

from our Democratic colleagues' initial position. It is good to see our Democratic friends compromise.

Another amendment is from Senators CORNYN and JOHNSON. Their enhanced approach builds upon the appropriators' work by responsibly offsetting Zika funding with funds that have been set aside for public health and prevention purposes. It would also remove redtape and help promote mosquito control, which is the best way to keep Americans safe from this virus in the near term while a vaccine is under development. The House is also advancing its own paid-for Zika measure this very week.

So we will take several votes today. We will continue moving forward with the appropriations process, and we will address Zika funding in that context because keeping Americans safe and healthy is a top priority for all of us.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### INTERNATIONAL DAY AGAINST HOMOPHOBIA AND TRANSPHOBIA

Mr. REID. Mr. President, today is International Day Against Homophobia and Transphobia. This day of recognition is especially significant for America since the civil rights of transgender Americans are at the forefront of an important national debate. At its core, the debate comes down to a simple question: With whom do we stand? Do we stand with the bullies or do we stand against the bullies? Do we stand up for the bullies or against the bullies? Do we defend the persecutors or do we come to the defense of the persecuted?

These are the questions posed to us, and they should be. These are the questions posed to us by what is happening in North Carolina and the law there that undermines the civil rights of transgender Americans.

During a 1-day special session in March, the North Carolina legislature rammed through a controversial law that strikes down local antidiscrimination ordinances. The actions taken by North Carolina's legislature and Governor are nothing short of State-sponsored discrimination against transgender individuals. The law is clearly and completely illegal. It is in direct opposition to Federal civil rights statutes prohibiting discrimination on the basis of sex.

The Federal courts have made it clear that sex discrimination under the Civil Rights Act covers transgender individuals. This goes back to 1989, when the Supreme Court ruled in *Price Waterhouse v. Hopkins* that sex discrimination includes sex stereotyping under title VII of the Civil Rights Act of 1964. Relying on the Supreme Court's ruling in that case, appellate courts have concluded that discrimination

against transgender people is prohibited when it is based on gender nonconformity.

That is why last week the Department of Justice sued North Carolina, finding that its law constitutes a pattern or practice of discrimination under the Civil Rights Act, the Education Amendments Act of 1972, and the Violence Against Women Act, which we passed just last year.

This kind of shocking discriminatory lawmaking has no place in the 21st century. It certainly has no place in America. Attorney General Loretta Lynch said last week:

This is not the first time we have seen discriminatory responses to historic moments of progress for our nation. We saw it in the Jim Crow laws that followed the Emancipation Proclamation. We saw it in fierce and widespread resistance to *Brown v. Board of Education*. And we saw it in the proliferation of state bans on same-sex unions intended to stifle any hope that gay and lesbian Americans might one day be afforded the right to marry.

This issue has been far-reaching. It has far-reaching consequences. This is about access to employment, education, and just about everything else in public life. This is about whether we are going to allow our fellow citizens to be bullied, intimidated, and harassed.

The North Carolina law is not only wrong, but it runs counter to the progress we are seeing in States and cities across all of America. Right now, 18 States and approximately 200 cities have laws on the books to protect transgender individuals in being able to use the restroom that matches their gender identity.

Take, for example, what happened in Reno, NV, just last year. Reno, NV, is in Washoe County. It is the second largest school district in Nevada. In February 2015, in response to concerns from parents and students, the Washoe County School District issued policies to help foster a healthy and inclusive environment for transgender students.

The Washoe County School District developed thoughtful and common-sense policies that allow all students in Washoe County to have access to all school programs and activities. It was the first district in Nevada to do so. In the year since those regulations were adopted, schools across the district have reported few, if any, concerns about the new policies.

North Carolina leaders need to learn from Washoe County. They need to learn a thing or two about tolerance, as exhibited by the students and, yes, the adults across Washoe County.

North Carolina is already paying a severe price for its discriminatory law, and more is yet to come. Hundreds of America's biggest and most prestigious corporations and organizations have already come out in firm opposition to the law—companies such as Google, Bank of America, Starbucks, and Pfizer. You have major businesses that don't want to do business there. You have entertainers who won't perform

there, such as Bruce Springsteen. But it is not just that. It is hundreds—hundreds—of other firms that are coming out in opposition to the law because what they are doing is illegal.

