

told me they'd a "code red drill in case someone tries to kill us. We had to all hide in the bathroom together and be really quiet. It was really scary but the teacher said if there was a real man with a gun trying to find us, she'd cover us up and protect us from him. [Her little boy] started crying. I tried to be brave."

This mother goes on to write:

My 3-year-old nephew had the same drill at his preschool in Virginia. Three-year-old American babies and teachers—hiding in bathrooms, holding hands, preparing for death. We are saying to teachers: Arm yourselves and fight men with assault weapons because we are too cowardly to fight the gun lobby. We are saying to a terrified generation of American children—WE WILL NOT DO WHAT IT TAKES TO PROTECT YOU. WE WILL NOT EVEN TRY. So just be very quiet, hide and wait. Hold your breath. Shhh.

In the year 2013, the number of American police officers shot dead in the line of duty was 27—27, in 2013. In 2013, the number of preschoolers—that is, children under the age of 4—who were shot dead was 82; 27 American police officers, 82 children under the age of 4 were shot dead. We need to do better as a nation.

When I heard on the news this last Saturday that the monstrous tragedy in Oregon was the 45th—45th—school shooting this year in America, it broke my heart, and, more, it angered me.

In just a short while, in a few minutes, Members of the Senate Democratic caucus will come together outside of this building to talk about the need for America to take action to deal with gun violence. There are so many aspects of it.

I am honored to represent the city of Chicago, but having met with Mayor Rahm Emanuel yesterday, we have seen a 20-percent increase in gun violence and deaths this year, and in Milwaukee, a 100-percent increase over last year. In scores of other cities, there is the same phenomenon. The city of Chicago and many others will be flooded with guns.

When I met with the Bureau of Alcohol, Tobacco, Firearms and Explosives in Chicago on Monday, I asked them: Where are all these guns coming from? And they told me they have analyzed the crime guns seized in the most violent areas of Chicago, and they found that 40 percent of those guns came from gun shows in Lake County, IN, just across the border from Chicago—40 percent of guns. We also know that we have a phenomenon where girlfriends and friends and family will go buy guns, because the criminal—the felon who wants to use those guns to terrorize and rob and kill—couldn't pass the test for purchasing a gun. It is known as a straw purchase. The girlfriend buys the gun and hands it over to the boyfriend who goes out and kills somebody. Well, there are things we can do to change this. We need to close the gun show loophole. It makes no sense that we don't even check the backgrounds of people who fill their trunks and their cars with firearms and ammunition at these gun shows. And yet when it comes to Federal li-

censed dealers, there has to be a background check. This gap in coverage accounts for 40 percent of the crime guns in the most dangerous neighborhoods in Chicago. So the gun show loophole needs to be closed.

We also need to make it clear that if you are going to make a straw purchase of a gun and do so for the purpose of giving it to someone who is going to use it in the commission of a crime, you will pay a heavy price for that, too.

I grew up in a family with a lot of members of my family owning firearms in downstate Illinois. It was common for families to go hunting, to go out for target practice, and there was a gun cabinet in most homes. When a little boy, sometimes a young girl, reached a certain age, they were taken out in a rite of passage to go hunting for the first time. It is a part of the culture where I grew up, and it is an acceptable part of the culture when those guns are used responsibly and safely.

I don't know a member of my family who would object to the following statement: No one who is a convicted felon or mentally unstable should be allowed to buy a gun in the United States. I don't know of a member of my family who would object to the notion that if you are going to buy a gun so someone you know can use it to commit a crime and kill someone, you are going to be punished. Those are the two things that we should start with when it comes to reducing gun violence. Those two provisions are not going to hurt any legitimate, responsible, legal gun owner. But they are going to keep guns out of the hands of those who would misuse them.

We have to restore some sense of order in this country, and we have to realize that when we reach the point that 3- and 4-year-olds are being killed in larger numbers each year by guns than even those brave men and women who serve in our police departments—when it has reached that point—clearly, Congress has to act. For Congress to act, we need to hear from the American people. If they share these feelings—if they share the feeling—we need to move forward as a nation and stop this senseless tragedy.

I hope that after we gather today on the floor, Members of the Senate will come together and talk about this issue, and that across America people will join us in this effort.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 10:45 a.m., with the time equally divided between the two leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each.

Mr. DURBIN. Mr. President, I ask unanimous consent that during this period, any time in a quorum call be equally divided between both sides before the vote.

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

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

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

#### ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL

Mrs. FEINSTEIN. Mr. President, I come to the floor as the ranking member of the Energy and Water Development Subcommittee of the Appropriations Committee. In that capacity, I rise to oppose consideration of the fiscal year 2016 Energy and Water appropriations bill.

