in this legislation. Suffice it to say that they must alter the boat; they must protect the engine and boiler systems with non-flammable materials, and they must receive special training.

The owner cannot disclaim any liability for any crewmember's or passenger's injury or death.

The Coast Guard has to conduct an annual audit and inspection of the vessel. In order to receive the waiver, the vessel must have the boilers and generators that meet current Coast Guard standards, which means that the current owners of the boat are going to invest millions in order to bring it up to the safety standards that are necessary for today's traveling public. It has to have noncombustible enclosures that are equipped with fire suppression systems, and multiple forms of egress are provided off the vessel's bow and stern.

It is also reiterated in this legislation that the Coast Guard has the authority to immediately withdraw its certification of inspection for the owners' failure to comply with any requirement in this bill, in addition to other penalties permitted by law.

In short, we have taken important steps to make this historic piece of riverboat history safe for the traveling public. Frankly, I think people need to remember the lengths to which we go in restoring and preserving historic buildings in this country. We do not make them tear them down. Rather, we make them comply with certain safety standards. We treasure the fact that we are saving historic buildings all over this country.

This is saving a historic vessel. It is very important that we save this vessel not only for what it represents to our country but also for what it means in jobs and economic activity to an important area of the State that I love to call home.

I thank Senators BROWN, BLUNT, BOOZMAN, CASSIDY, COTTON, KENNEDY, and PORTMAN, who joined me in introducing this legislation, and Chairman THUNE and Ranking Member NELSON, who have been so helpful in moving it through the Commerce, Science, and Transportation Committee.

I know it is a phrase that we like to use around here and that sometimes it is not true, but this really is a bipartisan effort. This really is an example of people coming together who have common sense in order to put a boat back on the river that means a lot to history, that means a lot to the traveling public, and that uses common sense in addressing safety concerns that are necessary because of the historic nature of the boat.

I ask that all of my colleagues support this bill and return the *Delta Queen* to her rightful place on the Mighty Mississippi.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. CRAPO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

All time has expired.

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

Mr. CRAPO. 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 bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Pennsylvania (Mr. TOOMEY).

Mr. DURBIN. I announce that the Senator from Washington (Ms. CANTWELL) is necessarily absent.

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

The result was announced—yeas 85, nays 12, as follows:

[Rollcall Vote No. 102 Leg.]

YEAS—85

Alexander	Booker	Carper
Baldwin	Boozman	Casey
Barrasso	Brown	Cassidy
Bennet	Burr	Cochran
Blunt	Capito	Coons
Corker	Hirono	Roberts
Cornyn	Hoeven	Rounds
Cortez Masto	Inhofe	Rubio
Cotton	Johnson	Sanders
Crapo	Kaine	Sasse
Cruz	Kennedy	Schatz
Daines	King	Schumer
Donnelly	Klobuchar	Scott
Duckworth	Lankford	Shaheen
Enzi	Leahy	Shelby
Ernst	Lee	Stabenow
Feinstein	Markey	Strange
Fischer	McCain	Sullivan
Flake	McCaskill	Tester
Franken	McConnell	Thune
Gardner	Merkley	Tillis
Graham	Moran	Udall
Grassley	Nelson	Warner
Harris	Paul	Warren
Hassan	Perdue	Whitehouse
Hatch	Peters	Wicker
Heinrich	Portman	Young
Heitkamp	Reed	
Heller	Risch	

NAYS—12

Blumenthal	Gillibrand	Murphy
Cardin	Manchin	Murray
Collins	Menendez	Van Hollen
Durbin	Murkowski	Wyden

NOT VOTING—3

Cantwell	Isakson	Toomey

The bill (S. 89) was passed, as follows:

S. 89

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FIRE-RETARDANT MATERIALS EXEMPTION.

