

appointed around 1988 to fill a vacancy, then was re-elected to the 14-judge panel repeatedly until he retired in 2004 after being elected Chief Judge in 2001. From 2004 to 2009 he was required to substitute as necessary.

"I made the mistake of buying a bunch of cattle. I've been an avid reader all my life, and I made plans that when I retired I was just going to sit up here (in my office) and read. I haven't gotten through ten percent of them and I'm 84 years old."

Reminiscing once more on WKU, Tom concluded, "I worked at a filling station greasing cars and changing tires during high school. If it had not been for Western; if Dr. Cherry had decided not to set a building in Bowling Green . . . I'd probably still be doing that today."

#### NATIONAL BIOENGINEERED FOOD DISCLOSURE STANDARD

Mr. LEAHY. Mr. President, I wish to join my colleague from Michigan, the ranking member of the Senate Agriculture Committee, Senator STABENOW, in a colloquy regarding the scope of the products that could be labeled under the GMO labeling legislation.

Does the Senator from Michigan believe that the definition of GMO included in this bill prohibits the labeling of highly refined products derived from GMO crops, including soybean oil made from GMO soybeans, high fructose corn syrup made from GMO corn, and sugar made from GMO sugar beets?

Ms. STABENOW. I thank the Senator from Vermont for joining me in this colloquy for the purpose of bringing greater clarity to the definition included in this bill and the scope of GMO products that could be labeled.

The intent of this legislation is to create a national mandatory disclosure standard for GMO foods. This bill gives USDA broad authority to determine, through rulemaking and with important input from the public and scientific community and after review of both State and international laws, what foods will be subject to this bill's mandatory disclosure standard, including highly refined products derived from GMO crops and products developed using gene editing techniques. The USDA general counsel, in a response letter dated July 1, stated that the Department has broad authority under this bill to require labels on GMO foods and products, including all commercially available GMO corn, soybeans, sugar beets, and canola crops used in food today.

To answer your specific question, no, this bill does not prohibit the labeling of highly refined products derived from GMO crops including soybean oil made from GMO soybeans, high fructose corn syrup made from GMO corn, and sugar made from GMO sugar beets.

Mr. LEAHY. Does the Senator from Michigan also believe that the definition of GMO food included in this bill prohibits the labeling of ingredients from plants genetically modified through new and yet to be developed gene editing techniques in addition to the recombinant DNA editing technique mentioned in the bill?

Ms. STABENOW. No, the bill does not prohibit the labeling of products developed using gene editing techniques, including RNAi and CRISPR. Additionally, the bill gives the USDA broad authority to periodically amend its labeling regulations to ensure that there are no new scientific biotechnology methods that may escape any overly prescriptive statutory definition of biotechnology.

Mr. LEAHY. I thank the Senator from Michigan for joining me in this colloquy for the purpose of bringing greater clarity to the congressional intent regarding the definition of GMO products contained in this bill.

I ask unanimous consent that the USDA general counsel's response letter dated July 1, 2016, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES DEPARTMENT  
OF AGRICULTURE,  
July 1, 2016.

Hon. DEBBIE STABENOW,  
Ranking Member, Senate Committee on Agriculture, Nutrition, and Forestry, Washington, DC.

DEAR SENATOR STABENOW, Thank you for your letter of June 29, 2016, inquiring as to the scope and applicability of the GMO labeling legislation currently pending before the U.S. Senate. The United States Department of Agriculture, as the lead implementing agency, has carefully studied this legislation from legal, program policy, and scientific aspects. I will respond in turn below to the questions raised in your letter.

(1) Please explain whether the GMO Labeling Law provides authority to the USDA to require labeling of food products that contain widely used commodity crops, like corn, soybeans, sugar, and canola, which have been genetically modified, as defined by Section 291(1)?

Section 291(1) of the Senate bill provides authority to include food in the national disclosure program, including all of the commercially grown GMO corn, soybeans, sugar, and canola crops used in food today and reviewed and approved by USDA's Biotechnology Regulatory Service.

(2) Please explain whether the GMO Labeling Law provides authority to the USDA to require labeling of food products that contain genetically modified material, which result from gene editing techniques?

Section 291(1) of the Senate bill provides authority to include food in the national disclosure program, including products of certain gene editing techniques. This would include novel gene editing techniques such as CRISPR when they are used to produce plants or seeds with traits that could not be created with conventional breeding techniques. In addition, the definition provides authority to include RNAi techniques that have been used on products such as the non-browning apple and potato.

(3) Please explain whether the GMO Labeling Law provides authority to the USDA to require labeling of food products, which may or may not contain highly refined oils, sugars, or high fructose corn syrup that have been produced or developed from genetic modification techniques, as defined by Section 291(1)?

Section 291(1) of the Senate bill provides authority to include food in the national disclosure program, including products which may or may not contain highly refined oils,

sugars, or high fructose corn syrup that have been produced or developed from genetic modification techniques. As a practical matter of implementation, the Department would look not only at the definition in Section 291(1) regarding the genetically modified crops used to produce the refined or extracted materials, but also consider authority provided under Section 293(b)(2)(B) and Section 293(b)(2)(C) with respect to the amount of a bioengineered substance present and other factors and considerations which might deem the product to be considered bioengineered food.

If needed, my team and our USDA programmatic and scientific experts are available to discuss any aspects of the legislation in greater detail at your request. Please do not hesitate to reach out.

Sincerely,

JEFFREY M. PRIETO,  
General Counsel.

#### ASSASSINATIONS OF ENVIRONMENTAL ACTIVISTS

Mr. LEAHY. Mr. President, it has been 4 months and 8 days since Berta Caceres, an internationally respected indigenous Honduran environmental activist, was shot and killed in her home. Ms. Caceres had led her Lenca community in a campaign over several years against the Agua Zarca hydroelectric project financed in part by a Honduran company, Desarrollos Energeticos, DESA, on the Gualcarque River, which the Lenca people consider to be sacred.

Honduran police officers tampered with the crime scene, and they and some Honduran government officials sought early on to falsely depict the killing as a crime of passion. But that dishonest strategy failed, and five individuals were subsequently arrested, including a DESA employee and active duty and retired army officers, for which Honduran Attorney General Oscar Fernando Chinchilla and investigators provided by the U.S. Embassy deserve credit.

It is widely believed, however, that the intellectual authors of that horrific crime remain at large. While the attorney general's investigation is continuing, as it should, I and others have repeatedly called on the Honduran Government to also support a thorough, independent, international investigation of the Caceres case under the auspices of the Inter-American Human Rights Commission. Given Honduras's history of impunity for such crimes and the public's understandable distrust of the justice system, it is imperative that such an inquiry be conducted expeditiously.

Ms. Caceres' death was one of scores of killings in the past decade of environmental activists, journalists, human rights defenders, and other social activists in Honduras. Hardly anyone has been punished for any of those crimes. In fact, the rate of conviction for homicide in Honduras is less than 5 percent.

If that were not bad enough, just 2 weeks after Ms. Caceres's death, Nelson Garcia, another indigenous environmental activist, was fatally shot in Rio