

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ZIKA VIRUS

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

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

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

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

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

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

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

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

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

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

I think it is important to remind people who are asking themselves “Why should we care about Puerto Rico?”—I will remind them that 4 million U.S. citizens live there, that the first American to lose their life to Zika lived in Puerto Rico, and that Puerto Ricans routinely travel to the continental United States—to Florida and New York especially. These 4 million Puerto Rican citizens have no voice here in the Senate, so I will make sure they are not forgotten as we work on solutions to this virus that has disproportionately impacted these Americans.

When we return next week to continue debating appropriations bills, I hope we can come together on this issue. I hope we can find a way forward that deals with these issues fully and that helps to stop this disease in its tracks and that saves lives.

I urge my colleagues here in the Senate, and the House as well, to look at the proposal Senator NELSON and I will introduce and offer their input and ultimately sign on and get this passed. As we know, it is not going to be enough to see progress here in the Senate; we need the House to act as well, and I hope we can start doing that next week. We need to act. Zika is taking lives, it is hurting unborn children, and this problem is only going to get worse as we move forward.

EUREKA GARDENS

Mr. RUBIO. Mr. President, tomorrow I will be visiting the Eureka Garden Apartments in Jacksonville, FL, which is a Section 8 apartment complex that is supposed to provide affordable and safe living conditions for low-income members of the Jacksonville community, but it doesn't. Instead, its tenants have been subjected to dangerous, often downright disgusting living conditions for years. They raised their concerns repeatedly with the managers of the facility and local officials, only to be met for the most part with bureaucratic indifference.

My staff and I have been working on this since it first came to light last fall, but there has been a frustrating, disturbing lack of progress from the Department of Housing and Urban Development and, more importantly, from the owner of the complex.

Frankly, I have had enough. I am heading down there tomorrow to see what we have to do and whom we need to put pressure on to get things moving. I will be touring the facility and meeting with Tracy Grant, who is the president of the tenants association. I will be joined by Councilman Garrett Dennis, Jacksonville Mayor Len Curry, and Pastor Mark Griffin of Wayman Ministries, who will be meeting with residents. I intend to commend the residents tomorrow for how united and resilient they have been throughout this ordeal, even while the Federal Government failed them.

For years the Department of Housing and Urban Development has certified

this facility and as a result has put hundreds of families at risk. When HUD inspected the property last summer, they passed the complex with a score of 85 out of 100. Less than a month later, residents were complaining about how bad their living conditions were.

When my staff visited the complex, it was nearly unlivable. They saw crumbling stairs, black mold, and exposed electrical wiring that had been covered up by a trash bag. They smelled the natural gas that would soon hospitalize residents days later. This was and is unacceptable.

For months, my office, along with Mayor Curry, the city council, and the tenants association, pushed to have improvements and repairs done to this complex. In February, HUD finally had a date by which all repairs must be completed. When the time came to reinspect Eureka Gardens, it passed inspection, and they eventually renewed their contract with the property's owner, but the residents continued to say what they had said all along: HUD's inspections aren't working.

Just recently, HUD revealed that Eureka Gardens passed with a score of 62. The passing score is a 60. However, a senior HUD official admitted that HUD officials do not believe the property would currently pass another inspection. HUD essentially admitted that it had certified a failing facility. Something is clearly wrong with the inspection process, and Floridians are being hurt because of it.

I will be down there tomorrow to find out how we can put an end to this problem once and for all. The residents of Eureka Gardens cannot be forced to suffer under mismanagement and apathy any longer. Children cannot continue to be put at risk due to gas leaks and other hazardous conditions. HUD cannot be allowed to continue to rubberstamp approval of failing housing complexes, only to further slum-like conditions for the most vulnerable tenants.

I will continue to look for solutions to help make sure the conditions in Eureka Gardens are fixed and aren't repeated anywhere else. If we determine that congressional action is necessary, then I am prepared to take it. The residents of Eureka Gardens deserve safe living conditions, and we will make sure that is exactly what they get.

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

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

OPIOID CRISIS

Mr. MARKEY. Mr. President, I wish to open my remarks with a congratula-

tions to the Police Assisted Addiction and Recovery Initiative based in Gloucester, MA.

Since it began less than 11 months ago, this program is now partnering with more than 100 police departments in 24 States around the country to help people with opioid addiction to get the treatment they need. The program's approach is simple, but it is also revolutionary: having law enforcement work with those suffering from the disease of addiction by removing the stigma surrounding it and placing them into treatment instead of behind bars.

I thank the founders of this program—Gloucester police chief Leonard Campanello and John Rosenthal—for their leadership and compassion, and I urge everyone to learn more about this national model for combating the opioid crisis.

It is that crisis that I am here to talk about this afternoon. Today, I wish to call attention to a serious issue facing Massachusetts and soon to face every single community in the United States of America. Illicit fentanyl is a synthetic opioid that is 50 times stronger than heroin. Let me say that again. Fentanyl is 50 times stronger than heroin and 100 times more powerful than morphine. It is responsible for the largest increase in drug overdose deaths in recent years.

More than 700 deaths in the United States were attributable to fentanyl and its components between 2013 and 2014. In Massachusetts alone, 336 people died from fentanyl-related overdoses between 2014 and 2015. More recently, among the 1,319 opioid-related deaths in the Commonwealth of Massachusetts in 2015 for which a blood test was available, more than half—754—tested positive for fentanyl. That is an astounding number for one State. That is an astounding increase in the impact that fentanyl is having in deaths in the State of Massachusetts.

But it is not just isolated to Massachusetts, because fentanyl is the Godzilla of opioids, and it will overrun communities and lay them to waste unless we take action now to stop it.

For those who may not know about this new scourge, Mexico and China are the primary foreign sources for illicit fentanyl, for the chemicals and building blocks from which it is made, and for other illicit substances very similar to fentanyl—called fentanyl analogs—and which are trafficked into the United States from outside of our borders. Fentanyl powder is often mixed with other illicit drugs like heroin or is disguised in pill form to resemble an opioid painkiller like OxyContin.

Many drug users overdose on fentanyl because they have no idea that it is mixed into whatever substance they are injecting or whatever pills they are swallowing, and they do not realize just how deadly it is until it is too late.

But capturing a total and accurate number of drug overdoses caused by fentanyl has been very challenging.