over 10 years ago we set up the architecture to be able to be ahead of things like Zika and Ebola. Quite frankly, during different administrations under different control, we failed to fund the things that we recognized we needed to do.

As we have this crisis and we respond to it, let's also reassure the American people that we are going to invest in that architecture and that we will be ahead of novel diseases. I call it novel. We have known about Zika for over 40 years, and the fact is that technology now allows us to address this in a different way. Let's invest in those platform technologies. Let's make sure we have an architecture that allows advanced development for the vaccines or the countermeasures. Let's not let down the American people on the next disease or the next threat that we might face.

I thank the Presiding Officer and the chairman.

I yield the floor.

RECESS

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

Thereupon, the Senate, at 12:42 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016—Continued

The PRESIDING OFFICER. Under the previous order, the time until 2:30 p.m. will be equally divided between the managers or their designees.

The Senator from Maine.

Ms. COLLINS. Mr. President, at this point I wish to yield to Senator REED of Rhode Island, the subcommittee ranking member and the comanager of this bill.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, let me thank the chairman for her consideration. I rise in support of the Zika supplemental amendment offered by Senators MURRAY and BLUNT, as well as the amendment offered by Senator NELSON.

The threat of the Zika virus is a serious public health issue and Congress must act to help minimize the spread before we have an epidemic on our hands. It has been over 2 months since the Administration asked for emergency funds for a comprehensive response to the Zika virus and to speed up development of a vaccine. This should not be a partisan issue, and inaction leaves us more susceptible to this serious public health emergency. This disease is spreading rapidly in other countries, and as we saw last year with Ebola—and with other mosquito-borne illnesses—we are living in an interconnected world and we are not immune to the spread of these diseases.

Already, there are over 1,000 cases of Zika virus in the United States and U.S. territories, including over 100 pregnant women. We have only seen two cases so far in my home State of Rhode Island, but the virus is spreading and it isn't going away on its own. We will certainly see these numbers increase as we approach the summer months.

I had the opportunity to host a discussion in Rhode Island about this topic just a few weeks ago, bringing together Federal officials from the Centers for Disease Control and Prevention and the National Institute for Allergy and Infectious Diseases, as well as public health officials from the Rhode Island Department of Health, among other experts in the State. Everyone agreed that funding is needed immediately to ensure that we are prepared for Zika.

State and local public health departments will be critical to strengthening efforts to prevent and diagnose cases of Zika, among other mosquito-borne illnesses this summer. While transmission of mosquito-borne illnesses has been limited in the United States so far, it is critical that state and local public health departments have the resources they need—in addition to ongoing communication with the CDC—so they have the most up-to-date information on diagnostics and testing for mosquito-borne illnesses.

The NIH also needs more resources to help fast-track research and development of a vaccine for the Zika virus. The Zika virus has the potential to circulate in the United States over the long term, and we need to be prepared for the fact that we will be combating this disease for more than just a few months in the summer.

We also need more research on the virus. The Zika virus has been around for decades, and there have been outbreaks in other parts of the world, but we didn't know it could cause a birth defect called microcephaly that impacts brain development until this year. We still don't know the long-term impacts on these children and their mothers.

I plan to support Senator NELSON's amendment to fully fund the administration's Zika supplemental request. I appreciate his efforts to push this issue and to help ensure that we have robust funding to help combat the threat of Zika.

While Senator NELSON's approach is preferable, I also plan to support the amendment of Senator MURRAY and Senator BLUNT to provide $1.1 billion in funding to address Zika. This amendment is a bipartisan compromise, and my hope is that no less than this funding level will move forward and be signed into law before we head into the summer months.

It is so critical that we move quickly on this so our state and local health departments will have the resources they need to deal with the potential growing cases in the coming months. Senators MURRAY and BLUNT have been working for weeks on this amendment, and I want to thank them for their commitment to get to this agreement.

I will oppose Senator CORNYN's amendment, which would make harmful cuts to the Prevention and Public Health Fund. This is a classic case of robbing Peter to pay for Paul. The Prevention and Public Health Fund makes exactly the kinds of investments in our public health infrastructure that better prepare us to deal with emergencies like Zika or Ebola.

The Prevention and Public Health Fund also helps fund disease prevention programs such as cancer screenings and immunization programs that save us money in the long run. Instead of cutting the Prevention and Public Health Fund to pay for the Zika supplemental, we should actually be investing more into these programs. So it is my hope we will reject this approach and instead pass emergency legislation today to deal with the Zika virus.

The funding that will be made available as a result of today's votes will be critical in the efforts to prevent outbreaks of the disease in the United States and hopefully the creation of a vaccine in the near future.

There is still a lot we don't know about the Zika virus—and once we pass this emergency funding package, Congress will still need to work together to continue evaluating needs and determining whether more resources are necessary.

I look forward to working with my colleagues to protect Americans from the potentially devastating impacts of the Zika virus.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, shortly the Senate will proceed to consider three alternative proposals to provide much needed funding to combat the Zika virus. I am deeply concerned about the rapidly emerging and evolving Zika virus, which poses a particular threat to pregnant women and can cause serious birth defects.

To learn more about this virus and other public health challenges, I recently toured the Centers for Disease Control and Prevention in Atlanta, GA, with my friend and colleague Senator ISAKSON. I was deeply impressed by the team of extraordinarily dedicated public servants who work there. These scientists leverage an enormous range of knowledge to protect the American people, including through rapid response to infectious disease threats.

CDC's experts told me they call the mosquito that carries the Zika virus the cockroach of the mosquito world because it is so difficult to get rid of. This mosquito can breed in water that fits within the size of a bottle cap. It is commonly found in the United States in areas like Florida and our gulf coast.

There are now more than 1,000 cases of Zika virus in the United States and

its three territories, including two laboratory-confirmed cases in the State of Maine. Earlier, one of our colleagues showed a map of the States that are most affected by Zika, but the fact is, due to travel, there are confirmed Zika cases in virtually every single State, but of course Puerto Rico in particular has been especially hard hit, with the number of cases soaring. These statistics are even more alarming when we consider that we have not yet reached the summer months when mosquitoes tend to be more prevalent. Recent studies suggest that Zika might spread across the warmer and wetter parts of the Western Hemisphere. As many as 200 million people in our country live in areas where the mosquito that carries the virus could potentially thrive.

You may have read what may seem like good news—that the Zika virus is asymptomatic in approximately 80 percent of those affected, but CDC recently concluded that the virus causes microcephaly and a range of other severe fetal brain defects. Americans are justifiably worried about the Zika virus, as the failure to prevent its spread could have devastating consequences for our families.

In addition to the human and emotional toll, the Zika virus may ultimately cost the United States an astonishing sum of money when we consider that we already spend more than $2.6 billion per year on hospital stays related to birth defects. So the investment we are making today is not only the right thing to do from a humanitarian and public health perspective, it is also the right thing to do from an economic viewpoint.

In addition to these serious birth defects, the Zika virus has been linked to Guillain-Barre syndrome, a disease that can cause paralysis and even death.

It is imperative that we take steps to combat the Zika virus without delay. To that end, I support the bipartisan compromise agreement worked out by Senators BLUNT and MURRAY to provide an additional $1.2 billion to combat the Zika virus, including $361 million for the CDC and $200 million for the National Institutes of Health. We can and we should do more to plan for emerging disease threats through the regular appropriations process so we do not have to turn frequently to emergency supplemental funding, but in this case the Zika virus is an imminent and evolving public health threat that cannot wait and that cannot be ignored.

The CDC has a very specific plan to rapidly respond to this very real threat, including by developing diagnostic tests that will help us identify the virus and help to educate providers and the public about appropriate prevention methods. I think it is important to understand that the CDC is the interface with State and local public health centers and agencies, so its role is absolutely critical in the education and prevention process.

The National Institutes of Health is similarly prepared to conduct research into vaccines that might help us better prevent the virus and the conditions that it can tragically cause, but again that requires funding.

The CDC has sounded the alarm in its warning about a serious Zika outbreak in our country. It is essential we devote sufficient financial resources to meet this new challenge. I am convinced that today the Senate will do its part to deal with this serious threat to our public health.

Thank you, Mr. President.

Mr. REED. Mr. President, I have a parliamentary inquiry: How much time do we have remaining?

The PRESIDING OFFICER. The Senator from Rhode Island has 1½ minutes remaining, and the Senator from Maine has zero time remaining.

Mr. REED. Mr. President, I yield back the remaining time on our side.

The PRESIDING OFFICER. All time has been yielded back.

CLOTURE MOTION

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on 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.

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

The question is, Is it the sense of the Senate that debate on amendment No. 3898, offered by the Senator from Kentucky for the Senator from Florida, to amendment No. 3896 to H.R. 2577, shall be brought to a close?