But Republican leaders are standing by their bigotry at a tremendous cost to the State, and that is disappointing. I stand with the administration in opposing the North Carolina law. I stand with all Americans against this shameful bullying. Most of all, I stand with the transgender people of North Carolina and our country who are the targets of this State-sponsored discrimination. My heart goes out to them.

This is not how a great nation should operate. We are better than this. So I look forward to the day, and it is coming soon, when this hateful law is struck down.

#### ZUBIK V. BURWELL

Mr. REID. Mr. President, yesterday, the Supreme Court chose not to rule on the merits of *Zubik v. Burwell*, a case brought by religiously affiliated non-profit employers challenging the accommodation to the Affordable Care Act's contraceptive coverage provision. Instead, the Court remanded the case to lower courts for further proceeding.

The good news is that the order doesn't stop women who rely on the Affordable Care Act for contraceptive coverage from getting the services they need while the legal process plays out. But this remand highlights that the Supreme Court cannot properly do its job until we do ours here in the Senate. We must give Judge Merrick Garland a hearing and a vote so the Supreme Court can become fully functioning again.

There have been numerous cases that have been determined differently because of a 4-to-4 split. A number of them are just tied 4-to-4. A number of them have been remanded back to lower courts without action.

The Supreme Court to do its job needs nine—nine—Justices. So I hope the time is coming quickly when American women will know once and for all that their bosses can't interfere with their health care decisions, and I am confident the courts will ultimately do the right thing and uphold the Affordable Care Act's accommodation to the contraceptive coverage provision. Until that time, though, Senate Democrats will continue to watch this matter very closely and do everything in our power to defend access for women to birth control measures that they feel appropriate.

Mr. President, I think it is such a blight on the Senate that we are not doing anything to fill that ninth spot. It needs to be done, and it needs to be done quickly. Justice is being delayed. Justice is not being served.

I see my friend from Montana is on the floor. I ask the Chair, prior to his being recognized, to tell the Senate what we are going to do today.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

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

The PRESIDING OFFICER. Under the previous order, the Senate will resume 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 amendment No. 3896, in the nature of a substitute.

McConnell (for Lee) amendment No. 3897 (to amendment No. 3896), to prohibit the use of funds to carry out a rule and notice of the Department of Housing and Urban Development.

McConnell (for Nelson/Rubio) amendment No. 3898 (to amendment No. 3896), making supplemental appropriations for fiscal year 2016 to respond to Zika virus.

McConnell (for Cornyn) modified amendment No. 3899 (to amendment No. 3896), making emergency supplemental appropriations for the fiscal year ending September 30, 2016.

McConnell (for Blunt) modified amendment No. 3900 (to amendment No. 3896), Zika response and preparedness.

The PRESIDING OFFICER. Under the previous order, the time until 12:30 p.m. will be equally divided between the managers or their designees.

The Senator from Montana.

Mr. TESTER. Mr. President, as we begin consideration of the fiscal year 2017 Military Construction and Veterans Affairs appropriations bill, I want to start by thanking the chairman of the subcommittee and his staff.

The process Chairman KIRK and I put into place was fair, inclusive, and open, and I appreciate that he went out of his way to incorporate input from me, my team, and Senators from this side of the aisle.

This bill does right by our brave service men and women by honoring our Nation's commitment to veterans, Active-Duty military, and their families. We owe these folks our gratitude for their selfless sacrifice to freedom and democracy.

As a result of last year's bipartisan budget agreement, we are on the same page this year in terms of top-line funding numbers. This level of funding has allowed us to make critical investments in military construction, veterans programs, as well as Arlington National Cemetery and the U.S. Court of Appeals for Veterans Claims.

For VA, this bill provides \$102 billion in mandatory funding for veterans' benefits—\$102 billion—and includes an additional \$103.9 billion in fiscal year 2018 advance funding to ensure that there is not a lapse in getting dis-

ability compensation and education benefits to our veterans.