Let me be clear, I do this reluctantly.

In my view, this is a very good bill. Senator ALEXANDER and I have put forth a well-balanced bill within the allocation levels we were provided, which was a good level.

It has been a great pleasure for me over the years to work with Senator ALEXANDER. I have the utmost respect for him. We have always worked things out, but this year I think we have a bigger issue, and I wish to address that in my remarks.

First, 6 of the 12 appropriations subcommittees received base allocations lower than last year.

Another four subcommittees received nominal increases but were still forced to make cuts due to rising costs beyond their control.

That leaves only two subcommittees—Energy and Water Development and Homeland Security—that received real funding increases.

That is why I believe considering the Energy and Water bill in isolation as we are now, rather than debating larger funding issues, is misleading. That is why I can't support the motion to proceed to the bill.

We all know the vote today is not just about Energy and Water. It is about the entire appropriations process, and that is the debate we should be having.

Instead of debating just this specific bill, the debate should be focused on

eliminating sequestration, negotiating a budget agreement with the President and the House, and putting an end to the destructive cycle of continuing resolutions, omnibuses, and threats of government shutdown.

The Republican leader has already initiated budget negotiations. I am led to believe three meetings have been held. It can be done. It is what needs to be done. I fully support that effort. That is where we should focus our efforts.

Before I get into specifics of the Energy and Water funding issues, I want to take a step back and discuss two very disturbing issues I have seen from my seat on the Appropriations Committee, and I am not a newcomer.

I have been on that committee since I came to the Senate, which is more than 20 years ago. They are the negative effects of sequestration and the unravelling of the overall appropriations process.

The strict budget caps put in place by the 2011 Budget Control Act have been terrible for our country.

These spending caps, and the across-the-board cuts used to enforce them, were designed to be so devastating that Congress would do everything it could to avert them.

The problem is, the Supercommittee failed to reach the agreement in 2011, so those devastating cuts took effect.

These spending caps, which have essentially frozen spending levels for the last 3 years, do not account for the increasing requirements placed on the Federal Government.

The cost of veterans' health care is rising, insufficient, and has been roundly criticized. The cost of low-income housing is rising, the cost of educating our children is rising, and the cost of fighting natural disasters, such as drought and wildfires, is also rising. But the spending caps are not rising, meaning Congress is forced to make cuts to vital programs, and of course you get into the battle between the national security portfolio, such as defense, and the domestic portfolio.

My portfolio on Energy and Water is part national security, because of the nuclear weapons for our country, and the domestic part is the Office of Science, the Department of Energy, the Army Corps of Engineers, which is the only infrastructure program we actually have functioning.

Having a static budget like this year after year, which does not even account for inflation, is no way to run a country.

I am also disappointed by the collapse of the appropriations process. At one time—and I hope this is interesting to the Presiding Officer since he is a newcomer—it was the norm to pass each spending bill as a stand-alone piece of legislation. All Members could offer amendments, and each of us took ownership of the outcome. We haven't done that in a decade.

It used to be that the entire Appropriations Committee, members of both

sides, would support bills drafted by each subcommittee chairman and approved by the full committee. We haven't done that in 5 years. It was heresy for a bill to come out on the floor and not have members of the Appropriations Committee support it. That is all gone today.

Everything changed in 2011. My Republican colleagues decided to vote against every appropriations bill to protest funding levels.

The die was cast, and we have had to cope with the consequences ever since.

Since fiscal year 2010, we have passed 24 short-term continuing resolutions, which do nothing but keep the government going at the funding levels of the year we were in at the time we passed the continuing resolution. That is nine more than in the preceding 5-year period. It is a 60-percent increase.

When Congress can't agree on funding levels, we end up putting Federal spending on autopilot.

Mr. President, 2011 also marked the year when Congress turned over the power of the purse to the executive branch. By banning the use of congressional adds, we not only admitted that we know less about our States than executive agencies, we also removed a key reason many Members voted for the appropriations bills.

And contrary to conventional wisdom, congressional adds were not out of control.

In 2010, the last year they were allowed, they totaled just one-half of 1 percent of spending approved by the Appropriations Committee. One-half of 1 percent were adds made by Members of this body and the other body to do public projects in their districts.

I believe every Senator knows a great deal about his or her State—I really do—and projects that are important for the State's survival, and I believe they evaluate them based on the importance to the public. I believe they know what vital projects need to be funded. Removing that ability has removed individual Member's stake in an appropriations process that functions, and so it is nonfunctional today. It has damaged our ability to govern, and I deeply believe that.

