

funded. Here are some of the questions I found researchers were trying to find answers to.

One of the questions they were trying to find answers to at the NIH, and this was part of a taxpayer-funded study or grant, is: Why do some people see Jesus's face on toast? That is right, a taxpayer-funded study to determine why people see the face of Jesus on toast.

Another study that was funded by NIH is: Do drunk birds slur when they sing? That was part of a \$5 million NIH grant that found not only is the answer yes, but according to NIH standards, there is a binge-drinking bird out there now.

They also wanted to answer the question of: What type of music do monkeys and chimpanzees prefer to listen to? I am not sure what is more surprising, the fact that the NIH wanted to study this or that the answer is Metallica.

Another thing they wanted to study: Is yawning contagious? I would say anyone who has ever listened to a Senator give a speech knows the answer is yes, but the NIH decided to spend taxpayer money to study it anyway.

So I began seeing projects being funded by other research arms within the Federal Government, including the National Science Foundation and DARPA in the Defense Department. Here are some of the questions those agencies are using their multibillion-dollar budgets to try to answer: Where does it hurt to be stung most by a bee? One researcher used part of a \$1 million NSF grant to sting each part of his body. He came to the conclusion it is most painful on the nostrils or on the lips or on other, shall we say, more sensitive areas, although he admitted his adviser would not allow him to be stung on the eyeball so we really don't know which body part holds the title of being the most painful.

Another thing that was studied by NSF and DARPA is: Who will be America's next top model? That is right. Taxpayer money was spent to try to find out who would be America's next top model. Researchers used taxpayer money to scour Twitter and Instagram to develop scientific models that could forecast success for models in the fashion industry. It turns out that having a strong social media presence helps more than meeting the industry's "aesthetic standards." This is a phenomenon the researchers dubbed the "Kendall Jenner effect." Not surprising there.

Another study was: Are chimpanzees better gamers than humans? At least one chimpanzee that was sometimes bribed with candy to keep working was better than humans at gaming. Unfortunately, that chimpanzee has since died from complications from diabetes. That study which found that humans are not above trying to cheat in order to beat a chimp at a video game was part of a \$340,000 grant awarded by NSF and NIH.

I am not going around here trying to say that NIH, NSF, DARPA, and other

federally funded research is a waste of money. It is not. To the contrary, I believe federally funded research can do wonderful and amazing things.

In 1961, at the height of the Cold War, the United States faced the Soviet Union in a heated space race. President John F. Kennedy stood before Congress and aimed for the Moon. He said:

I believe this nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to the earth. No single space project in this period would be more impressive to mankind, or more important for the long-range exploration of space.

Armed with a clearly defined goal and backed by concentrated research from the Federal Government, America's best scientists, researchers, and engineers got to work. Eight years later, Neil Armstrong and Buzz Aldrin were walking on the Moon. That is a towering feat that no country has ever been able to repeat. More than a half century later, that moonshot stands in stark contrast to a massive and disorderly constellation of federally funded science projects floating aimlessly in the Federal budget.

Projects that ask, for example: Are Republicans or Democrats more disgusted by eating worms? This researcher whom you will see in this picture found that the answer is that Republicans are more disgusted. That said, once folks hear that this study was funded with taxpayer money—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FLAKE. Mr. President, I ask unanimous consent for 2 additional minutes.

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

Mr. FLAKE. When folks hear that this study was funded by taxpayer dollars, I am sure there will be equal disgust by both Republicans and Democrats.

Another study was funded to see if one can outrun a dinosaur. The NSF and NIH gave taxpayer dollars to enterprising researchers who are not deterred by the fact that dinosaurs are now extinct. They found an alligator was close enough. They had to put him on a treadmill to find out how fast he could run. They found out what nobody—certainly not even the Presiding Officer from Louisiana—would discover; that alligators don't like treadmills very much. He wasn't very cooperative, but they went ahead with the study, and found that humans could probably outrun a dinosaur. It is a good thing.

"Are cheerleaders more attractive when they are a part of a squad?" was another study we funded. This was a NSF taxpayer-funded grant that was actually inspired by the sitcom "How I Met Your Mother." They had something on that show called the cheerleader theory. Researchers found that the answer is, yes, cheerleaders are more attractive as part of a squad than individually. Their tongue-in-cheek re-

search paper postulates that "having a few wingmen or wingwomen may indeed be good dating strategy, particularly if their facial features complement, and average out, one's unattractive idiosyncrasies."

