

that our technological edge is narrowing. One reason is that they are investing a great deal in their research infrastructure and we are not investing as we were in the past, again, partly as a result of these budget caps.

So, my amendment would authorize an additional \$3.5 billion for science and technological investment. Federal research centers like NIH, the National Science Foundation, NASA, and ARPA-E, all provide hope for treatments and cures for life-threatening and debilitating diseases, generate new technology, and make scientific breakthroughs. They are also key in helping to strengthen our economy and maintain our competitive edge—the foundation of our national security.

Again, the technological edge that we enjoyed over our near-peer competitors in the past is narrowing. Every defense official will say that. We are not simply going to fix it by putting some more money into defense-directed DOD research. We have to put money throughout our entire research enterprise. One other area is increasing our basic education. This funding would support full implementation of several bipartisan legislative efforts, including the Every Student Succeeds Act, the Individuals with Disabilities Education Act, the Workforce Innovation and Opportunity Act, and efforts to improve college affordability.

We can never be fully secure if we are not fully providing for the development of the children of this country, because they will eventually rise to positions of leadership, not just in the military but in other critical areas that will make this Nation strong and continue our ability to provide the finest military force in the world.

We have tried to articulate throughout that our national security is much more than simply the funding we give to the Department of Defense. A well-trained and educated workforce, a productive workforce contributes to our economy, and that contributes to our defense. Innovation through scientific research is important to our national security.

The agencies that I cited, particularly the Department of Homeland Security, the Department of State, and all of these agencies have a critical role overseas. They will not be able to play that role if we simply increase funding for the Department of Defense and not for these other agencies. For some time now, the President and Secretaries Carter, Hagel, Panetta, and Gates have implored Congress to end the harmful efforts of the arbitrary spending caps and sequestration.

During last year's debate, I repeatedly and forcefully argued that using the OCO account as a way to skirt the budget caps set a dangerous precedent. That was the reason why I reluctantly had to vote against last year's bill. I was deeply concerned that if we used this OCO approach for 1 year, it would be easy to do it next year and every year after that, ensuring an enduring

imbalance between security and domestic spending. Such an approach would be completely counter to the original rationale of the Budget Control Act, which imposed proportionally equal cuts to defense and nondefense discretionary spending to force a bipartisan compromise.

Ultimately, we must return to an era of budget deliberations in which all discretionary spending, both defense and nondefense, is judged by its merit and not by arbitrary limits. We need to begin working together now to remove the budget caps and the threat of sequestration, not just for the Department of Defense but for all Federal agencies that contribute to national and economic security. Providing relief from the caps to only the defense portion of the budget, while ignoring the very real consequences of continuing to underfund the nondefense portion of the budget, moves us farther away from that goal.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COTTON). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRIME MINISTER OF INDIA

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate, at 10:30 a.m., took a recess subject to the call of the Chair, and the Senate, preceded by the Secretary of the Senate, Julie E. Adams; the Deputy Sergeant at Arms, James Morhard; and the Vice President of the United States, JOSEPH R. BIDEN, Jr., proceeded to the Hall of the House of Representatives to hear an address delivered by His Excellency Narendra Modi, Prime Minister of India.

(The address delivered by the Prime Minister of India to the joint meeting of the two Houses of Congress is printed in the Proceedings of the House of Representatives in today's RECORD.)

At 2:20 p.m., the Senate, having returned to its Chamber, reassembled and was called to order by the Presiding Officer (Mrs. ERNST).

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017—Continued

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I thank the distinguished Presiding Officer. What is our parliamentary situation?

The PRESIDING OFFICER. The Senate is considering S. 2943.

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

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

INDEPENDENCE OF OUR FEDERAL JUDICIARY

Mr. LEAHY. Madam President, I wanted to speak based on my experience over the years as a member of the Senate Judiciary Committee—as the ranking member, as the chairman—on something very public that has happened.

Many Senators in both parties have appropriately condemned the racist comments recently made by the Republican Party's presumptive Presidential nominee about Judge Curiel. Sadly, these baseless allegations he has made against a distinguished Federal judge come as no surprise. We have seen for months that personal insults are the calling card of the Republican standard bearer. But I would say, similar to what many in both parties have said, anyone seeking the highest office of this great Nation has to understand the fundamental role that judges play in our democracy. The rule of law protects all of us, but only when administered by an independent judiciary.

I am deeply troubled by this attack on a sitting Federal judge, but make no mistake—it is not the first, nor will it be the last Republican attack on the independence of our Federal judiciary. This may be the most extreme example, but it is just the latest in a series of Republican actions that seek to undermine and compromise a coequal branch of government.

For more than 7 years, Senate Republicans have tried to block judicial nominations through stalling and delaying. They have even distorted the records of the men and women nominated to serve on the Federal bench. This systematic—and it has been systematic—obstruction has hurt courts across the country. But it is not just the courts I am worried about; it is the American people who go to those courts seeking justice. Judicial vacancies have soared under Republican leadership, even though we have dozens of nominations that have bipartisan support, and they are languishing on the Senate floor.

Earlier this year, Senate Republicans took their obstruction one totally unprecedented step further. Within hours of the news of Justice Scalia's passing, the Republican leader declared his unilateral refusal to allow anyone to be confirmed to the Supreme Court until the following year, even though he said this in February. It was an extraordinarily partisan decision, and there is no precedent for it in the United States Senate under either Democratic or Republican leadership. Since confirmation hearings began a century ago, never, never has the Senate denied a Supreme Court nominee a hearing.

Recently, two law professors extensively analyzed the history of the Supreme Court. They concluded that