That is a long way of saying we need to return the appropriations process to the way it was handled in years past, and today's political vote on this bill doesn't move us in that direction.

Even though I do believe the Energy and Water bill represents an acceptable compromise under the circumstances, there are still significant issues with the bill caused by low spending caps.

The bill provides—and this is important—\$35.4 billion. That is an increase over fiscal year 2015 funding of \$1.2 billion for defense and \$8 million for non-defense programs, and that is where you can see the problem. Those national security projects get an add of \$1.2 billion—and it is largely the nuclear weapons—and all of our domestic projects, such as the Office of Science, all of the energy projects, all of the in-

novations, the Energy Department, the Army Corps of Engineers, fixing rivers, fixing dams, dredging, and everything the Army Corps of Engineers does only get \$8 million as opposed to the \$1.2 billion that is added for defense. But even with that increase, there are significant shortfalls.

I will give a few examples. For the past 4 years, California and the West have been suffering from a historic drought. I just came from the Energy and Natural Resources Committee meeting. Senator BOXER and I have put together a drought bill. We have worked on it for 2 years, and we finally have a bill with some short-term fixes and some long-term projects which can increase water supply in California.

Our reservoirs are at historic lows, and the Sierra Nevada snowpack, our major source of water, is at the lowest it has been in 500 years.

We have millions of dead trees littering the State, increased lightning strikes, big wildfires that go up like explosions into the air because it is so dry, and the State's agriculture sector, which feeds the country, has been heavily affected. This is a \$43 billion industry that saw losses of \$2.2 billion last year, has lost 17,000 jobs, and on and on and on.

Here are some other ways the Energy and Water bill is weakened by low spending caps. I will talk for a moment more about the Office of Science. This is money used to expand research at our National Laboratories, and we are \$196 million below the President's budget request in this bill. Energy efficiency and renewable energy programs have seen an even bigger deficit with funding levels at \$773 million below the President's budget request. This delays the development of vital technologies to reduce energy consumption and slash consumer spending.

Defense programs are also underfunded. With higher spending caps, we could be putting into place strategies to keep nuclear materials out of the hands of terrorists. We just heard about a cesium sale to shady people that I can't remember ever happening before, and whether this opens the door to more, I don't know, but I do know it is a real weakness we have.

If we had some money, we could secure radiological resources at medical and industrial facilities, we could install mobile and fixed radiation detectors at ports and border crossings. We could also use additional funds to modernize the nuclear reactor infrastructure that supports the Navy. This includes developing more efficient reactor designs that can last 40 years without refueling.

These are weaknesses we see in the funding picture and in our bill. As I said, I actually believe it is a good bill when you know the circumstances under which we are functioning.

But this isn't just about Energy and Water, and we can't view it in isolation. As I said, Energy and Water had a decent allocation, even with the overall budget restrictions. But cuts made

to other bills are far more dangerous, and we can't ignore these cuts.

I will highlight a few of them. The Subcommittee harmed by the current spending caps is responsible for the Departments of Labor, Health and Human Services, and Education. The subcommittee received an allocation of \$3.6 billion below last year. The Subcommittee on Labor, Health and Human Services, and Education received cuts. These are draconian, and these programs affect our most vulnerable Americans. That is what the Presidential election is all about right now—the discontent over our inability to solve some of these problems.

There is a \$331 million cut to employment and training services for youth, veterans, and the unemployed. There is an \$87.8 million cut to teen pregnancy prevention programs. There is a \$215 million cut to the Centers for Disease Control and Prevention—disease control. They are seeing diseases that I haven't seen since my childhood, such as measles, spring up all over the State of California, and we need to do these things to keep our people safe. Vaccinations are important.

There has been a \$198 million cut to shelter and services for unaccompanied immigrant children, a \$69 million cut to Federal student aid programs, and the elimination of a \$250 million program to expand access to preschool. Expanding access to preschool is something everybody wants for low- and moderate-income 4-year-olds.

The Transportation, Housing and Urban Development Subcommittee, on the other hand, did receive an additional \$1.9 billion this year. However, the committee required a \$3.4 billion increase just to maintain current services.

As a result, the Subcommittee was forced to cut funding for mass transit projects by more than \$500 million below last year.

Affordable housing assistance is slashed by \$834 million, and the Community Development Block Grant Program that I used as the Mayor of San Francisco a long time ago, which could always be counted on, was reduced by \$100 million.

These cuts affected millions of Americans and hurt communities across the country. We should not have to choose between providing rental assistance to low-income families and providing transportation options so they can get to work.

I see the Presiding Officer is nodding. I have about 3 more minutes.

I ask unanimous consent to finish my statement.