That brings us full circle, as the White House has asked Congress to appropriate \$1.5 billion for emergency spending to tackle the latest crisis, Zika. I believe we do need to find a solution and a vaccine for the Zika virus, but we ought to look hard at the other things that these agencies are spending money on as we talk about more money for these research projects.

To that end, I have released "Twenty Questions: Government Studies that will Leave You Scratching Your Head." This is a study—you can see the cover here—the report not only profiles many of the questionable projects I have highlighted today, it seeks to set a path to ensure that our money is spent wisely.

The report recommends that these agencies set clearly defined national goals and objectives for federally funded research. Following the example set by President Kennedy's moonshot more than a half century ago, we ought to give the agencies a clear mission.

The report also recommends that agencies prioritize billions of dollars in existing Federal research funding to best meet the national goals in a manner that strengthens America's scientific leadership. We also need to ensure that these research projects are transparent. So when funding goes to these research projects, we ought to know how much is spent on each individual project, not just the broader grant. We don't know exactly how much money was spent on the cheerleader effect because we can't—they will not tell us.

I have introduced legislation in concert with this report which will require that the Federal agencies actually tell us how much money is spent on these individual projects.

It is time Washington sets clear goals for federally funded research and we improve transparency measures. I hope we can do so.

With that, Mr. President, I yield back.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. CASIDY). Morning business is closed.

#### TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2577, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 2577) making appropriations for the Departments of Transportation, and

Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

Pending:

Collins/Reed amendment No. 2812, in the nature of a substitute.

Collins/Reed amendment No. 2813 (to amendment No. 2812), to make a technical amendment.

AMENDMENTS NOS. 2812 AND 2813 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, the pending amendments are withdrawn.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 3896

(Purpose: In the nature of a substitute)

Ms. COLLINS. Mr. President, I call up the Collins-Kirk substitute amendment No. 3896.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS] proposes an amendment numbered 3896.

Ms. COLLINS. I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 3897 TO AMENDMENT NO. 3896

Mr. MCCONNELL. Mr. President, I call up the Lee amendment No. 3897.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. LEE, proposes an amendment numbered 3897 to amendment No. 3896.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit the use of funds to carry out a rule and notice of the Department of Housing and Urban Development)

At the appropriate place in Division A, insert the following:

SEC. \_\_\_\_ None of the funds made available by this Act may be used to carry out the final rule of the Department of Housing and Urban Development entitled "Affirmatively Furthering Fair Housing" (80 Fed. Reg. 42272 (July 16, 2015)) or to carry out the notice of the Department of Housing and Urban Development entitled "Affirmatively Furthering Fair Housing Assessment Tool" (79 Fed. Reg. 57949 (September 26, 2014)).

AMENDMENTS NOS. 3898, 3899, AND 3900 TO

AMENDMENT NO. 3896

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the following amendments be called up and reported by number: the Nelson amendment No. 3898, on Zika; the Cornyn amendment No. 3899, on Zika; and the Blunt-Murray amendment No. 3900, on Zika.

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

The clerk will report the amendments by number.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for others, proposes amendments numbered 3898, 3899, and 3900 en bloc to Amendment No. 3896.

(The amendments are printed in today's RECORD under "Text of Amendments.")

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for the Nelson amendment.

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

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 Senate amendment No. 3898 to amendment No. 3896 to Calendar No. 138, H.R. 2577, an act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

Marco Rubio, Debbie Stabenow, Harry Reid, Sheldon Whitehouse, Richard J. Durbin, Al Franken, Jeanne Shaheen, Robert Menendez, Brian E. Schatz, Joe Manchin III, Bill Nelson, Charles E. Schumer, Michael F. Bennet, Edward J. Markey, Benjamin L. Cardin, Tom Udall, Gary C. Peters.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum be waived.

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

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for the Cornyn amendment.

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

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 Senate amendment No. 3899 to amendment No. 3896 to Calendar No. 138, H.R. 2577, an act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, Roy Blunt, Roger F. Wicker, Marco Rubio, Lamar Alexander, Richard C. Shelby, Thad Cochran, John McCain, Michael B. Enzi, Jeff Flake, John Cornyn, Shelley Moore Capito, Johnny Isakson, Richard Burr, Bob Corker, Susan M. Collins, John Hoeven.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum be waived.

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

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for the Blunt-Murray amendment.

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

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 Senate amendment No. 3900 to amendment No. 3896 to Calendar No. 138, H.R. 2577, an act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, Roy Blunt, Roger F. Wicker, Marco Rubio, Lamar Alexander, Richard C. Shelby, Thad Cochran, John McCain, Michael B. Enzi, Jeff Flake, John Cornyn, Shelley Moore Capito, Johnny Isakson, Richard Burr, Bob Corker, Susan M. Collins, John Hoeven.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum be waived.