The yeas and nays are mandatory under this rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The yeas and nays resulted—yeas 50, nays 47, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—50

Ayotte	Gillibrand	Nelson
Baldwin	Heinrich	Peters
Bennet	Heitkamp	Portman
Blumenthal	Hirono	Reed
Booker	Kaine	Reid
Boxer	King	Rubio
Brown	Kirk	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Manchin	Stabenow
Casey	Markey	Tester
Cassidy	McCaskill	Udall
Coons	Menendez	Warner
Donnelly	Merkley	Warren
Durbin	Mikulski	Whitehouse
Feinstein	Murphy	Wyden
Franken	Murray	

NAYS—47

Alexander	Flake	Paul
Barrasso	Gardner	Perdue
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Sasse
Coats	Hoeven	Scott
Cochran	Inhofe	Sessions
Collins	Isakson	Shelby
Corker	Johnson	Sullivan
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Crapo	McCain	Toomey
Daines	McConnell	Vitter
Ernst	Moran	Wicker
Fischer	Murkowski	

NOT VOTING—3

Cruz	Enzi	Sanders

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 47.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

CLOTURE MOTION

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on 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.

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

The question is, Is it the sense of the Senate that debate on amendment No. 3899, offered by the Senator from Kentucky for the Senator from Texas, to amendment No. 3896 to H.R. 2577, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The yeas and nays resulted—yeas 52, nays 45, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—52

Alexander	Flake	Perdue
Ayotte	Gardner	Portman
Barrasso	Graham	Risch
Blunt	Grassley	Roberts
Boozman	Hatch	Rounds
Burr	Heller	Rubio
Capito	Hoeven	Sasse
Cassidy	Inhofe	Scott
Coats	Isakson	Sessions
Cochran	Johnson	Shelby
Collins	Kirk	Sullivan
Corker	Lankford	Thune
Cornyn	Lee	Tillis
Cotton	McCain	Toomey
Crapo	McConnell	Vitter
Daines	Moran	Wicker
Ernst	Murkowski	
Fischer	Paul	

NAYS—45

Baldwin	Gillibrand	Murray
Bennet	Heinrich	Nelson
Blumenthal	Heitkamp	Peters
Booker	Hirono	Reed
Boxer	Kaine	Reid
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Manchin	Stabenow
Casey	Markey	Tester
Coons	McCaskill	Udall
Donnelly	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Mikulski	Whitehouse
Franken	Murphy	Wyden

NOT VOTING—3

Cruz	Enzi	Sanders

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 45.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

CLOTURE MOTION

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The 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.

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

The question is, Is it the sense of the Senate that debate on amendment No. 3900, offered by the Senator from Kentucky, Mr. MCCONNELL, for the Senator from Missouri, Mr. BLUNT, to amendment No. 3896 to H.R. 2577, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The yeas and nays resulted—yeas 68, nays 29, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—68

Alexander	Franken	Murphy
Ayotte	Gillibrand	Murray
Baldwin	Graham	Nelson
Bennet	Hatch	Peters
Blumenthal	Heinrich	Portman
Blunt	Heitkamp	Reed
Booker	Hirono	Reid
Boozman	Hoeven	Rounds
Boxer	Isakson	Rubio
Brown	Kaine	Schatz
Burr	King	Schumer
Cantwell	Kirk	Shaheen
Capito	Klobuchar	Stabenow
Cardin	Leahy	Tester
Carper	Manchin	Tillis
Casey	Markey	Udall
Cassidy	McCain	Vitter
Cochran	McCaskill	Warner
Collins	McConnell	Warren
Coons	Menendez	Whitehouse
Donnelly	Merkley	Wicker
Durbin	Mikulski	Wyden
Feinstein	Murkowski	

NAYS—29

Barrasso	Gardner	Risch
Coats	Grassley	Roberts
Corker	Heller	Sasse
Cornyn	Inhofe	Scott
Cotton	Johnson	Sessions
Crapo	Lankford	Shelby
Daines	Lee	Sullivan
Ernst	Moran	Thune
Fischer	Paul	Toomey
Flake	Perdue	

NOT VOTING—3

Cruz	Enzi	Sanders

The PRESIDING OFFICER. On this vote, the yeas are 68, the nays are 29.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Maine.

AMENDMENT NO. 3946 TO AMENDMENT NO. 3900, AS MODIFIED

Ms. COLLINS. Madam President, I call up the Blunt amendment No. 3946.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for Mr. BLUNT, proposes an amendment numbered 3946 to amendment No. 3900, as modified.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the periodic submission of spending plan updates to the Committee on Appropriations)

On page 10 of the amendment, line 1, strike ''. The'' and all that follows through the period on line 3, and insert the following: '': *Provided*, That such plans shall be updated and submitted to the Committee on Appropriations of the Senate every 90 days until September 30, 2017, and every 180 days thereafter until all funds have been fully expended.''.

Ms. COLLINS. Madam President, I would now like to yield time to Senator ISAKSON for a statement.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Madam President, I thank the Senator from Maine for the recognition.

AMENDMENT NO. 3900, AS MODIFIED

I want to commend Senator COLLINS and Senator REED for their hard work and great leadership on this amendment, Senator MURRAY and Senator BLUNT for bringing this issue before us, and the Senate for having the good sense to invoke cloture on it this afternoon.

If anybody in the audience or in this room doesn't think this is an emergency, they should have been with Senator COLLINS and me 2 weeks ago at the CDC in Atlanta. We spent 4 hours looking at the depiction of what a Zika outbreak is going to look like if it doesn't stop and if we don't abate it.

There have already been 1 million cases in the Caribbean, Central America, and South America and 500 cases in the United States of America, and it is going to grow. The faster we get our arms around it, the better off the American people are going to be.

This is a lot of money, but it is only a pittance compared to what it would cost if the epidemic got out of control and we didn't stop it and defeat it. This money will go to Labor, Health and Human Services, the State Department, the CDC, and other entities to provide the education, training, and information necessary to get control of this disease.

Remember what happened with Ebola. When it broke out and we finally got involved, only through CDC's ability to educate and also to contain and control the disease did we finally get our arms around it and stop the epidemic. The same thing is going to be true with Zika. We need to contain, control, and get the necessary education to the countries to see to it that we stop it.

I commend the Senate for invoking cloture on the amendment today. I commend these two Senators for their hard work, and I am glad we are on the leading point of the spear. I want everybody to be clear—this is an emergency. Had we not invoked cloture on this amendment today, in months we would have had a greater emergency because Zika would have spread unabated in the Southern United States.

Lastly, I want to give great credit to Senator COLLINS for all the hard work she has done on health and human services for so many years and for her hard work for the CDC. On behalf of Dr. Frieden, we are glad you finally came and visited. God bless you.

I yield back.

The PRESIDING OFFICER. The Senator from Maine.

OPIOID EPIDEMIC

Mr. KING. Madam President, we just invoked cloture on an amendment to deal with the funding of an incipient epidemic—an epidemic that has serious ramifications for our society and for our country—and it is right that we did that.

I rise today, however, to point out the fact that we are in the midst not of an incipient epidemic but a real epidemic that since lunchtime today has killed 15 people in this country. Fifteen people have lost their lives since the middle of the day today. The epidemic I refer to, of course, is heroin and opiate drug abuse and addiction. This is a crisis which is upon us right now.

A month or so ago, we passed with great fanfare the CARA bill, the comprehensive addiction bill. It was the right thing to do. It was a good bill, but it had no funding. Passing a bill like that with no funding is like sending the fire department to a fire with no water. We cannot deal with this problem until we have the capacity to provide treatment to the people who need it.

Right now there is a huge shortage of treatment beds. There is even a shortage of detox beds, let alone treatment. When a person finally gets to the point where they are struggling with this terribly destructive disease and they are ready to embrace and take on the treatment, to not have it available or to have it available at an exorbitant cost is tragic.

We are losing lives every hour—47,000 people a year—and it is expanding and exploding, and it is tearing our communities apart.

I am delighted that we invoked cloture on an amendment involving the Zika virus. It is important that we do so. But we also should be attending to this crisis that is staring us right in the face and is tearing our country apart.

I hope we can soon get to an amendment that will allow us to begin the process of funding the resolution of this scourge before it takes more lives and before it tears apart more families and communities.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, today the Senate invoked cloture on an amendment to provide more than $1 billion in emergency spending to help combat the Zika virus. I support this effort. I think it is a good amendment, and I commend our leaders in the Appropriations Committee for reaching this bipartisan agreement.

However, I join my colleague from Maine, my colleague from West Virginia, and all of those who are disappointed that the opioid epidemic is not being treated with the same degree of urgency.

Some Senators on the other side of the aisle have said it is their preference to deal with the opioid epidemic through the regular appropriations process. Let me say that I am not encouraged by the results so far. With all due respect to my colleagues, an extra $1 million here and there for a few programs, which is what we are seeing in the appropriations process, is not going to address the nationwide crisis that Senator KING has said is going to kill tens of thousands of Americans this year.

