

Senate originally included to combat the Zika virus. The conferees also decided to offset these emergency funds by cutting funding for other important initiatives including funding that is continuing to be used to combat the outbreak of the Ebola virus. When faced with an emergency, whether it is a devastating weather event like a tornado or a hurricane or a public health threat, we come together as Americans to ensure that we are providing the necessary resources to our friends and neighbors in their time of need. Including controversial offsets to the Zika emergency response funding only causes unnecessary delay and prevents assistance from getting to the health care professionals, researchers, and others who need these resources to combat the Zika virus.●

NATIONAL BIOENGINEERED FOOD DISCLOSURE STANDARD

Ms. BALDWIN. Mr. President, I would like to engage in a colloquy with the Senator from Michigan, Ms. STABENOW, who serves as the ranking member of the Senate Committee on Agriculture, Nutrition, and Forestry and is a lead sponsor of the GMO labeling bill, S. 764, approved by the Senate on July 7, 2016. I would like to seek a clarification regarding the intent with regard to a provision in the bill that relates to consistency with the Organic Foods Production Act and related rules and regulations.

Specifically, section 293(f) of the bill states that:

“[t]he Secretary shall consider establishing consistency between—

(1) the national bioengineered food disclosure standard established under this section; and

(2) the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.) and any rules or regulations implementing that Act.”

Given this provision, I would like clarification from my colleague that nothing in this legislation would require USDA to change the Organic Foods Production Act rules or regulations to comport with the new bioengineered food disclosure standard and definitions created by S. 764, as passed by the Senate on July 7, 2016.

Ms. STABENOW. I thank the Senator from Wisconsin for engaging on this issue and seeking clarification on this point. S. 764 amends the Agricultural Marketing Act of 1946. S. 764 does not amend the Organic Foods Production Act or its rules or regulations. More specifically, section 293(f) is only intended to require that USDA consider aligning the rules and regulations of the new GMO disclosure program established under this bill with the rules and regulations of the existing National Organic Program, not the inverse. Again, I will clarify that S.764 does not provide any authority to amend the Organic Foods Production Act or its rules and regulations.

In addition, I would draw to the attention of my colleague another sec-

tion of this bill, section 292(b), which states:

“(b) APPLICATION OF DEFINITION.—The definition of the term ‘bioengineering’ under section 291 shall not affect any other definition, program, rule, or regulation of the Federal Government.”

I believe this provision clarifies that nothing in the new bioengineered food disclosure standard established in this legislation would require USDA to take any action to change the existing Organic Foods Production Act rules and regulations.

JUDICIAL NOMINATIONS

Mr. CASEY. Mr. President, we have a problem in our court system. We currently have 83 judicial vacancies, and 29 of these are considered judicial emergency vacancies because they have been vacant so long or because the case backlog is so severe. There is a simple reason we have this problem: Senate Republicans refuse to do their job and confirm judicial nominees. This is the case from the Supreme Court, with the outrageous and unprecedented obstruction of Judge Merrick Garland, to the Federal Courts of Appeals, where it took more than a year for Judge Felipe Restrepo to be confirmed to the Third Circuit, down to the District Courts, where the number of vacancies has skyrocketed under Republican leadership.

We haven’t always had this problem, and there is no good reason we have it now. Eight years ago this week, when Democrats controlled the Senate and President Bush was in the White House, there were a total of 39 vacancies in the court system. In the last 2 years of the Bush Presidency, the Senate confirmed 68 judges, compared to just 22 judges confirmed to date in President Obama’s final 2 years.

Pennsylvania currently has five pending judicial nominees. One, Rebecca Haywood, is an excellent nominee for the Third Circuit Court of Appeals. She is extremely well-qualified and deserves timely consideration and a vote. The other four are district court nominees, all distinguished judges nominated with bipartisan support from my colleague Senator TOOMEY. Two of these nominees, Susan Baxter and Marilyn Horan, passed out of the Judiciary Committee with unanimous support by voice vote. They are among the 24 judicial nominees on the Executive Calendar awaiting confirmation votes. These nominees have been vetted and unanimously deemed qualified by the Senate Judiciary Committee, and there is simply no legitimate reason to block their confirmation. They deserve an immediate vote.

Pennsylvania’s other two distinguished district court nominees, John Younge and Robert Colville, are equally qualified to be excellent Federal judges; yet, inexplicably, Senate Republicans have blocked them from even getting a committee vote. So they remain, for no legitimate reason, stuck

with the 26 other judicial nominees awaiting committee consideration.

This extreme level of obstructionism has serious consequences for Americans seeking access to the courthouse. In 2015, 361,689 cases were filed in the U.S. district courts, increasing the total number of pending cases by 3 percent in just a single year to 438,808. In Pennsylvania alone, 16,609 new cases were filed in our three districts in 2015. How are the courts supposed to give full and fair consideration to all of these cases if they are understaffed?

The glacial pace of judicial confirmations is, quite simply, hurting the system of justice in this country. The obstruction is not only preventing access to justice by creating huge backlogs of cases, but is also damaging the integrity of the judiciary by politicizing nominees who should remain independent and nonpartisan. Senate Republicans need to do their job and immediately schedule votes to confirm the pending judicial nominees in Pennsylvania and around the country.

EXTENDING ADVANCED ENERGY TAX CREDITS

Mr. CARPER. Mr. President, I wish to enter into a colloquy with the senior Senator from South Carolina in regards to the bipartisan efforts to extend the investment tax credits for advanced energy technologies.

As you know, the investment tax credit incentives for fuel cells and other small alternative-power technologies—including microturbines, combined heat and power, small wind, and thermal energy—in section 48 of the Tax Code expires at the end of this year. These advanced energy technologies are finally transitioning from development to commercialization and are playing a critical role in making energy in this country more resilient, reliable, and less vulnerable to fuel price hikes.

For example, fuel cells, which I know well from being produced in my home State of Delaware, are already being used to provide reliable power to first responders, manufacturers, and retail companies. Fuel cells ensure critical facilities continue to have electricity, even when grid power is unavailable. Fuel cells are U.S. invented, U.S. manufactured, and run on U.S. natural gas. This technology is a win-win for energy security, job growth, and the economy.

As you can imagine, these emerging alternative-energy companies require predictable tax credits beyond the end of 2016 for R&D, capitalization, and cash flow reasons. Delays in extending these tax credits could put hundreds of manufacturing jobs in my State, in my friend from South Carolina’s State, and thousands of jobs across the country at risk.

At the end of last year, it seemed our message about the urgency of extending all of these section 48 tax credits was heard loud and clear. During negotiations on the year-end tax extenders