THE PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. FEINSTEIN. I thank my friend. I appreciate it.

The Commerce, Justice, and Science Subcommittee also received a misleading increase in its allocation. While the Subcommittee received an extra \$965 million on paper, it actually

needed \$1.1 billion just to account for last year's credit from the Toyota settlement that is no longer available this year. As a result, the subcommittee was forced to cut numerous important programs below last year's levels.

They include the U.S. Marshals Service, which was cut by \$141 million; legal representation for immigrant children, reduced by \$55 million; and Federal assistance to State and local law enforcement agencies, cut by \$139 million.

Here is my conclusion. My good friend and colleague Senator ALEXANDER is rightly proud of the work he and his staff have put into the Energy and Water bill, and, as I said, it is a good bill.

I sincerely wish the circumstance we find ourselves in today were different. Those of us on this side of the aisle should have a voice in what happens and how we can solve this problem.

So what I plead for is, in these negotiations that are starting, by Leader MCCONNELL, to move ahead, let's get it started and let's stop the CRs, let's stop the omnibuses, and let's stop the fights over the debt limit and shutting down the government. Let's go back to an appropriations process that this country did well by and that worked.

I thank the Presiding Officer for his forbearance, and I yield the floor.

THE PRESIDING OFFICER. The Senator from Utah.

#### BALANCED BUDGET AMENDMENT

Mr. HATCH. Mr. President, a previous President of the United States once wrote that if he could add one amendment to the Constitution, it would prohibit the Federal Government from incurring more debt. That President's name was neither Bush nor Reagan but Jefferson. The 217 years since then have proven three things: The national debt crisis is growing, it is dangerous, and only the Constitution can compel Congress to act. We must act before it is too late.

The national debt was 19 percent of gross domestic product when Thomas Jefferson called for a balanced budget amendment. President George Washington told the House of Representatives that the regular redemption of the public debt was the most urgent fiscal priority. In his first report on the public credit in 1790, Treasury Secretary Alexander Hamilton warned that continuously accruing national debt interest would be a signal "either of inability, or of ill faith, and will not cease to have an evil influence on public credit."

The commitment to fiscal balance over the next 150 years was so strong that many referred to it as our unwritten fiscal constitution. Unfortunately, that commitment did not last. The national debt topped 40 percent of GDP for the first time in 1934, and 2 years later the first balanced budget amendment was introduced in Congress. Eighty years ago, Members of Congress

began to realize that an unwritten constitution was no longer strong enough to limit the national debt. Good intentions are not enough to balance the Nation's checkbook.

Senator Millard Tydings, a Maryland Democrat, introduced the first balanced budget amendment to reach the Senate or House floor. The 1947 Appropriations Committee report on his proposal, S.J. Res. 61, opened with these words: "In no other way except by an amendment to the Constitution can Congress be compelled to balance its budget in peacetime." The Judiciary Committee held its first balanced budget amendment hearing in 1956 on amendments introduced by Senator Harry Byrd, a Virginia Democrat, and Senator Carl Curtis, a Nebraska Republican. In current dollars, the national debt today is nearly five times what those distinguished Senators denounced as astronomical and staggering.

Here is where the national debt has gone as Congress has failed to propose a balanced budget amendment. Let me refer to this chart. As we can see, the national debt as a percentage of GDP is going up the charts today to the highest ever. The national debt was 32 percent of GDP when I first introduced a balanced budget amendment in 1979. It climbed to 34 percent of GDP in 1982 when the Senate—but not the House—passed a BBA; more than 62 percent of GDP in 1997 when we came within one vote of approving a BBA that I introduced; and 95 percent of GDP when the Senate voted on a BBA that I introduced in 2011. Today the national debt stands at 103 percent of GDP, literally swallowing the economy.

They say that the more things change, the more they stay the same. As the national debt continues to change in the wrong direction, BBA opponents make the same arguments they always have. First, they say the national debt is simply not a problem that needs a solution. The evidence, however, is all around us.

In a July 2010 policy paper, for example, the Congressional Budget Office outlined what it called the significantly negative consequences of our rising national debt and repeated those warnings in its latest budget outlook. Here are the consequences of a rising national debt—this is the Congressional Budget Office in 2015—reduced investment, resulting in lower national income and higher interest rates; Federal spending on interest payments would rise; less flexibility to address financial and economic crises; and increased likelihood of a fiscal crisis in the United States.

ADM Michael Mullen, former Chairman of the Joint Chiefs of Staff, says this national debt crisis is a serious threat to national security—a conclusion echoed by experts from the Brookings Institution to the Heritage Foundation—or we can listen to the Government Accountability Office, which warned in 2009 that every year since