Section 3503 of title 46, United States Code, is amended to read as follows:

''§ 3503. Fire-retardant materials

''(a)(1) A passenger vessel of the United States having berth or stateroom accommodations for at least 50 passengers shall be granted a certificate of inspection only if—

''(A) the vessel is constructed of fire-retardant materials; and

''(B) the vessel—

''(i) is operating engines, boilers, main electrical distribution panels, fuel tanks, oil tanks, and generators that meet current Coast Guard regulations;

''(ii) is operating boilers and main electrical generators that are contained within noncombustible enclosures equipped with fire suppression systems; and

''(iii) has multiple forms of egress off the vessel's bow and stern.

''(2) Before December 1, 2028, this section does not apply to any vessel in operation before January 1, 1968, and operating only within the Boundary Line.

''(b)(1) When a vessel is exempted from the fire-retardant standards of subsection (a)—

''(A) the owner or managing operator of the vessel shall—

''(i) notify in writing prospective passengers, prior to the sale of any ticket for boarding and to be affirmatively recognized by such passenger prior to purchase, and any crew member that the vessel does not comply with applicable fire safety standards due primarily to the wooden construction of passenger berthing areas; and

''(ii) display in clearly legible font prominently throughout the vessel, including in each state room the following: 'THIS VESSEL FAILS TO COMPLY WITH SAFETY RULES AND REGULATIONS OF THE U.S. COAST GUARD.';

''(B) the owner or managing operator of the vessel—

''(i) may not disclaim liability to a passenger or crew member for death, injury, or any other loss caused by fire due to the negligence of the owner or managing operator; and

''(ii) shall acquire prior to entering service, and maintain, liability insurance in an amount to be prescribed by the Federal Maritime Commission;

''(C) the penalties provided in section 3504(c) of this title apply to a violation of this subsection;

''(D) the owner or managing operator of the vessel shall—

''(i) make annual structural alteration to not less than 10 percent of the areas of the vessel that are not constructed of fire retardant materials;

''(ii) prioritize alterations in galleys, engineering areas of the vessel, including all spaces and compartments containing, or adjacent to spaces and compartments containing, engines, boilers, main electrical distribution panels, fuel tanks, oil tanks, and generators;

''(iii) ensure, to the satisfaction of the Coast Guard, that the combustible fire-load has been reduced pursuant to clause (i) during each annual inspection for certification; and

''(iv) provide advance notice to the Coast Guard regarding the structural alterations made pursuant to clause (i) and comply with any noncombustible material requirements prescribed by the Coast Guard;

''(E) the Coast Guard, in making the determination required in subparagraph (D)(iii), shall consider, to the extent practicable, the goal of preservation of the historic integrity of the vessel in areas carrying or accessible to passengers or generally visible to the public;

''(F) the owner or managing operator of the vessel shall annually notify all ports of call and State emergency management offices of jurisdiction that the vessel does not comply with applicable fire safety standards due primarily to the wooden construction of passenger berthing areas;

''(G) the crews manning such vessel shall receive specialized training, above minimum standards, in regards to shipboard firefighting that is specialized for exempted vessels and approved by the Coast Guard; and

''(H) the owner or managing operator of the vessel shall, to the extent practicable, take all steps to retain previously trained crew knowledgeable of such vessel or to hire crew trained in operations aboard exempted vessels.

''(2) The Secretary shall conduct an annual audit and inspection of any vessel exempted from the fire-retardant standards of subsection (a).

''(c) The Secretary shall prescribe regulations to carry out this section. Such regulations shall include the manner in which prospective passengers are to be notified.

''(d) In addition to other penalties permitted by law, the Secretary is authorized to immediately withdraw a certificate of inspection for a passenger vessel that does not comply with any requirement under this section.''.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider Executive Calendar No. 24, which the clerk will report.

The senior assistant legislative clerk read the nomination of Elaine C. Duke, of Virginia, to be Deputy Secretary of Homeland Security.

The PRESIDING OFFICER. The Senator from Wisconsin.