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

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I am pleased to begin the Senate debate on the fiscal year 2017 appropriations bill for Transportation, Housing and Urban Development, and Related Agencies.

This bill funds many programs that are essential to the American people. Let me begin by thanking the committee chairman, Senator COCHRAN, and the vice chairwoman, Senator MIKULSKI, for their leadership in advancing this bill.

I also want to pay a special thank-you and acknowledge the hard work and commitment of Senator JACK REED, the ranking member of the subcommittee. The two of us have worked together so closely in drafting this bill, and we have worked to incorporate the recommendations of more than 70 Senators from both sides of the aisle.

This bill targets limited resources to programs that meet our most essential transportation and housing needs. It makes vital investments in our Nation's transportation infrastructure, providing \$16.9 billion for the Department of Transportation to support much needed upgrades to our roads, bridges, seaports, railroads, transit systems, and airports.

The bill will also provide \$39.2 billion for the Department of Housing and Urban Development to meet the housing needs of low-income, disabled, and older Americans, to shelter the homeless, and to create jobs in our communities through economic development programs.

I want to underscore for our colleagues that we have met these essential needs in a fiscally responsible manner. Our bill is \$827 million below

the current enacted funding levels, and \$2.9 billion below the President's budget request. We have also ignored gimmicks in the President's budget request that would shift more than \$7 billion in transportation programs from discretionary to mandatory spending.

The bill before us is critical to meeting the vast needs of our Nation's crumbling infrastructure. The TIGER Program is an example of a valuable program that helps do just that. We provide \$525 million for this oversubscribed program, which supports not only much needed infrastructure projects but also helps to create jobs and boost economic development in every one of our home States.

The need for the TIGER Program is demonstrated by the statistics. Last year, 625 applicants from all 50 States and territories requested nearly \$10 billion in assistance illustrating the need for and the popularity of this vital program. To maintain our Nation's airspace and ensure that it remains the safest in the world, \$16.4 billion is provided to the Federal Aviation Administration.

Funding is increased to continue to modernize the Nation's air traffic control system, support the research and safe integration of unmanned aircraft systems into the airspace, and to help improve our Nation's airport infrastructure.

Consistent with the FAST Act, which we passed at the end of last year, \$44 billion is made available for the Federal-Aid Highway Programs, including the new freight program and the FASTLANE grant for critical freight and highway projects. I also want to highlight several safety-related provisions included in our bill that will enhance the safety of commercial motor carrier vehicles.

Regrettably, the Department of Transportation has continued to delay its proposed rule on speed governors which will improve safety on our Nation's roadways by preventing commercial trucks and busdrivers from speeding. Once again, our bill requires the Department to issue the proposed rule expeditiously since the Department has already missed the deadline established in last year's omnibus funding bill by Congress.

The growth of autonomous vehicle technologies, or driverless cars, has led the Department to reexamine existing regulations and policies that could affect the safe deployment of these vehicles. Our bill provides additional funding to ensure the safe deployment of autonomous vehicles onto our Nation's roadways and to reduce the cyber security vulnerabilities in their electronics.

The bill also builds on the critical infrastructure investments for rail, providing \$50 million for railway safety grants to address the serious and troubling problem of rail accidents. Additional funding is provided to help address the substantial backlog of rail infrastructure needing repair.

For housing programs, this bill provides sufficient funding to renew all existing rental assistance for section 8, for public housing, elderly, and disabled housing programs. The Appropriations Committee continues to face constraints that required us to make difficult decisions regarding funding at a time when resources are limited under the 2015 budget agreement.

Our priority is to ensure that our Nation's most vulnerable individuals and families do not lose assistance that prevents many of them from being at risk of homelessness. Therefore, the bill provides necessary funding to keep pace with the rising cost of housing to these families who might otherwise become homeless.

It is important that rental assistance supports those who truly need it. However, we are aware of a recent HUD inspector general report that found that more than 25,000 households had incomes in excess of qualifying limits. We don't have extra money available to pour into households where the individuals don't meet the eligibility requirements. In response to this finding by the IG, we have included language prompting HUD to update its regulations that ensure there is a process in place to identify and transition such households out of public housing when it is appropriate.