While the HHS appropriations bill is still being drafted, because of the tight budget caps that are in place for this fiscal year, I am not optimistic that it will include the type of game-changing funding that we need to stem the tide of this crisis. Unfortunately, we saw that the Commerce, Justice, and Science appropriations bill included only minor increases to programs to address the heroin and opioid epidemic. That is why we need emergency funding, and we need it now.

In March, the Senate had an opportunity to provide $600 million in emergency funding to address this crisis, but despite strong bipartisan support, that amendment was defeated on a point of order. Congress needs to rise to this challenge, just as it has done during previous public health emergencies and just as we are doing right now to address the Zika virus. Just last year Congress approved $5.4 billion to combat the Ebola outbreak, which killed one American, but in 2014, 47,000 Americans died from drug overdoses. Each day we wait, another 120 people die of drug overdoses. We are losing one person a day in New Hampshire.

Now is the time to act. I urge my colleagues to reconsider.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Madam President, first of all, I thank my good friend from New Hampshire, Senator SHAHEEN, for putting in this most needed funding to fight this epidemic, and I thank Senator KING from Maine as well. We are all fighting it.

My State has been hit the hardest of all the States, and New Hampshire is right behind us as far as having more deaths from opioid drug abuse than any other State. If you put what we are asking for into perspective and look at what we have done over the years since the war on drugs began about four decades ago, we have spent $1 trillion in the United States, but we are fighting this war the wrong way. We have all looked at this as a horrific crime, and we have just kept putting people away. In that period of time, we spent $450 billion to lock up these people in Federal prisons and most of them were locked up for nonviolent crimes.

We need to look at this. This is an illness, and to treat an illness, you have to have funding. We just talked about Zika, and we have done it for Ebola. I even checked what we have done with polio. Since we eradicated polio, we have saved this country $220 billion. Can you imagine what would have happened if we hadn't? We wanted to have it eradicated around the world by the year 2000.

The savings is enormous, but the bottom line right now is productivity. I have the lowest workforce participation in the country right now in West Virginia. A lot of it is due to the addictions that people have. In 2014, we had 42,000 West Virginians—including 4,000 youth—who sought treatment for illegal drug use but failed to receive it. There was no place for them to go. They wanted to change their lives. They asked in every way possible to do that, but we have no treatment centers.

This goes a long way to basically help treat an illness which is absolutely destroying America, not just in West Virginia, New Hampshire, and Maine, but I am talking about all 50 States. We have an epidemic we are dealing with today. Yet we are not dealing with it because we have no treatment, and that is because no one has put the priorities and values that we have in this country to eradicate this horrible scourge in our country.

I ask all of my colleagues to please reconsider the funding that is needed to fight opioid abuse with proper treatment around the country.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

BROWN V. BOARD OF EDUCATION ANNIVERSARY AND FILLING THE SUPREME COURT VACANCY

Mr. KAINE. Madam President, I rise to discuss the pending vacancy on the U.S. Supreme Court, and I do so on a very momentous day in American legal history. May 17, today, is the anniversary of the Supreme Court's decision in the pivotal case of Brown v. Board of Education. On May 17, 1954, the Supreme Court ruled that the promise of equality—stated as paramount in the Declaration of Independence and then reaffirmed in the 14th Amendment to the Constitution passed in the aftermath of the Civil War—could not be denied to little school children based on their skin color. The Brown v. Board case was actually five cases consolidated together—one from Virginia, one from Kansas, one from Delaware, one from South Carolina, and one from the District of Columbia.

While most of us know what the Brown case resolved, few remember that the Brown ruling was in serious jeopardy because of the death of a Supreme Court Justice and the deep divisions on the Court among the remaining eight members. It was only through the prompt filling of a judicial vacancy that the Court was able to come together and render a ruling in America's best interest.

The Brown case was originally argued in 1952, and the court that heard the argument was hopelessly divided. In fact, it was so divided that they asked that the case be reargued in 1953, and then to make matters worse, Chief

Justice Fred Vinson died before the reargument. By many accounts, his death left the Court evenly divided over an issue of the most fundamental importance. Had the vacancy left by the death of Judge Vinson persisted, there is no way of predicting whether the Supreme Court could have even resolved the case. Imagine how different our history as a Nation would be if the Supreme Court had been unable to decide on a matter of fundamental importance.

President Eisenhower nominated former California Governor Earl Warren to fill the vacancy. The Senate did its job, held a prompt hearing, and confirmed the appointment. Chief Justice Warren then used his skill to cut through the division and convince his colleagues that the Court should speak unanimously and say that a child's skin color should not determine which school he or she should attend. Because the Senate did its job, the Court was able to do its job, and all of America was lifted.

I have listened to my colleagues and Virginia citizens about the current Supreme Court vacancy for 3 months. I have come to this conclusion: I think the Senate is treading on dangerous ground here. We are communicating—and I think the communication could be unintentional—a message to our public that is painful, and our actions in this high-profile matter are creating pain among many of my constituents. I fear that a precedent is about to be set that could undermine all three branches of our government.

I offer these comments today because the Senate can correct the dangerous message we are sending, and I hope that calm reflection will call us to honor the great traditions of this body.

The death of Justice Scalia on February 13 created a naturally occurring vacancy on a Court that is statutorily required to have nine members. Within hours of Justice Scalia's death, the majority leader announced a blockade on the vacancy, declaring that no nomination by President Obama would ever receive a hearing or a vote. This hastily announced blockade has been described as follows: The majority thinks the American people should decide on the Presidential race, and therefore, this nomination should be for the next President to make, even if that means a Supreme Court vacancy for more than a year.

I want to examine the majority's rationale. What has the Senate done in other instances when a vacancy has occurred during the last year of a President's term? Well, that is easy enough to find out. Before Justice Scalia's death, more than a dozen Justices have been confirmed during a Presidential year. For the last 100 years, with the exception of nominees who have withdrawn their nomination, the Senate has taken action on every pending nominee to fill a vacancy on the Court.

In the past, some Senators have suggested that a vacancy occurring during the final year of a Presidential term should be entitled to less deference than other Executive nominations, but that is related to the question of whether or not a Senator votes yes or no, and, of course, Senators are free to vote yes or no on nominees. But the refusal to even consider a nominee is unprecedented.

Beyond the precedent of previous Senate actions, let's look at article II, section 2, of the Constitution. It says that the President ''shall nominate'' and ''appoint''—''by and with the Advice and Consent of the Senate''—various officials, including Supreme Court Justices.

While all agree that the advice and consent provision gives the Senate the ability to affirm or reject a nominee, there is nothing in the clause suggesting that the Senate can blockade the consideration of a nominee, and there is certainly nothing in the clause to suggest that the President's appointed powers or the Senate's confirmation powers are somehow limited in the last year of a Presidential term.

Finally, the meaning of the constitutional clause was extensively discussed as the Constitution was drafted, approved, and ratified by the States, and Alexander Hamilton's Federalist Paper 76 also discusses the provision at length. All understood that the advice and consent provision was an opportunity for the Senate to determine whether a Presidential nominee for a Senate confirmable position possessed ''fit character.'' That is the check against Presidential power intended by the clause. The President, knowing that a Senate would inquire into the character of a nominee, would not just nominate people purely for partisan, personal, or regional reasons—wanting to fill it with people from my State, for example. ''Fit character'' would require that the President nominate somebody who could pass that scrutiny in the Senate. ''Fit character'' is a phrase with some significant subjectivity to it, giving each Senator the ability to decide what it means in a given instance. But the position that the character of the nominee doesn't matter at all—as evidenced by the majority's view that there would be no meetings, no hearings, and no vote regardless of the person nominated for the vacancy—is directly contrary, in my view, to the intent of the provision.

I look at this, and I believe the asserted rationale that we should not take up the Garland nomination because the vacancy occurred in the final year of a Presidential term is at odds with the text of the Constitution, with the clear meaning of the text, as explained during the drafting of the provision, and with the clear line of Senate action in previous cases.

What could explain the blockade of Judge Garland? I obviously don't know, and I can't comment upon motivations that I am unaware of, but I do want to discuss how it appears—a perception that we are leaving, possibly unwittingly, based on my discussions with Virginians. The current Senate blockade is variously interpreted as an opposition to the nominee, as opposition to the particular President making the nomination, or as some effort to undermine judicial independence.

