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 section 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

package last December, there was bipartisan agreement to extend all of the section 48 tax credits through the end of 2021. Unfortunately, due to a simple case of human error, the extension of these tax credits was accidentally excluded during the final drafting of the tax legislation. Solar and wind were extended as part of the agreement, but five other small alternative-power technologies were inadvertently excluded.

This mistake was identified within hours of the bill text being released, but unfortunately, due to time constraints and the desire to move expeditiously, House and Senate leaders determined that modifications to correct this mistake were not possible at the time. Instead, there was a bipartisan agreement to work together to address this mistake early in 2016.

Let me say to my colleague, I know we have missed some opportunities to get this issue resolved, but I would welcome the opportunity to work with him, his staff, and other colleagues to find ways to get these advanced energy credits extended. I believe we still have opportunities to get this done, but we cannot afford further delays. Would the Senator be willing to work with my staff and me?

Mr. GRAHAM. I want to thank the senior Senator from Delaware for raising this important issue. I would be happy to work with him on this issue because, as my friend and colleague from Delaware knows, my State of South Carolina is already seeing firsthand the benefits these advanced energy technologies are having on the local economy. As my friend from Delaware mentioned, this is a bipartisan and bicameral effort, and I believe we can find a way to get this done.

Mr. CARPER. I would like thank the senior Senator from South Carolina for his support and thank my colleagues on both sides of the aisle, in both Chambers, that are working so hard to get this issue resolved as soon as possible this year. I thank the Senator.

THE FAMILY FIRST PREVENTION SERVICES BILL

Mr. WYDEN. Mr. President, with a weeks-long recess upon us, sometimes opportunities to make history get lost. I am going to take a few minutes to describe an historic opportunity to help vulnerable families and children at risk. I hope my colleagues rise to the occasion when Congress resumes its legislative work in September.

The bipartisan, bicameral legislation called the Family First Prevention Services Act would give new hope to hundreds of thousands of children and their families. It would, for the first time, allow States to permanently invest Federal foster care dollars to safely keep families together, instead of ripping them apart. It passed the House by voice vote at the end of last month, and in my view, it ought to be an easy bipartisan win. I remain hopeful the Senate will come together to pass it in the months ahead.

I want to take a few minutes to look back at how this proposal came together before describing what it can accomplish. In the mid–1990s, there was a debate in the Congress as to whether sending kids to orphanages was the right idea. It was obvious, in my view, that there had to be better alternatives.

Along with many of my colleagues from both sides of the aisle, I saw an opportunity for our child welfare policies to empower and unite families, so I authored the Kinship Care Act. It said that aunts or uncles or grandparents who met the right standards would be notified and have first preference when it came to caring for a niece or nephew or grandchild. It was the first Federal law of its kind. And over the past two decades Congress, in a bipartisan manner, has built on that framework.

Two years ago, I became chairman of the Finance Committee, and I wanted to continue that progress and keep building on those values because, even though the 1990s are long gone, the foster care system is still badly flawed. When you look at the child welfare policies on the books today, you see big incentives for breaking families up. You don't see anywhere near enough incentive for keeping families together and helping them heal and thrive. It is a system that boxes families into two often bad options: foster care or nothing at all. So 2 years ago, I began working on legislation to change that.

I put forward a proposal in 2015 called the Family Stability and Kinship Care Act. In the months that followed, I worked with Republican and Democratic colleagues in the Senate and the House on a bipartisan path forward. Last month, Chairman HATCH and I, along with Ways and Means Chairman BRADY, Ranking Member SANDER LEVIN, and Congressman VERN BUCHANAN in the House, introduced our bipartisan, bicameral bill. Here is what our legislation would do.

First, it takes the current system that is rife with flaws and turns it on its head. Instead of paying a dollar for families to be split up, the bill says, let's see if it is possible to use that dollar to help a family stay together. Let's see if that dollar can keep a youngster safe at home, where he or she is most likely to be healthy and happy and succeed in school.

Remember that most youngsters in foster care aren't there because of physical or sexual abuse. Kids predominantly wind up in foster care because of circumstances that lead to neglect. Maybe Mom or Dad needs help dealing with a child's behavioral issues. Maybe they need substance abuse treatment. Maybe a relative could step in and help, especially if they have support.

It provides critical assistance to families struggling with addiction to opioids or other substances. It invests in programs that help fight child abuse and neglect. And lastly, it takes what I believe are vital steps to prioritize safety by setting basic standards for foster care facilities and group homes.

I want to focus on that last point for a moment. Some troubled or abused youngsters have been through such severe trauma that they need the kind of help they can only get in a temporary, high-quality treatment facility. They are kids who struggle with mental health illnesses or behavioral problems, young people recovering from addiction, or victims of sex trafficking. The support they need is unique, and they need access to reliable care in a safe place. But those placements need to be an intervention, not a destination. In my view, when they are able, children should have the opportunity to reunite with kin or join a foster or adoptive family.

For the first time, our bill would lay down basic standards so that youngsters don't have to face the prospect of growing up in those circumstances. These are standards guided by the states and laid out to protect kids. They are designed to raise the bar for group homes and make sure that children aren't sent away and forgotten. In my view, this policy is a no-brainer.

I understand a small handful of States have raised concerns about this legislation. The concerns essentially revolve around three common points.

First, I have heard concerns that there will not be enough family foster homes to meet demand. It is true that across the country, many states are facing severe shortages in family foster homes. That is why the bill invests new funding for competitive grants to improve foster parent recruitment and retention. Moreover, the whole premise of the bill is to prevent children from unnecessarily entering foster care in the first place. States across the country have shown they can safely reduce foster care and in so doing, reduce the demand for foster homes. And let's not forget, States would have over 3 years before these new group home standards come into effect giving more than adequate time to plan for the changes.

A second concern I have heard is that there is there is too much rigidity when it comes to licensing standards, accreditation, and assessment requirements for children placed in residential treatment programs for youth in need of higher levels of care. The sponsors of the legislation as well as the Department of Health and Human Services have made it abundantly clear that there is significant flexibility in these provisions of the bill. With respect to child welfare law, there is no statutory or regulatory definition for what constitutes ''licensed clinical and nursing staff.'' A wide variety of models could be used to meet these criteria. What we must not lose sight of is the fact that the terminology in this bill is based on what we know is in the best interest of children. The standards laid out in this bill are supported by the American