The transportation-housing appropriations bill faces challenges stemming from these unavoidable increases for rental assistance for low-income families and disabled and elderly individuals. In fact, rental assistance alone consumes more than half of our subcommittee's allocation and is a shocking 84 percent of HUD's budget. That makes funding other important needs difficult.

Nevertheless, Senator REED and I share a passion about reducing and ending homelessness. Therefore, we have included \$2.33 billion for homeless assistance grants, and we have also managed to make critical investments to reduce homelessness among our veterans and our youth.

To further help homeless young people, we provided \$40 million in grants that are targeting this underserved population. Additionally, to better support youth who are exiting the Foster Care Program, the system includes \$20 million for family unification vouchers and makes changes to this program to improve its effectiveness. I know many Members share our concern that young people who age out of the Foster Care Program should have—must have—somewhere safe to go.

For our Nation's homeless veterans, the bill provides \$57 million, including \$7 million to serve our Native American veterans living on tribal lands. Despite the administration once again this year proposing to eliminate this program, the subcommittee continues to provide funding, recognizing that while we are making progress—veterans homelessness has decreased by 36 percent since the year 2010—we have

yet to reach the goal of ending homelessness among our veterans. As the percentage of homeless veterans continues to decrease, less funding will be needed.

Senator REED played an absolutely essential role in another important issue that we address in this bill; that is, the presence of lead paint in homes, which is of particular concern to families with children under the age of 6. Our bill requires HUD to expeditiously complete its rulemaking to update its lead standards based on the most current CDC guidelines, an action Senator REED and I requested in a February letter to the HUD Secretary.

While this bill helps families in need, it also recognizes the hardships local communities are facing. Boosting local economies is critical to job creation and helping families obtain financial security. Thus, our bill supports local development efforts by providing \$3 billion through the Community Development Block Grant Program and \$950 million through the HOME Program.

These programs support the development of affordable housing and other infrastructure projects, which again promote economic development and lead to job creation in ways that allow local communities to tailor the programs to meet their specific needs.

The bill before us does not solve every problem facing our transportation system or our housing program. We simply don't have the money to do that, even if we had a higher allocation in this era of very high debt. This is a fiscally responsible bill, and it is a bill that sets and reflects important priorities. I very much appreciate the opportunity to present this legislation to the Chamber as we begin the debate on the Transportation-HUD appropriations bill.

I urge my colleagues to consider the careful balance struck by the compromises and the negotiations our committee worked so hard to achieve. Again, I thank the ranking member for being such an extraordinary partner as we sought to write this very important bill.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise to join Senator COLLINS in support of the fiscal year 2017 Transportation, Housing and Urban Development Appropriations bill. I want to join her in commending Chairman COCHRAN and Vice Chairwoman MIKULSKI for their great work, but I particularly want to commend Chairman COLLINS for her extraordinary work, her thoughtfulness, and her diligence. All those aspects are evidenced in this bill.

She has, once again, developed a balanced and thoughtful bill that includes priorities for Members on both sides of the aisle. This bill allows for our Nation to continue moving forward by investing in critical transportation and housing initiatives, and, suffice it to say, without her leadership, we would not be here today with a bill that not

only merits our attention, but also merits our support.

This bill includes policies and funding that will grow our economy, improve the safety of our national transportation system, create jobs, and preserve affordable housing for our most vulnerable citizens.

Working within a tight allocation, this bill makes important contributions to the development and safety of our national transportation system. For example, the bill provides \$16.4 billion to fully fund the needs of the Federal Aviation Administration, including \$1 billion for NextGen modernization activities, which will bring our aviation system to a new level of performance and safety.

This funding level also fully accommodates the needs of contract towers and Essential Air Service, and provides for new safety staff and pay for air traffic controllers.

The very popular TIGER Program, which the Chairman mentioned, is funded at \$525 million. That is a \$25 million increase from last year. TIGER grants allow State and local governments to make transformative investments in their transportation infrastructure that traditional formula grant programs are not able to address.

The fiscal year 2016 grant competition just ended 2 weeks ago for TIGER grants, and the Department of Transportation reports that they have received over 600 grant applications, totaling nearly \$100 billion in requests. This money is extraordinarily important to localities, and we have just barely increased it. Without the Chairman's leadership, however, I don't think that we would have made that increase. Again, I thank her.

There is high demand for this program that is evidenced by these applications. That goes to underscore a point that the Chairman has made about the need for even more significant investment in infrastructure.

This legislation also provides a boost to essential transit programs throughout the country, in order to sustain and expand their services.

This bill provides \$2.3 billion for the Federal Transit Administration's Capital Investment Grant program to help meet growing demand across the country.