Let's look at those three interpretations that are very commonly held by Virginians and others. The first interpretation: Is it opposition to the nominee? I think we can dispense with that pretty quickly. The blockade strategy is not based on the character of the nominee, Judge Merrick Garland, and I can assert this safely because the blockade strategy was announced—no meeting, no hearing, no vote—before the President even nominated Judge Garland. It was said that regardless of the character of a particular nominee, they would not entertain a nomination from this particular President. This is ironic, given that the nomination for a Supreme Court Justice is fundamentally about the very essence of justice and that the essence of justice must carry with it a duty to consider each individual on his or her own merits. The position that we would refuse to consider Judge Garland on his own merits seems contrary, to me, to the very notion of justice itself.

Now that Judge Garland has been nominated, we also know that the blockade is not about the character of the nominee. Judge Garland has an esteemed record as a prosecutor, private practitioner, and Federal appellate judge on the D.C. Circuit Court of Appeals. He is the chief judge on that court. His judicial service alone is approaching the 20-year mark on a court that most believe is second in importance only to the U.S. Supreme Court.

I have not seen any Member of the majority assert any credible weakness in Judge Garland's background, integrity, experience, character, judicial temper, or fitness for the position. Indeed, the majority's senior Member, a respected former chair of the Judiciary Committee, has praised Judge Garland as exactly the kind of jurist who should be on the Supreme Court.

In my recent interview with Judge Garland, I came away deeply impressed with his thoughtful manner and significant experience as a trial attorney and judge. This is no ivory tower jurist, but instead a man who understands the real-life struggles of plaintiffs and defendants, lawyers and juries, legislators and citizens, and trial judges who depend upon the Supreme Court to give clarity and guidance to the rules that impact the most important issues of their lives.

I think we should give President Obama his due in proposing a nominee with such impeccable credentials. I reject the first possible explanation that the majority's opposition is about the nominee. In fact, a determination that Merrick Garland was not of fit character to even receive consideration as a Supreme Court Justice would set such a high bar for appointees that it is hard to imagine anyone ever clearing it.

Since the Garland blockade has nothing to do with the character of the nominee, many perceive that it is instead explained by the majority's views of this President.

Is there something about President Obama that would warrant his Supreme Court nominee receiving second-class treatment compared with past Senate practice?

Could it be the circumstances of the President's election? Some Presidents have been elected with less than a majority vote of the American public and have thus been burdened with the notion that they did not have a mandate from the American public, but President Obama was elected in both 2008 and 2012 with overwhelming majorities in the electoral college, and his popular vote margins in both elections were also relatively strong in comparison with the norm in recent Presidential elections. So there is nothing about the legitimacy of President Obama's elections that would warrant treating this President's nomination different from previous Executives.

This makes extremely puzzling the majority's claim that they want to ''let the American people decide.'' The American people did decide. They gave President Obama the constitutional responsibility to nominate Justices to the Supreme Court from his first day in office to his last. Some may not be happy with the decision, but it is insulting to the President and it is insulting to the American electorate who chose him, according to longstanding and clear electoral rules, to demean the legitimacy of his election.

Could it be the unique unpopularity of this President? I think one could hypothesize a situation where a President, in the last year of his term, is so unpopular that a Senate might conclude that the public is no longer supportive of the Executive, but that is not the case with President Obama. The President's current popularity is actually quite strong compared with other Presidents during their final years in office. So there is nothing about the President's popularity with the American electorate that would warrant treating his court nominee different than the treatment afforded to past nominees.

So what could it be about President Obama that would warrant the blockade of his Court nominee in a manner completely different than the way the Senate has treated all other occupants of the Oval Office? In what way is this President different to justify such treatment?

I state again what I have said before. Obviously, I don't know the answer. I cannot say why the Senate would be so willing to break its historic practice and, by my reading of the Constitution, to refuse consideration of a nomination made by this particular President, but I can say it is painful and offer some thoughts about how it appears to many of my neighbors, to many of my constituents, as well as to many of my parishioners with whom I attend church. They reacted with alarm when news came that certain leaders had declared, soon after President Obama was elected, that their primary goal was to assure that he would not be reelected. They watched with sadness as some in Congress raised questions about whether he was even born in the United States. They saw some in Congress question his faith and his patriotism. They observed a Member of Congress shout ''you lie'' at this President during a televised speech to the entire Congress. They noticed, recently, as the Budget Committees of both the House and Senate refused to even hold hearings on the President's submitted 2017 budget—the only time a President has been treated in such a manner since the passage of the Budget Control Act of 1974. In short, they are confused and they are disturbed by what they see as an attack on this President's legitimacy. I am not referring to an attack on this President's policies, which should always be fair game for vigorous disagreement, and I have often attacked this President's policies, but instead what people are worried about is some level of attack on the very notion that it is this individual occupying the Oval Office.

This latest action—the refusal to even consider any Supreme Court nominee afforded by President Obama in his final year, when other Presidents were granted consideration of their nominees—seems highly suspicious to them. When that blockade is maintained, even after the President affords to the Senate a nominee of sterling credentials, the suspicion is heightened. When the asserted reason is the need to ''let the people decide,'' thus suggesting that the people's decision to elect this particular President twice is entitled to no respect, they are deeply troubled. What can explain why this President—the Nation's first African-American President—is singled out for this treatment?

Again, I don't know, but we cannot blind ourselves to how actions are perceived. The treatment of a Supreme Court nomination by this President that departs from the practice with previous Executives and that cannot be explained due to any feature of the particular nominee under consideration feeds a painful perception about motivations. The pain is magnified when it is in connection with an appointment to the Supreme Court, whose very building proclaims in stone over its entrance the cardinal notion of ''Equal Justice Under Law.''

There is a third interpretation of the Garland blockade that is also troubling. Some see the blockade as just sort of power politics—as an attempt to slant the Court. The death of Justice Scalia creates concern among those who fear a natural transition on the Court, so there is an effort to stop that natural and lawful transition.

The blockade on filling a naturally occurring vacancy, in my view, is harmful to the independence of the article III branch. Even in the 3 months since Justice Scalia's death, the Court's rulings have shown the challenges of an eight-member Court. On four occasions already, the Court has been unable to render a clear decision in a case of great importance. Since the blockade, if successful, will probably maintain the artificial vacancy until the spring of 2017, it is likely to happen in other cases as well. So lower courts, and all persons whose rights and liberties are subject to rule by this Court, are deprived of the clarity on Federal issues that the Court was designed to provide, but it is more than just a hobbling of the Court's ability to decide individual discrete cases.

Seventy years ago, when Winston Churchill spoke at Westminster College about the descent of an Iron Curtain across Europe, he defined the differences between free societies and those driven by tyranny. Key to his description of free societies was an independent judiciary. It is an independent judiciary that serves as a bulwark against Executive or legislative power grabs, protecting the liberties of an individual from an overreaching Executive or from a majoritarian legislature that does not fully grasp the rights of minorities. That is what an independent judiciary is designed to do. I think we all know this independence of the American judiciary has been one of the great hallmarks of American democracy.

In my view, the blockade of the Garland nomination undermines this independence. The Judiciary Act of 1869 sets the composition of the Court at nine Justices with life tenure, and that statute has remained in force for 150 years. When President Franklin Roosevelt didn't like certain rulings of the Supreme Court in the 1930s, he tried to expand the Court and elbow out older Justices by proposing a forced retirement age and an expansion of the numbers in that Judiciary Act of 1869. Everybody understood that FDR's actions were an attempt to attack the independence of the judicial branch, and so congressional leaders of both parties stood up to stop him.

I think this current blockade is the legislative equivalent of what President Roosevelt tried to do. Refusing to consider an Obama nomination in order to artificially maintain a Court vacancy for more than a year is as much an attack on the judiciary as trying to expand it beyond nine members. I hope we would agree with this: Whether an independent judiciary is attacked by the executive or the legislative branches, we need to be equally diligent in repelling that attack.

American diplomats work every day around the world trying to convince other societies of the virtues of the rule of law and the independent judiciary, but the current blockade, unless corrected, suggests that we do not practice what we preach. By refusing to fill a naturally occurring vacancy,

we send the message that the rule of law and an independent judiciary are ultimately secondary to having a more favorable or a more compliant judiciary, even when we have to weaken it to obtain what we want.

I once lived in a country with a military dictatorship that held this view of the judiciary. The judiciary was not prized for its independence but instead was priced for its slavish obedience to a few in control of society. By refusing to fill a Supreme Court vacancy because a partial and weakened Court is deemed more acceptable than a full and lawfully constituted Court, we move away from one of our best traditions—to become more like legal systems that we are working to change around the world every day. In doing so, we weaken the judiciary by leaving this vacancy that has already affected proceedings, we weaken the Executive by hobbling the constitutional power to fill dually constituted executive and judicial positions, but we also weaken the legislative body, which has that important duty of checking these nominees for fitness of character, and by doing it without even being willing to cast a vote, I think we hurt our own institutional credibility.