For VA's discretionary accounts, including the Veterans Health Administration, the bill appropriates \$74.9 billion. That is \$3.4 billion more than the Department has this year. Within that amount, we are able to target increased funding for several key priorities for veterans. That includes health care, disability claims and appeals processing, medical and prosthetic research, and family caregiver support. That means the VA will be able to aggressively pursue critical veteran-centered research into a host of medical conditions, including PTSD and traumatic brain injury—the unseen wounds of war that are so difficult to both identify and treat. It also means the VA will have additional resources to meet the growing demand of caregivers who are providing critical, family-centered, long-term care for our veterans, and it will allow VBA to hire 300 new claims processors and 240 additional employees for the Board of Veterans Appeals, all focused on reducing the appeals backlog—something Senator SULLIVAN and I are working on over on the authorizing side. These funds will complement that work.

The bill before us also includes a new medical community care account that consolidates the various sources of funding that connect veterans to care in their own communities. The creation of this new account is extremely important in providing better oversight over a program that is critical for our veterans, particularly those in rural areas where services through the VA are often unavailable. It is also a key component in ongoing efforts to consolidate and streamline the number of different programs the VA has to get veterans care in their local communities. That is something a number of us are working on in a bipartisan manner in the Veterans' Affairs Committee.

On the MILCON side of the ledger, the bill before us also delivers. We have provided increased funding for a number of unfunded MILCON requirements identified by the services. Given the severe constraints on the budget, funding for military construction is squeezed more tightly now than ever. It is not just the cost of trying to maintain a deteriorating building, which in itself is substantial, it is also the impact that effort has on training, readiness, and retention of personnel—the very areas DOD is struggling to reinforce.

Shortchanging military construction is not a cost-effective or sustainable defense strategy over the long haul. That is why I am glad this bill provides nearly \$500 million over the budget requested for unfunded priorities.

I am pleased the majority chose not to put forward controversial amendments on this bill during committee consideration. The bill that funds veterans health care and our military installations should not be a vehicle for politics. Our veterans and our service-

members deserve a clean bill, so we need to avoid the ugly stuff on this bill.

I have a lot more to say about this bill as it is considered over the next, hopefully, several days. For now, I reiterate my thanks to the folks on the majority side, as well as Vice Chairman MIKULSKI, for their efforts in getting us where we are today.

Lastly, I remind all of our colleagues that we are open for business. So if there are amendments you are thinking about, get them filed and get them to our staffs so we can move forward. Amendments at the eleventh hour are never good, so get them in early so we can consider them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent to speak as in morning business.

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

## PRESIDENT'S POLICY ON TRANSGENDER ACCESS TO SCHOOL BATHROOMS

Mr. INHOFE. Mr. President, since Friday, my State and DC offices have been flooded with calls from concerned constituents regarding President Obama's latest unilateral action directing public schools and colleges to allow transgender kids into the bathrooms and locker rooms of their choice. In Oklahoma, we understand what this is all about. This is all about a liberal agenda being crammed down the neck of Oklahoma and the rest of the country.

On Sunday, I went to a church service near the Grand Lake area in Northeastern Oklahoma, where the nearest community has about 250 people. The pastor, whose name is Mark, said, "If ever there were a Shadrach, Meshach, and Abednego moment in America, it is now."

They understand that there is a real battle going on in Washington for our values. These values should be decided at the local level by the parents and teachers who truly understand what needs to take place to protect all kids.

He went on to say that "we have to embolden our school board members [and other politicians] with our support." I agree. This is why I put forth a bill last year, which passed last year, to empower local school authorities to make these kinds of decisions. What the President is doing is unilaterally redefining title IX of the education law that prohibits discrimination on the basis of sex. With the new guidance he has issued, Obama is aiming to prohibit anything that could be construed as discrimination against "gender identity, including discrimination based on a student's transgender status."

Ultimately, the President is demanding, under threat of losing significant public assistance—in my State of Oklahoma, this amounts to about \$450 million—if States and school districts don't comply. In other words, it is blackmail: You comply or you lose something you are entitled to.