This bill also continues investment in the Washington Metrorail system, while holding the system accountable for improved financial management and ensuring that the FTA has the needed resources for strong safety oversight.

Indeed, the bill before us maintains a key focus on safety across all modes of transportation. For example, the bill fulfills the promises of the FAST Act through a \$199 million investment in Positive Train Control grants in order to protect passengers and workers on commuter and interstate rail lines with the next generation of railroad safety technology.

The bill funds new research at the National Highway Traffic Safety Ad-

ministration on the safety and cybersecurity of autonomous vehicles. As autonomous vehicles are integrated into the general driving population, there is the potential to save thousands of lives with this innovative technology. However, an appropriate safety framework must be in place to realize the benefits of this promising transportation revolution.

In addition, the bill continues ongoing crude-by-rail safety initiatives at both the Federal Railroad Administration and the Pipeline and Hazardous Materials Safety Administration. These initiatives will work to ensure the safe transportation of crude oil and crude products across the country.

The bill also provides \$85 million for rail grant programs that were recently authorized by the FAST Act. These grants can be used for rail safety and state-of-good-repair projects, such as Positive Train Control implementation and grade-crossing improvements.

For Amtrak, the bill provides \$1.4 billion. In response to the FAST Act, the THUD appropriations bill now allows the revenue generated on the Northeast Corridor to remain there. Again, this is consistent with the FAST Act.

This investment will fully fund the Northeast Corridor and the National Network, while putting Amtrak in a better position to address the \$28 billion state-of-good-repair backlog.

I am also proud of what we were able to accomplish together for our Nation's housing programs. The bill preserves HUD's rental assistance programs, expands housing for youth and families experiencing homelessness, and increases lead-based paint remediation programs. These programs are vital to our Nation's safety net and also to the prosperity of local economies.

I wish to speak briefly about how this bill increases protections for children against lead-based paint hazards. The bill—and the Chairman has discussed this—directs HUD to align its blood lead level regulations with the level recommended by the Centers for Disease Control and Prevention. This is a significant change that will help young children.

If you just look at my home State of Rhode Island, 935 children will enter kindergarten this year exceeding the CDC standard for lead poisoning, but under the HUD standard, only 32 of those children would exceed the blood lead level standard. Now, when this regulation is implemented, there will be 900 children who not only are properly identified, but also, we hope, will have access to remediation in their homes, so that they will not be further affected by lead exposure.

To help mitigate the threat of lead in the home, the bill provides \$25 million in new resources for public housing agencies to address lead-based paint hazards in public housing units in response to this new health standard. We are really trying to synchronize best practices with practical systems that will make a huge difference in the lives of children.

There is also \$135 million for lead-hazard reduction grants, \$25 million more than in 2016. This increased spending will support lead-based paint reductions in over 1,750 additional units.

The bill increases support for the training of maintenance staff at public housing agencies to ensure that lead-based paint hazards are identified and properly managed.

Finally, it encourages HUD to increase tenant awareness of lead-based paint hazards in the home to help ensure that families are able to address hazards before damage is done. These are immediate, cost-effective changes that will improve the lives of children living in low-income housing.

Preventing lead poisoning is an issue that I have long worked on. I am so pleased to see the steps and strides that we are taking in this bill.

The bill also provides funding for other critical HUD programs, including \$40 million for new interventions targeting homeless youth, 6,000 new vouchers for homeless veterans through the HUD-VASH Program, housing and supportive care for 2,500 young people aging out of the foster care system, and services to help families and young people get jobs and increase their earnings.

Again, I thank Senator COLLINS for her tremendous work, her leadership, and her unstinting commitment to making sure that these resources are directed appropriately and properly.

We always wish that we could do more, but this bill provides a workable balance of resources for transportation and housing programs. The bill responds to the priorities of the Members of this Chamber. It makes wise investments that will benefit our Nation, not only in the present, but also in the future.

In that regard, I must once again return to the issue of lead exposure to children in their homes. This is something that has a lifetime effect on children. I do not have the expertise of the Presiding Officer when it comes to these issues, but childhood exposure can have incredible lifetime cognitive impacts on a child and can have huge costs to society. The steps that we are taking are going to help those lifetime costs be reduced.

I again thank the Chairman, Senator COLLINS. I appreciate her leadership, her willingness, and her extraordinary effort.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. KIRK. Mr. President, we are bringing up the MILCON-VA appropriations bill today, and I urge its adoption.