In conclusion, I harken back to 1954. A matter of fundamental importance to our Nation was before the Supreme Court. The death of a Justice left an eight-member Court that had already shown it was deeply divided and likely unable to reach a ruling, but the Senate did its job and filled the Court and the Court could then render a ruling that changed the course of American history for the better.

We should learn from that history and do our job. Persisting with this current blockade and sending these possibly unintentional messages is deeply dangerous. The refusal to carry out the commands of the Constitution and the Judiciary Act of 1869, to abide by the Senate precedents, to fill a naturally occurring Supreme Court vacancy, to offer the advice and consent that is part of a Senator's job description, and to entertain a well-qualified nominee—even for a hearing, much less a vote—will not be viewed favorably in the bright and objective light that history will shine on all of our actions.

We can fix this. If the Judiciary Committee will hold a hearing, cast a vote, report Judge Garland to the floor, and then ensure that the Senate debates this nomination and holds a floor vote, we will uphold our responsibility. Judge Garland might be confirmed or he might be rejected, but in taking action—rather than mounting an unprecedented blockade—we preserve the ability of each Senator to make the judgment about whether Judge Garland possesses the fit character necessary for this position. We act in accordance with the Constitution and the Judiciary Act of 1869, we follow the traditional practices of the Senate—practices that have served us well, as the case of Brown v. Board of Education shows—and we cure the painful and dangerous message that is communicated by the current blockade strategy.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Madam President, I rise to follow the eloquent remarks of my colleague from the State of Virginia and to remark upon 62 years—62 years since Brown v. Board was handed down by our Supreme Court; 62 days since Judge Merrick Garland was nominated by our President to fill a vital vacancy on our Nation's highest Court. I wish to thank and commend my colleague, a very able attorney and someone who has argued cases passionately around a wide range of issues but none so much as civil rights.

As Senator KAINE rightly pointed out, the history of Brown v. Board is that a series of cases were brought together from across several States—including his State of Virginia and my State of Delaware—gathered together and argued in front of the Supreme Court by Thurgood Marshall, then chief counsel of the NAACP, and ultimately decided in 1954. Initially, a divided Court was unable to render judgment because in the spring of 1953, Chief Justice Vinson had died, leaving the Court then in a similar situation as it is now—divided on a range of vital and important issues.

The good Senator from Virginia has reminded us that our failure to act now—our failure to do our job and to follow the dictates of our Constitution, the ''shall'' language in article II, section 2—the failure of this body to offer any hearing or vote on this very capable circuit court judge sends the wrong message, not just here within this country to our citizens but around the world.

The Senator from Virginia spent time—and it changed his life and his perspective—in Central America as a younger man in a country where judicial independence was a fiction on paper. I, too, spent time in the 1980s in a country in Southern Africa known as South Africa, where this same legal system that existed here under Jim Crow existed there under the name of apartheid. It is to that country I go in just 2 weeks, with Congressman JOHN LEWIS of Georgia and with the children of Robert Kennedy, to commemorate the 50th anniversary of a speech given in Cape Town 50 years ago.

It is a striking moment for us to reflect on the importance and the power and the centrality of Brown v. Board in wiping away the dark stain of Plessy v. Ferguson, that obscene legal fiction rendered in 1896 that ''separate but equal'' allowed us to square the horrible distension of justice in our country of a separation between the races with the words in our Constitution, the words above the Presiding Officer, the words above the entrance to our Supreme Court, the words above the Presiding Officer's desk in our Chamber, ''E pluribus unum''—from many, one—more importantly, the words above the Supreme Court entrance, ''Equal Justice Under Law.''

We have these soaring words in our foundational documents and in our most important government buildings that suggest that we will ''dispense justice equally,'' that we will be gathered from many differences in backgrounds into one. Yet the reality in this country, for its initial decades, more than its initial century, was anything but.

It was 62 years ago today that the Supreme Court of these United States issued a unanimous decision wiping Plessy v. Ferguson away.

I rise briefly to comment that I grew up in a small town in Delaware known as Hockessin. It was a so-called ''Colored'' school in Hockessin that was the basis of one of these cases. There were actually two cases from Delaware: Belton v. Gebhart from Claymont, related to the Claymont High School, and Bulah v. Gebhart, relating to the Hockessin Elementary School. In both cases, a famous lawyer from Delaware named Louis Redding took their cases to the Delaware courts. A brave judge, Judge Collins Seitz, rendered a judgment that found the discriminatory practices in the State of Delaware illegal. It was that case that was affirmed—of the five gathered—in Brown v. Board.

Although Delaware has a very troubled and checkered racial history, these cases are ones of which I and my constituents can justifiably be proud. Moments when the courts of this country have stepped up and wiped the stain of racism and of legal segregation from our books are moments of which we can and should be proud.

As my colleague from Virginia pointedly reminded us, for 62 days the incredibly qualified and capable district court judge nominated by our current President has waited—waited for an answer from this body, waited for a hearing before the Senate Judiciary Committee, on which I serve, waited for a vote. In the century that there has been a Judiciary Committee of this body, every previous nominee who has not withdrawn has received a hearing, a vote, or both.

What are we so afraid of in allowing this talented judge to come forward, to lay his views and his credentials and his experience before this body or a committee of this body? What is the concern? My colleague from Virginia has asked and I ask, what is the animating concern that insists that for 62 or 63 or 64 or more days, Judge Garland must wait, throughout this entire year perhaps, into next year? How many cases will remain undecided by an equally divided Court due to our unwillingness or the unwillingness of many in this Chamber to do their job, to take up the challenge, to have a hearing, and to cast their vote?

With that, I simply want to say that it is to me of grave concern that we have not acted as a body, that we have

not acted collectively to provide a path forward for this talented, capable judge. Many in this Chamber may find him not to be capable or qualified, but without a hearing, how would you know? He has submitted a full response—thousands of pages—to the questionnaire typically expected before the Judiciary Committee of any nominee. His record is before us—abundant, voluminous. He has more experience than any previous nominee as a Federal circuit court judge. What is the concern that would prevent us from moving forward?

On this 62nd anniversary of the most important decision, in my view, in the history of the U.S. Supreme Court, Brown v. Board, I call on my colleagues to once again show the courage of Louis Redding, of Judge Seitz, of Justice Warren, and of all of those who rendered central decisions in the history of this country that allowed our Supreme Court to operate independent of political interference and capable of making real the promise above our Supreme Court of ''Equal Justice Under Law.''

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, I am very honored and I feel very privileged to be a member of this body today as we commemorate the anniversary of Brown v. Board of Education. I thank my colleagues, the distinguished Senator from Delaware, and most especially my very good friend and colleague from Virginia for his very eloquent and powerful remarks and also for bringing us together in this colloquy today.

Sixty-two years ago on this day, the Supreme Court unanimously struck down as unconstitutional the segregation of schools by race, declaring that ''separate but unequal schools are inherently unequal.'' Today, that proposition seems so obvious as to be indisputable and the fact of a unanimous Supreme Court seems inevitable, but it was hardly inevitable 62 years ago.

It is a triumph and tribute to American justice that it happened and that it happened at all given the staunch and implacable resistance that there was to that proposition 62 years ago. In fact, the Supreme Court courageously stepped forward to advance American justice and establish a milestone and reestablish the principle that it is enshrined in our Constitution that every citizen is entitled to equal protection under law.

The battle to upend years of racial and educational inequity remains unfinished today. If we emerge from this colloquy with any message, it must be that the work remains unfinished and there is so much more work to be done in the spirit and letter of the law.

The culmination of decades-long work and strategy by innovative lawyers, community organizations organizers, and other advocates of social change was that decision. It is a tribute to their work as well and a reminder that individuals can make a difference in our system, can litigate to a successful conclusion, can advocate principles that are a matter of moral imperative. It took an act of the Supreme Court, of an independent judiciary, to declare educational segregation unconstitutional and integration the law of the land.

As a law clerk on the U.S. Supreme Court in the 1974–1975 term, working for Justice Harry Blackmun, I had the chance to watch arguments, some of them on pressing issues of the time, but also to talk with some of the Justices who watched or even participated in the Brown decision, including Justice Thurgood Marshall, the chief counsel for the plaintiffs in Brown.

Anybody who thinks that decision was inevitable should talk to some of the lawyers who were involved in the litigation and who eventually advanced it to the Supreme Court and to its successful conclusion and read the history of the controversy within the Court and the internal debate that took place about the proper role of the Court and the principles to be applied. It was far from inevitable. But it also shows how the branches of government, working together and collaboratively advancing justice in America, are important to the fundamental dynamic of our constitutional system.

The Brown decision took enforcement. President Dwight Eisenhower led that effort in one of the toughest tests in the massive protest in Little Rock, AR, just 3 years after Brown.

Ten years after Brown, Congress expanded the logic of this great decision to pass the Civil Rights Act of 1964 making segregation in public places like restaurants illegal as well.

