

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

## LEGISLATIVE SESSION

## MORNING BUSINESS

Mr. JOHNSON. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

## NOMINATION OF ELAINE DUKE

Mr. JOHNSON. Mr. President, I rise today in support of Elaine Duke's nomination to be the seventh Deputy Secretary for the Department of Homeland Security.

The Department of Homeland Security Deputy Secretary serves as the chief operating officer of the Federal Government's third largest agency. The Deputy Secretary manages 240,000 men and women responsible for securing our borders and aviation system, enforcing immigration laws, defending cyberspace, preparing for disasters, assisting in counterterrorism efforts, and preventing terrorist attacks. In short, the Deputy Secretary is critically important to our homeland security.

On March 15, Ms. Duke was approved by the Senate Committee on Homeland Security and Governmental Affairs by a voice vote. She has overwhelming bipartisan support.

I want to remind everyone of Ms. Duke's qualifications and, particularly, of her dedication to public service through both Republican and Democratic administrations. Ms. Duke is no stranger to this body. In 2008, she was confirmed by a voice vote to be the Department's Under Secretary for Management. As a testament to her character and dedication, she was asked by President Obama to stay on when he came into office. She served in the Obama administration for a year and a half before retiring from Federal service. In total, Ms. Duke has been a public servant for 28 years.

It is also noteworthy that Ms. Duke has been endorsed by at least the last five Department of Homeland Security Deputy Secretaries, from both Democratic and Republican administrations. This is what they had to say about her:

For this job, the Nation needs someone with impeccable integrity, strong management and leadership skills and experience in protecting the safety, security, and resilience of our Nation. This person must be able to collaborate routinely . . . and ensure that every Congressionally-appropriated dollar is well and wisely spent.

Together, we respectfully attest that Elaine is extraordinarily well qualified to serve in the position for which she has now been nominated. Elaine knows DHS. She has been a senior leader at DHS under two presidents. She sets an unwavering standard of excellence for all who consider themselves committed to public service.

As chairman of the Homeland Security and Governmental Affairs Committee, I worked hard to move 30 of President Obama's nominees through

the committee on a bipartisan basis. I am pleased that we will be sending to DHS a career public servant whose experience and management skills will immediately assist Secretary Kelly and the mission of the Department to defend our homeland.

For the sake of our national and homeland security, I encourage my colleagues to support Ms. Duke's nomination to be the next Deputy Secretary for the Department of Homeland Security.

## NOMINATION OF NEIL GORSUCH

Mr. JOHNSON. Mr. President, I would like to use my remaining time to voice my strong support of Judge Gorsuch's nomination to the Supreme Court. Let me stress that Judge Gorsuch won my vote when I first heard his definition of the role of a judge. Let me quote:

It is the role of a judge to apply, not alter, the work of the people's representatives. A judge who likes every outcome he reaches is very likely a bad judge, stretching for results he prefers rather than those the law demands.

That is the quintessential definition of the role of a judge. I met with Judge Gorsuch last Tuesday morning, and in that meeting he further reinforced my support. I asked Judge Gorsuch and voiced my concern that far too often we have seen judges evolve into super-legislators—judicial activists on the court. I asked the judge: How can I be assured that won't happen with you? To paraphrase his response to me, he said: Senator, I am going to follow the law; you will not like some of my decisions.

That was music to my ears. I realize there is a lot of bad law, and we have a judge who follows the law and applies it. Sometimes I am not going to like those decisions, but that is OK. That is the role of a judge.

He went on to say: I am not itching to be anything other than a good judge. He further said that legislative power cannot be delegated. Judge Gorsuch gave me a great deal of confidence that he is well qualified and that he deserves to fill some pretty big shoes—Justice Scalia's seat on the Supreme Court.

It is not just I who considers Judge Gorsuch well qualified. The ABA has given Judge Gorsuch their "well qualified" rating, which is the highest possible rating. Of course, Democratic Leader SCHUMER, in a Washington Post article from March 18, 2001, said: "The ABA'S evaluation is the gold standard by which judicial candidates are judged."

Vice President Biden, back in 1994, talking about the ABA rating system said:

I look at no other recommendation more closely. I value no recommendation more highly.

So the ABA says Judge Gorsuch is highly qualified, and I agree. Judge Gorsuch also has bipartisan support. I

am heartened by the fact that three of our Democratic colleagues in the Senate have already voiced their support for Judge Gorsuch. Of course, President Obama's Solicitor General, Neal Katyal, also said:

Judge Gorsuch is one of the most thoughtful and brilliant judges to have served our Nation over the last century. As a judge, he has always put aside his personal views to serve the rule of law. To boot, as those of us who have worked with him can attest, he is a wonderfully decent and humane person. I strongly support his nomination to the Supreme Court.

Again, that is a quote from President Obama's Solicitor General. My final comment has to do with the fact that this is the will of the American people. In my lifetime, I really cannot remember when a Presidential election elevated the issue of Supreme Court nominations to as high a level as it was elevated in this election. As a matter of fact, this election, point blank, elevated this particular vacancy.

So many of my Republican colleagues said exactly what I said: It is so close to the election; so why don't we let the American people decide not only the direction of this country but the composition of the Supreme Court. The American people spoke. The voters in my State of Wisconsin spoke. They voted for the 10 electoral votes in support of President Trump, and they voted to elect me to confirm President Trump's nominee to this Supreme Court vacancy.

I believe it is our duty to listen to the voices of the voters, the American people, the voters of Wisconsin. I am hoping that my junior Senator colleague from Wisconsin will listen to the voices of Wisconsin voters and vote at least for cloture. Maybe you don't have to vote for confirmation, but let's vote for cloture so this good, fine, decent, humane, high-integrity, well-qualified judge—Judge Neil Gorsuch—will be the next Supreme Court Justice of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

## U.S.-CHINA RELATIONSHIP

Mr. GARDNER. Mr. President, I thank my colleague from Wisconsin for his remarks on Judge Gorsuch. I look forward to this debate this week as we work to confirm Judge Gorsuch to the U.S. Supreme Court in a bipartisan fashion.

This evening, though, I come to the floor to talk about another very important issue that is happening in this country this week; that is, the U.S.-China relationship that will be highlighted this week as President Trump prepares to meet with President Xi for the first time later this week.

This summer presents a tremendous opportunity for President Trump to expressly state our hope for the relationship, while also elucidating the valid concerns and questions we have about