This year the MILCON-VA bill was the first appropriations bill. We marked up 5 weeks earlier than last year, and the bill is on the floor 6 months earlier than before. We are in a very advantageous position of telling the House to do their work, which

never happens with regard to the Senate. We are very proud of that.

We are so proud that we have crafted this bill in an open and collegial way with the full support of my ranking Democratic member, Senator JON TESTER of Montana. This bipartisan bill was adopted unanimously by a vote of 30 to 0 in the full Appropriations Committee.

In MILCON, the bill provides \$7.9 billion for over 200 critical defense construction projects. It adds \$515 million to MILCON to ensure that our military is ready to fight and win. There are no OCO gimmicks in the bill. My top priority in this legislation is missile defense in Europe.

Last year, the bill funded the Aegis Ashore BMD site in Poland. We have built on that in this year's bill. This bill funds the Long Range Discrimination Radar, or LRDR, in Clear, AK, at \$155 million.

For Veterans Affairs and related agencies, our bill provides \$75.1 billion to protect our veterans. This is record-high funding in this legislation, this bipartisan bill. The budget is up \$3.4 billion, or 4.8 percent, over this year, reflecting the higher medical costs in the economy.

The VA must now be reformed. We must work much better for veterans now. This bill includes strong oversight provisions for the VA to protect the protectors of our veterans. By that, I mean the whistleblowers. In this legislation is my VA Patient Protection Act of 2016, which protects whistleblowers and makes sure that doctors, nurses, and other medical care professionals are able to have the full whistleblower protections they deserve. This bill provides strong whistleblower protections and punishment for those who retaliate against whistleblowers.

A number of opioid safety provisions are included, such as no copayments for opioid antagonists, like Narcan, which can save a life rapidly.

The bill includes a provision that will screen medical providers to make sure the VA refrains from transferring bad doctors from one hospital in one State to another. The bill adds 100 staff to the VA Office of Inspector General, which is very important.

We continue to insist that the VA develop a fully interoperable electronic medical health record with DOD, using open source code. My vision here is to make sure we use open source code for VA medical records and DOD, to make sure that core of 25 million patients is protected, with no net burden on the soldiers when they are leaving active duty. The entire record goes over, so we have complete continuity of care.

By having open source coding, we repeat the success of the Motorola Android system, which happened in my State, where 70,000 apps were written just with that code. I want to make sure the electronic medical record industry is always located in the United States, based on this standard.

The bill adds \$8.7 million to fix the Veterans Crisis Line that we fund. Now

the veterans suicide hotline will never go unanswered. It also adds \$20 million for gender-specific health care for female veterans. The bill adds \$30 million to combat veteran homelessness; we have received a request on this issue from over 25 Senators. The bill adds \$12 million for important medical receipts for vets—like genomic research. In committee, we adopted an amendment that I supported by a vote of 23 to 7 to allow the VA to treat veterans and their spouses with in vitro fertilization for service-connected problems.

This is a strong bill. It is a very strong bill, and it does right by our troops and especially our veterans.

My Senate colleagues should pass this measure quite quickly, just as they did in the full committee.

With that, I yield back the remainder of my time.

Mr. MORAN. Mr. President, over two decades ago, Congress passed a law on an overwhelming bipartisan basis to provide a standard way of doing business for motor carriers nationwide. This preemption provision resulted in increased efficiencies that led to lower transportation costs and improved services, which have benefitted shippers and consumers throughout the country.

For two decades, this intent of Congress was adhered to for those involved in interstate commerce, and even upheld by the Supreme Court. Unfortunately, a recent Ninth Circuit Court decision has brought confusion to what had been the clear intent of Congress, and in my home State of Kansas, numerous trucking companies and drivers have become victims of these unintended consequences.

As the Senate begins consideration of the Transportation, Housing and Urban Development, THUD, Appropriations bill, the issue of trucking preemption laws may be debated once again. Due to escalating rhetoric and increasingly pointed statements regarding this issue, I sought the objective, authoritative policy expertise of the Congressional Research Service, CRS, to answer one-by-one many of the claims being made.

As the debate on THUD appropriations moves forward, I would encourage any of my colleagues interested in the trucking preemption debate to consult this CRS analysis and judge for themselves the merits of this important issue. I think they will find many of the claims made in opposition are exaggerations, if not outright falsehoods, and that the original intent of Congress on this matter was and continues to be critical for preventing unnecessary burdens on an industry that hauls our Nation's freight and is vital to our economic well-being.

I ask unanimous consent to have printed in the RECORD the CRS memo provided to me with its thoughtful and informative answers.