Reading and reviewing the dynamics of the Court at the time, one wonders what would have happened if there had been only eight members. How history might have been different. Justice might have been delayed and perhaps history changed for the far worse, justice denied as a result of that delay.

The group of Justices who unanimously issued the decision was no intellectual monolith; they were members nominated to the Court by Presidents Roosevelt, Truman, and Eisenhower. Before the Court came an issue of major significance, which they came together to evaluate on principles of law that we all share, that discrimination is invidious and intolerable and violations of the Constitution will be held unacceptable in the Court.

Today, congressional Republicans, very frankly, hamper the ability of the Supreme Court to answer important legal questions of our time by refusing to hold even a hearing or a vote for Judge Merrick Garland. Their doing so has left the bench of the Supreme Court with only eight Justices. That lack of a ninth Justice diminishes and in many respects even disables the Court, as we saw just yesterday in a decision that might well have been decided otherwise if there had been nine Justices to give a majority to one point of view or another.

Justice Scalia warned against this very issue, stating that ''eight justices raise the possibility that, by reason of a tie vote, [the Court] will find itself unable to resolve the significant legal issue presented by the case. . . . Even one unnecessary recusal impairs the functioning of the Court.''

Justice Scalia's foresight was prescient. In two recent cases, even before the one yesterday, the Court deadlocked, unable to reach a definitive pronouncement on the law, because of a 4-to-4 tie. Unnecessary circuit splits cause uncertainty, which in turn hampers the activities of ordinary citizens, of small businesses wondering what rules will apply to them, whether it is banking rules or investment regulations, hampering their ability to plan and create jobs.

The Washington Post recently reported that the Court's acceptance of new cases has slowed significantly, leaving crucial unresolved legal questions without definitive answers. That is not how our system is supposed to work. That is not how the Founders saw it. That is not how the Supreme Court could resolve the Brown v. Board of Education challenge. The Supreme Court must have a full complement of Justices to effectively address these complex, challenging, urgent issues faced by our Nation today.

I reject the notion that the Senate's refusal to act, as laid out in no uncertain terms by our Republican colleagues, fulfills our constitutional obligation. It is our obligation to advise and consent on the President's nominee. We ''shall'' do so. That is the constitutional mandate—not when it is politically convenient, not when we think it is advantageous, but when the President nominates, whoever the President is, whether it is President Eisenhower nominating Earl Warren or Presidents Truman and Roosevelt, who nominated other Justices on the Supreme Court who decided Brown v. Board of Education.

We cannot afford to weaken the Federal judiciary's credibility, the trust and confidence of the American people in the authority of our judiciary. Its authority depends on it being above politics. Alas, what the Senate is doing is dragging the U.S. Supreme Court into the muck of partisan bickering.

Brown v. Board of Education became the law of the land because of the U.S. Supreme Court's credibility. The Supreme Court had no police force to enforce it. It had no armies or mandatory physical force. It had its credibility and its authority, its moral authority because it was above politics in the minds of most Americans. That is the reason President Eisenhower was able to do what he succeeded in enforcing at Little Rock and the Presidents afterward have done similarly.

Most importantly, I hope we all take time today to reflect on the importance of the Brown decision and recognize the grit and courage of the men and women who fought to end school segregation only 62 years ago. The best way of honoring their legacy is to do our job and our duty constitutionally, to fulfill that duty and their legacy by considering Judge Garland's nomination without further delay.

I yield the floor and recognize my distinguished colleague from New Jersey.

The PRESIDING OFFICER (Ms. AYOTTE). The Senator from New Jersey.

Mr. BOOKER. Madam President, I rise to discuss—along with my friends and colleagues on the Senate floor—what is a momentous anniversary for our country, the 62nd anniversary of the Brown v. Board of Education decision, its legacy, and the work that still remains before us.

I thank my colleagues for standing and speaking on this anniversary and understanding that it was 62 years ago today the Supreme Court unanimously affirmed that separate could never be equal, that under the law—at the very least—every child born in America, regardless of the color of their skin, had the right to pursue a quality education.

The Court found that separate schooling of children based on their race was in direct violation of the 14th amendment of the Constitution. The Court's finding is perhaps best summarized by this excerpt from Justice Warren's opinion when he said:

> We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other ''tangible'' factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.

Those were historical words. This not only made clear at the time that the deep and profound illegality of segregation was real, but it set a legal standard for generations in posterity that reflects our deepest held American values, that we as a nation believe in equality. We as a nation believe in our interdependency to one another.

In the decades since the Brown ruling, the implementation of the Court's decision has contributed to a lot of progress. Frankly, I stand here today because of the progress and momentum that was exhibited by that decision.

Right before Brown v. Board of Education, only about one in seven African Americans, then compared with more than one in three Whites, held a high school degree.

Today we have come so far the Census Bureau reports that 87 percent of Black adults have a high school degree, nearly equal to that of Whites, which are at 89 percent. Before Brown, only about 1 in 40 Blacks earned a college degree. Now, more than one in five Black students are going to college. This is extraordinary progress we have seen in our country, something we should all celebrate.

Under the law, at the very least, the Supreme Court clearly affirmed all Americans' right to a quality education and in doing so affirmed equal value, dignity, and worth of our kids.

However, it is also worth reflecting on the anniversary of Brown that our Nation has struggled to live up to these standards in full. Brown advanced a civil rights movement that helped desegregate many parts of American society, but we still have work to do. Let us take this anniversary to recognize not just our progress, to celebrate not just that milestone, but to understand that the work of equality, the work of recognizing the value, the worth, and how much we need each other as a community still goes on.

In fact, just yesterday, six decades after the Supreme Court in Brown struck down the doctrine of ''separate but equal,'' a Federal judge ruled that a school district in Mississippi was continuing to operate a segregated, dual secondary school system: one set of schools for Whites and one set of schools for Blacks.

Across the country right now, about 40 percent of Black and Latino students attend intensely segregated schools—meaning more than 90 percent minority student body—and White students are similarly segregated from their peers of color. Only 14 percent of Whites attend schools that one would consider multicultural, multiracial, and reflecting the diversity of our country, and too many of our schools continue to fall short of our low-income and minority students. In other words, too many of our students of color and of low-income students are concentrated in poor-performing schools.

More than 1.1 million American students are attending over 1,200 high schools in our Nation that fail to graduate one-third of their students. To me, this is an outrage. It is an immoral affront to whom we are. We still have work to do.

Our Nation is still struggling to live up to the ideals and, indeed, the judicial standards set by Brown in the realm of education in many ways because of our failure to live up to this standard in so many other areas of our American life.

There still exists, in the words of Dr. Martin Luther King, that ''Other America.'' Dr. King spoke of this in the year before I was born—in 1968—about the ''Other America.'' He spoke of the duality that persisted, the disparities in housing, education, employment, and in income. He spoke of what he referred to very pointedly as the myth of time, the misguided idea that only time can solve the problem of racial injustice, the idea that things will work out for themselves.

As happy as I am about the progress we have made as a country, I have to say that we still have so much work to do almost 50 years after King spoke those words. Time has not solved the problem. There remain challenges in our country. This duality is more subtle in some ways than it was in 1954, but there still exists injustice in America. From housing to education, de facto segregation along socioeconomic and racial lines has blended together, in many ways replacing what was then de jure segregation.

Census data has shown that residential segregation by race has declined very slowly but that Whites still live largely in neighborhoods with low minority density. People of color still live in neighborhoods with high minority density. Many of these neighborhoods were designed through policies that were discriminatory against minorities. We still are seeing the legacies of those policies from redlining to FHA policies, to HUD policies that were designed to create segregation. The legacy of that still exists in segregated neighborhoods today.

While poverty rates among African Americans has fallen over the past half century—something we should be proud of—Black poverty rates are still more than double that of Whites. That means the same for kids today. Children of color are often twice as likely to be poor as White children.

In fact, one out of the three Hispanic children growing up today are growing up in poverty. One in six African-American children live in what is called extreme poverty on less than $8 a day.

This is not who we are as a nation. Our children are our greatest natural resource. In a global, knowledge-based economy, when we are competing against other nations from Germany to Japan, in this kind of economy, the most valuable natural resource a nation has is not oil or coal or gas, it is the genius of our children.

Many people think Brown was about achieving greater justice for Black people, but what we really understand—especially in retrospect—as we see African Americans now contributing in every area of life, the reality is this was about bringing justice to all of America.

Brown was saying that, hey, we as a country cannot stand if we are apart because a house divided does fall. Brown was saying the truth is, we do better when we are together, like the old African saying that says: If you want to go fast, go alone. But if you want to go far, go together—because we as a country need each other. It is like those words on the Jefferson Memorial, written in our Declaration of Independence, when we knew—to make this country work—we needed one another, so much so that those Founders pledged to each other their lives, their fortunes, and their sacred honor.