Thank you.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,

April 6, 2016.

MEMORANDUM

To: Hon. Jerry Moran.

From: Rodney Perry.

Subject: Implications of Section 611 of the Proposed Aviation Innovation, Reform, and Reauthorization Act of 2016.

This memorandum provides responses to your questions concerning California law and the implications of Section 611 of the proposed Aviation Innovation, Reform, and Reauthorization Act of 2016 (Section 611).

Section 611 contains two primary provisions. The first provision would expressly preempt state laws that prohibit employees whose hours of service are subject to regulation by the Department of Transportation (DOT) under 49 U.S.C. §31502 from working "to the full extent permitted or at such times as permitted under [49 U.S.C. §31502]." It would also preempt any state laws that "impos[e] any additional obligations on motor carriers if such employees work to the full extent or at such times as permitted" by DOT regulations issued pursuant to 49 U.S.C. §31502, which permits DOT to prescribe requirements for the qualifications and maximum hours of service of motor carrier employees.

The second provision of Section 611 would expressly preempt any state laws that require payment of "separate or additional compensation" by a motor carrier that compensates employees on a piece-rate basis, so long as the total sums paid to an employee, when divided by the employee's total number of hours worked during the corresponding work period, equals or exceeds the applicable minimum wage for that state.

You specifically asked for responses to the following questions:

1. Although the meal period must be paid if the employee is on-duty or required to remain on the premises, doesn't California law permit an on-duty meal period only if there is a written agreement between the parties that can be revoked at any time? Absent such agreement, isn't the default obligation to provide an off-duty meal period? Does the employer have to pay for an off-duty meal period?

Under California law, unless an employee is relieved of all duty during a meal period, the meal period is considered an "on duty" meal period that counts toward hours worked, and is thus compensable. On duty meal periods are only permitted when: (1) the nature of the work prevents an employee from being relieved of all duty; and (2) there is a written agreement between the employer and employee for on duty meal periods. Such a written agreement must state that the employee can, in writing, revoke the agreement at any time. Absent such an agreement, any meal periods provided as required by law are off duty. Off duty meal periods do not count toward time worked (*i.e.*, they are unpaid).

2. Does anything in Sec. 611 mandate that motor carriers utilize piece-rate pay systems?

Under Section 611, if a motor carrier compensates an employee on a piece-rate basis, it is not required to provide any additional compensation so long as the sum of the piece-rate compensation, when divided by the total number of hours worked during the corresponding pay period, equals or exceeds the applicable minimum wage. This does not appear to require motor carriers to pay their employees on piece-rate bases. Rather, it seemingly prevents an employer that chooses to pay its employees on a piece-rate basis from having to provide additional compensation in specified circumstances.

3. Is an employer, paying an employee on a piece-rate basis, in compliance with federal

minimum wage laws if the sum paid to the employee, when divided by the total number of hours worked, meets or exceeds the applicable minimum hourly wage rate?

This appears to be correct. Courts have generally held that an employer meets federal minimum wage requirements if the total weekly wage paid is equal to or greater than the number of hours worked in the week multiplied by the statutory minimum rate.

4. Would a motor carrier employee loading a truck have to be compensated for that time as hours worked under federal law? Does anything in Sec. 611 alter the conclusion?

Pursuant to the federal minimum wage requirements, covered employers must pay employees the applicable minimum wage for all compensable hours worked. The Supreme Court has held that activities that are an "integral and indispensable part of the principal activities for which covered workmen are employed" are compensable. At least one federal appellate court has found that loading a truck is an integral and indispensable part of the principal activity for which a truck driver is employed (driving a truck), and thus is compensable. Section 611, by its terms, specifies circumstances wherein state laws, regulations, or "other provision[s] having the force and effect of law" are preempted by federal law. As such, it does not appear that section 611 would alter the determination of whether time spent loading a truck is compensable under federal law.

5. Under California law, would a motor carrier have to pay a driver for the mandated 10-minute rest break? If a driver were to take a rest break or any other type of break of 10 minutes, would a motor carrier have to pay the driver for that time under federal law? If Sec. 611 were enacted, would the requirement under federal law still apply?

Under California law, motor carriers are required to provide employees with paid 10-minute rest breaks for every four hours worked. Under federal law, employer-provided breaks that are between 5 and 20 minutes in duration are generally compensable. Section 611, by its terms, specifies circumstances wherein state laws, regulations, or "other provision[s] having the force and effect of law" are preempted by federal law. As such, it does not appear as though section 611 would alter the determination of whether a 10-minute break is compensable under federal law.