In this competitive nature, we cannot afford to waste things. Worse than the gulf coast oilspill, we are wasting the potential of our children when we leave so many floundering in poverty and lack of educational opportunities.

Children growing up in poverty right now have dramatically negative life outcomes compared to people who are not growing up in poverty. In fact, right now in America, where 20 percent of children live in poverty, only 9 out of every 100 kids born in poverty will make it to college, often an index of being able to be successful, manifesting your genius, finding greater ways to contribute to the whole.

We have work to do. In particular, we have work to do in an area that drives so much of the injustice in our country. One of the great ways we are seeing injustice in my generation that was not the case in my parents' generation, that was not a reality in the 1950s, has been the criminal justice system. Something has happened and exploded. Injustice in our country is growing like a cancer on the soul of our country.

The same Supreme Court where that great case was decided, where written above the wall is ''Equal Justice Under Law,'' we now see a nation that has a criminal justice system that is not affording equal justice to all Americans.

Unfortunately, we see that often falling among racial lines. We have this explosive drug war, which has not been a War on Drugs, but it has been a war on people, particularly the most vulnerable people in our society, from people who are addicted to substances, from people who have mental illnesses, from people who are poor, and, yes, disproportionately directed toward minorities.

We now see a criminal justice system where we know, based upon data analysis, there is no difference between Blacks and Whites in usage of drugs. In fact, there is no difference in selling drugs between Blacks and Whites, but the reality is, if you are African American in this country, you are 3.7 times more likely to be arrested for those drug crimes.

If you are churned into the criminal justice system as a result of those arrests, just one arrest for a nonviolent drug offense—something that the last two Presidents have admitted to doing—and you are arrested for that, then you find yourself in a world where, as the American Bar Association says, you have literally 40,000-plus collateral consequences, where you find it exceptionally difficult to find employment when you finish with your sentence. You find it incredibly difficult to get a loan to perhaps start a business, to even attempt to get a business license or a Pell grant. If you can't feed yourself, in many cases, you find it hard to even get food stamps or to find public housing assistance.

We now live in a nation where we have so overincarcerated disproportionately some areas of our country, that today 1 in 13 Africa Americans are prevented by law from even voting. They have lost their right to vote because of a felony conviction. In some States, the overincarceration for drug crimes is so great that we see, in places such as Florida, that one out of every five African Americans has lost their right to vote.

This isn't just affecting those people who are churned into the system, it is affecting their children as well.

Today in America, one in nine Black kids are growing up with a parent behind bars, which means it affects their financial well-being and it affects their ability to rise up out of poverty because they are being thrust down into it. In fact, a recent study has shown that we as a country—as a whole—would have 20 percent less poverty if we had incarceration rates similar to those in other industrial nations.

So here we celebrate the anniversary of this momentous decision that took a huge step for our Nation in the march toward justice and equality, but because of staggering injustices like we see in our broken criminal justice system, kids often struggle more in school and are poorer and have fewer opportunities for success.

So 62 years after Brown, we know our schools don't exist in vacuums. They exist because of the communities around them. When communities of privilege have the same amount of violations of drug crimes as communities of poverty, yet the communities of poverty experience a criminal justice system that has so much more incarceration, we are often condemning children to having greater hills to climb and greater mountains of injustice in front of them.

I stand here on this day to celebrate so much this great decision but also to remind us that we have work to do in this country until we can begin to live up to this ideal of patriotism, which is love of country and which to me necessitates that we love each other. We don't always have to agree with one other. We don't always have to get along. But we have to recognize that every one of us in this Nation has value, has worth. We need each other, and we need our children to do well because if my neighbor's child loses, I lose. If they go to prison, I pay. But if they succeed—if they become a teacher, an artist, a biologist, an inventor, a businesswoman—then they contribute to this country and my children benefit because your children succeeded. That is the story of America.

We cannot afford to leave people behind as we, as a nation, strive for excellence and greatness. We cannot be a nation that is truly reaching its potential if we are wasting so much of that potential on the sidelines.

I would be remiss if I did not also speak to a process issue. While we are still working to fulfill the vision of Brown, it is more urgent now than ever that we have a fully functioning Supreme Court. We were fortunate to have had a functioning Supreme Court in 1954. There were nine Justices doing their job, a President willing to do his job, and a Senate—all working in a time of great tumultuous change in our Nation. People were focused and steadfast—in both parties—toward creating greater justice. With people in their seats, in their jobs, I have faith in America and in our ability to get it right.

We need to make sure that today we give every opportunity to get the job done, to do the work that is necessary. It is important that we fill positions and vacancies, and the one on the Supreme Court now is clearly needed.

So today is an important day of remembrance, but history shows that we cannot simply get stuck applauding our past. The glory and greatness of ancestry is truly worthy of our reverence. But if we are to honor those who struggled before, if we are to honor those milestones, if we are to celebrate the history that shows us at our best when we came together—Black American, White American, Latino American, Indian American, Asian American—if we are to celebrate those great days of the past, we must celebrate them not just with cheers and remembrances but by redoubling our work in accordance with those values.

We must have a sense of urgency. Time is not neutral. We must use it. We cannot just count the great days of the past. We must make this day count as we continue the work of our Nation, as we continue to be the country that we say we are—a nation of liberty and justice for all.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

HONORING POLICE DETECTIVE BRAD LANCASTER

Mr. MORAN. Madam President, I rise this afternoon in the middle of this debate on an appropriations bill because of the timing of a tragedy in our State and the reality that this is a week of importance to reflect upon what happened in Kansas just a few days ago.

I wish to honor the life of Police Detective Brad Lancaster. He was a member of the Kansas City, Kansas Police Department, and he was killed in the line of duty. On May 9 of this year, Detective Lancaster joined Kansas City, KS, patrol officers in responding to a call about a suspicious person. When law enforcement arrived, the suspicious person fled into a field where Detective Lancaster exchanged gunfire and was hit twice. Unfortunately, ultimately, he died from his injuries.

Detective Lancaster gave his life to keep his community safe, and he deserves our highest respect and appreciation, our love and care for his family, for his service, and for his sacrifice. His friends, family, and neighbors remember Brad Lancaster's commitment to his community and its extension beyond his 9 years of service to the Kansas City, Kansas Police Department.

Before joining the police department, Brad served in the U.S. Air Force and completed two tours of duty abroad, including one in Kuwait during Desert Shield. Neighbors say Brad was a family man and one who was always there to offer a helping hand.

Detective Lancaster is survived by his wife Jamie and two daughters,

Brianna and Jillian. I join the Kansas City community and law enforcement agencies across the country in our prayers for Detective Lancaster and his family as we mourn his death.

This tragic loss occurred just prior to National Police Week, a time in which we celebrate those who leave their homes and families each day and put their lives on the line to keep our neighborhoods safe. So today, during this National Police Week, and especially in the wake of this tragic death in Kansas City, I wish to express my sincere thanks and appreciation to American law enforcement officers and their families and to thank them for working tirelessly amid dangerous conditions for the sake of others and for upholding the law and for the burdens they shoulder and the sacrifices they make on a daily basis. We owe so much to these everyday heroes.

Law enforcement officers perform some of the most difficult and hazardous jobs in America. A routine traffic stop can turn into deadly gunfire, a shootout without warning. Members of this legislative body and communities across America alike must do everything we possibly can to prioritize and protect the lives of those who protect us.

Federally, efforts like the Justice Assistance Grant Program and the bulletproof vest grant program help enhance the safety of our law enforcement officers, and Congress's continued support of these efforts is important. This body passed the Fallen Heroes Flag Act, which was signed into law on Monday. This week, I hope the Senate will unanimously adopt a resolution to express appreciation to the police officers and honor each of the 123 who were killed in the line of duty last year.

Support and appreciation for law enforcement must be delivered not only in the communities where officers have been killed but to every officer every day. When we as Americans commit to the safety, training, and support of law enforcement, we can help to secure our streets, strengthen our communities, and, hopefully, reduce the number of deaths in the line of duty.

May Kansas City, KS, police detective Brad Lancaster and each of those fallen heroes rest in peace.

Madam President, I yield the floor.

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

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

Mr. MCCAIN. Madam President, I ask unanimous consent to address the Senate as in morning business.

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

NOMINATION OF ERIC FANNING

Mr. MCCAIN. Madam President, I am here with my good friend from Kansas and dedicated Member of the U.S. Senate—an expert on national security, a person who has served with honor in the U.S. Marine Corps, and has served in this body and in the other body honorably in positions of responsibility. Where we may have had a disagreement, my friend has shown he is a man of conviction regarding the detainees from Guantanamo coming to the United States of America. But he also understands fully the importance of the position of the Secretary of the Army.