6. Does California Labor Code §226.2 apply to independent contractors or only to employees?

By its terms, California Labor Code §226.2 (Section 226.2) applies to "employees." Given the time constraints required to respond to your request, and the methodology used to search for relevant cases, CRS could find no case law interpreting Section 226.2 that discusses its potential applicability to independent contractors.

7. Would Section 611 preempt state meal and rest break laws, like California's, as applied to motor carriers?

Section 611 would preempt any state laws that prohibit employees whose hours of service are regulated by the Department of Transportation (DOT) under 49 U.S.C. 31502 "from working to the full extent permitted or at such times as permitted under [49 U.S.C. §31502]." Section 611 would also preempt any state laws that "impos[e] any additional obligations on motor carriers if such employees work to the full extent or at such times as permitted" by DOT regulations issued pursuant to 49 U.S.C. §31502, which permits DOT to prescribe requirements for the qualifications and maximum hours of service of motor carrier employees. Thus, any state meal or break laws that impose

more stringent requirements on motor carriers than DOT's meal or break regulations for motor carriers, found at 49 C.F.R. Part 395, would seem to be preempted by Section 611. This interpretation of the legislative language would appear to be consistent with the legislative intent behind Section 611.

Mr. KIRK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

Mrs. FISCHER. 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.

Mrs. FISCHER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### ZIKA VIRUS

Mr. RUBIO. Mr. President, I am here to talk about two separate topics today. The first is the Zika virus. I am encouraged that in the last 24 hours, we finally seem to have found some action here in Congress in dealing with the Zika virus. We not only have one, we have three separate proposals that will be introduced to deal with Zika. We will continue to work on and debate these proposals next week.

About 5 weeks ago, I met with Federal, State, and local health officials in Miami and came out in support of the President's emergency funding request to deal with Zika. Since then, I have come before the Senate on numerous occasions to call for action. I have stated my belief that there shouldn't be anything divisive with this. Zika is a public health emergency that sooner or later will impact the vast majority of the United States because this is a virus transmitted by mosquitoes that are only going to become more prevalent as the weather heats up and because our people routinely travel to and from the island of Puerto Rico, the most impacted community in the entire United States.

When I spoke here yesterday, the count of people infected in Florida stood at 109. Since then, just 24 hours later, it has become 112. One-hundred and twelve Zika cases is the most of any State in the Union. Of the three

new cases in Florida, two were in Volusia County and one was in Orange County.

I have said repeatedly that Congress should not allow politics to delay action on Zika. One issue we have been encountering is the desire to offset the spending. I made it clear that if we can offset the spending and find the money somewhere else in the budget to pay for what it is going to cost to deal with Zika, we should do it, but that in times of public health emergencies, just like natural disasters, we shouldn't delay acting while we figure out and try to agree on what we are going to cut from other parts of the budget.

Another issue we have encountered is whether we do this through the normal process that is going on or fund it as an emergency spending bill. Again, I am open to either one of those approaches. But back in the real world, people infected by this and their families, who have already been impacted by this, don't have the time for us to figure all of this out; they just believe, as I do, that we need to get going here and get something done.

I have said that we should deal with this issue fully and that the \$1.9 billion requested so far may not even be enough when it is all said and done. But I believe there is no one here who wants to get caught in a situation where it is August and people are back in their States, maybe even campaigning for reelection, and have to scramble back here in the middle of the summer to come up with solutions when it gets hotter and there are more mosquitos and when the conditions are ripe for more people to be impacted by Zika.

I commend Senator NELSON, my colleague from Florida. I especially commend Senators MURRAY from Washington and BLUNT from Missouri and others who are taking this seriously and trying to come up with a solution and a way forward.

This is indeed a devastating disease. It has taken lives throughout our hemisphere, and the way it impacts unborn children alone should call us to action. Let's deal with this now, and let's protect our people. There is no reason that every proposal to address Zika cannot be bipartisan and earn broad support.

I am hopeful that we can reach a final outcome that fully addresses the problem. I am hopeful we will see some meaningful action on the Zika public health emergency very soon, including the American citizens in Puerto Rico who have been most impacted so far, and that is one of the reasons I plan to introduce—along with my colleague from Florida, Senator NELSON—an amendment to provide the full \$1.9 billion request to fight the Zika virus. The strain on Puerto Rico's health system from Zika must be addressed, and this is the only proposal so far that tries to fully deal with the unique challenges Puerto Rico faces with the Zika virus.