Senator ROBERTS and I have worked closely together on this year's Defense Authorization Act to ensure the administration does not have the authority to release or transfer detainees on the mainland. Unfortunately, the administration has failed for over 7 years to present a substantive plan on how they intend to close Guantanamo Bay, to me, to the Congress, to my colleagues, or the American people.

Thanks to Senator ROBERTS' efforts, this year's bill extends the prohibition to any reprogramming request to transfer or release detainees. These provisions confirm that President Obama will not be able to move detainees to the mainland of the United States of America in the coming year.

I want to point out that I understand Senator ROBERTS' emphasis and value that he places on Fort Leavenworth. Fort Leavenworth is the intellectual center of the United States Army. This is where General David Petraeus spent 2 years developing strategy for the surge—at Fort Leavenworth. This is where the up-and-coming leaders of the U.S. Army—and other services as well, but primarily the U.S. Army—go to get their training, their intellect, and their ability to lead. So I can fully understand why my friend from Kansas would be adamantly opposed to the transfer of detainees to Fort Leavenworth, which would change the complexion and the makeup of that very important place in the past, present, and future of the U.S. Army.

So I thank my colleague from Kansas for his agreement today. I would ask him to say a few words before I ask consent that this nomination be considered.

Again, I appreciate my old friend whose passion, whose commitment to the people of Kansas is without equal—which also accounts for the fact that they have sent him here to represent them on several occasions.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Madam President, I thank my colleague and my good friend from Arizona for enabling me to make a few remarks to address the nomination of Mr. Eric Fanning to serve as Secretary of the Army.

I have pledged to the people of Kansas that I would do everything in my power to stop President Obama from moving terrorist detainees to Fort Leavenworth, KS. The Senator from Arizona has certainly described the situation very well: It is the intellectual center of the Army. I believe today that I can tell Kansans that the threat from this administration will go unfulfilled.

Last week, in a private meeting with Deputy Defense Secretary Robert Work, I received the assurances I needed to hear to release my vote on Mr. Fanning. Make no mistake. I think President Obama's threat to act by Executive order still remains. However, Secretary Work has assured me that, as the individual charged with executing a movement of detainees to the mainland, he would be unable to fulfill such an order before the close of this administration. Practically speaking, the clock has run out for the President.

As I have stated on this floor and to my good friend and colleague, the distinguished Senator from Arizona, my issue has never been—let me make this very clear—with Mr. Fanning's character, his courage, or his capability. He will be a tremendous leader as Army Secretary and will do great by our soldiers at Fort Leavenworth, Fort Riley, and—let me emphasize—every soldier serving our Nation today.

I just talked to Mr. Fanning this afternoon and let him know I was releasing this hold and wished him good luck on his speech to the graduates of West Point. I look forward to voting for Mr. Fanning, who has always had my support for this position.

I am happy to support his nomination today with these new assurances from the administration and from the chairman and ranking member of the Senate Armed Services Committee to work with me to strengthen provisions on funding for the transfer of detainees to the mainland in this year's National Defense Authorization Act. I have worked closely with Chairman MCCAIN and Ranking Member REED. I look forward to completing work on an authorizing bill shortly. Additionally, the Senate Appropriations Committee is committed to prohibiting funding for construction or modification to any facility in the United States for the purpose of housing detainees in this year's MILCON funding bill currently on the floor.

With the clock running down on the last months of the Obama administration, it is increasingly improbable that this administration could bring high-value terrorists and their associated risks to an American community like Fort Leavenworth, KS.

The bottom line is this: We have run out the clock, and Congress looks to prohibit this administration from moving detainees to the mainland at every turn. As the Secretary of Defense and the Attorney General have testified before Congress, moving detainees to the mainland is prohibited by law and will remain so through the end of this President's term.

I again thank my friend and my colleague, Senator MCCAIN, for working

with me to work this out. My congratulations to Secretary Eric Fanning—Army Secretary Eric Fanning.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I again thank my old friend from Kansas for his agreement to move forward. I look forward to continuing our long, many years' effort together to keep this Nation safe.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCAIN. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 477 only, with no other executive business in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination.

The bill clerk read the nomination of Eric K. Fanning, of the District of Columbia, to be Secretary of the Army.

Thereupon, the Senate proceeded to consider the nomination.

Mr. MCCAIN. Madam President, I know of no further debate on the nomination.

The PRESIDING OFFICER. Is there any further debate?

Hearing none, the question is, Will the Senate advise and consent to the Fanning nomination?

The nomination was confirmed.

Mr. MCCAIN. Madam President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

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

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

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016—Continued

AMENDMENT NO. 3897

Mr. BROWN. Madam President, I rise today to speak in opposition to the Lee amendment No. 3897. I wish to take a moment to thank Senator COLLINS and Senator JACK REED for their terrific work on this bill and for how they teamed up to manage this bill in pretty much the right way.

With this legislation, we are making critical investments in our transportation, housing, and community development programs. In this country today, one in four families who rent spend more than half of their income on housing. We have been taught from young adulthood on that you shouldn't spend more than 25, 30, or 35 percent at the most on house payments or rent, yet one-fourth of Americans are spending more than half of their income on housing.

I recently read the book ''Evicted'' by Matthew Desmond. In that book, one renter was quoted as saying that when her paycheck came in, her rent eats first. She had kids who were hungry. She had bus tokens to buy so she could get to work. With all of the challenges she had, she said: My rent eats first. We know what that means.

In housing, whether it is in rural Maine or whether it is in urban or rural Ohio, we know that rental prices have continued to go up and up. Evictions are so much more common than they were a decade or, especially, two decades ago. That has to change, and it makes clear why we need to maintain our existing affordable housing resources.

This bill focuses on improving the quality of federally assisted houses and removing lead paint hazards from homes. We know the effect that has on us. We learned from Flint about water, but we know an even bigger problem is lead in paint. In 2007, in the city that I call home, the city of Cleveland—the ZIP Code I live in, 44105—there were more foreclosures in my ZIP Code than any ZIP Code in the United States. We also know in cities like Cleveland and rural areas like Appalachia, where most of the housing stock is World War II or older, almost all of that housing stock has toxic levels of lead paint.

The bill pays particular attention to transit safety. The Banking Committee oversees transit. Senator MIKULSKI has worked with Senator SHELBY and me, as well as our colleagues representing the local area—Senators WARNER, CARDIN, and KAINE—to make sure the FTA has the resources needed to oversee the Washington Metro. It is something we have neglected for decades.

I wish to thank my colleagues for working with us to ensure that young foster care alumni don't have to choose between getting the education they need to be self-sufficient and having a roof over their heads. I wish more funds were available for these important investments—particularly, additional funding to address family homelessness. But I thank my colleagues for their work within the subcommittee's funding constraints and their attention to these critical issues. I especially thank the chair, SUSAN COLLINS, for that.

Unfortunately, Senator LEE's amendment will undermine some of the good we are doing with this legislation. It will prohibit the Department of Housing and Urban Development from carrying out a key component of the Fair Housing Act of 1968. When Congress passed that bill in the wake of the assassination of Martin Luther King, Jr., it made housing discrimination illegal in every State in the Nation for the first time.

For generations, redlining, restrictive covenants, and outright discrimination kept families of color locked out of entire neighborhoods and created segregated communities that linger to this day. These were tools of racial oppression as well as economic oppression, and in far too many cases, they went hand in hand. The Fair Housing Act made these despicable practices illegal everywhere.

Congress included another important component in the Fair Housing Act: a requirement that HUD and its grantees administer their federal housing and urban development grants in a way that would affirmatively further fair housing. State and local governments and public housing authorities were required to use their Federal funds in ways that would reverse, rather than reinforce, segregation in these communities. But today, the outlines of decades-old discrimination are still too visible.

I listened to a preacher on Martin Luther King Day on a cold Cleveland January morning 2½ years ago. He said something we all know but don't think enough about: Life expectancy is connected to your ZIP Code. Whether you grow up on the east side of Cleveland, whether you grow up in a wealthy suburb, whether you grow up in Appalachia, whether you grow up in a prosperous small town, your ZIP Code determines whether you have access to good health care, to quality education, to social support necessary to succeed. When where you live matters this much, we all have a moral obligation to ensure that families can live in the neighborhoods of their choice and to ensure that communities are creating opportunity in every ZIP Code. Unfortunately, in the 50 years since our country passed the Fair Housing Act, HUD has not provided enough direction to help communities meet this goal.

A 2010 GAO report recommended that HUD take action to improve its process for meeting its obligations, including three things: establishing standards and a format for grantees to follow, requiring grantees to establish timeframes for implementing their plans, and requiring grantees to submit their analyses to HUD for review.

HUD developed a new rule that will finally help local governments across the country support and foster fair housing policies that create vibrant and integrated communities. This rule was developed through a 2-year public process. Twelve of my colleagues and I urged Secretary Castro to develop a