

ALEC, denies that its policy denied climate change. ALEC commits to fighting science in the shadows because it has no facts to bring into the sun. Indeed, its proposed bill, the Environmental Literacy Improvement Act—a very innocuous bill—actually seeks to serve as a stamp of approval on teaching climate change denial in science classrooms.

These tactics exist because when groups like ALEC or Americans for Prosperity stand ready to deny the truth, some part of our people will believe it.

One leader of the Americans for Prosperity group, when asked about the science of climate change, responded: “I don’t even want to argue the point. To me, it’s not that important.”

This web of denial has consequences. It delays and distorts common awareness and consciousness about the truth and the need to act.

One of my colleagues compared this web of denial to actions of tobacco companies decades ago denying that smoking and tobacco could cause cancer or heart disease or any of the other serious illnesses that tobacco use causes, in addition to the lifetime addiction to nicotine that inevitably was a consequence to so many people who believed those tobacco companies. That web of denial was similar to this one. The tobacco companies knew the truth. They denied it. These deniers also know the truth. Our purpose in being here today is to make sure the American people know it as well.

Groups like ALEC and Americans for Prosperity may receive support from the economic interests that have a stake in hiding the truth, but ultimately the American people need to know it, they need to act on it, and they need to appreciate the motives and interests of the web of denial that is spun so artfully and relentlessly by these groups and the special interests that underlie them and support them.

I wish to thank my colleagues who have come to the floor today, particularly Senator WHITEHOUSE, who has been so instrumental in organizing this group.

I yield the floor.

The PRESIDING OFFICER. The Senator Arkansas.

MORNING BUSINESS

Mr. COTTON. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

TRIBUTE TO JUDGE TOM EMBERTON

Mr. MCCONNELL. Mr. President, I wish to pay tribute to a good friend and mentor of mine who is receiving a great honor from his alma mater of Western Kentucky University. Judge

Tom Emberton, former chief judge of the Kentucky Court of Appeals and a man with a long career of renowned service, will be honored as a member of WKU’s Hall of Distinguished Alumni this October. It is the highest award the university can bestow upon an alumnus.

Judge Emberton recalls that his great aunt began the family tradition of attending WKU, and his mother attended also. Tom met his wife at WKU, and their two children and all but one of their grandchildren attended as well.

Tom was an active member of the WKU community during his time on campus. He was named business manager of the College Heights Herald, elected president of his sophomore and junior classes, and president of his fraternity. He temporarily interrupted his studies to serve in the U.S. Air Force, where he was part of the Strategic Air Command under Gen. Curtis LeMay.

After graduation in 1958, Tom began a long history of public service to the people of Kentucky. In 1965, he was elected county attorney. In 1967, he worked on the winning campaign for Louie Nunn for Governor, the first Republican Governor to be elected in the Bluegrass State in 20 years. After the campaign, Governor Nunn asked Tom to serve as his chief administrative aide.

Tom then became the Republican nominee for Governor himself in 1971. I remember the campaign well, as I worked on it for Tom. I had left my position as a legislative aide here in the U.S. Senate for Kentucky Senator Marlow Cook to go back to Kentucky to work for Tom’s campaign because I believed in him and in what he could do for the Commonwealth. Unfortunately, Tom did not win that race, but he certainly emerged from it as a man who had earned admiration and respect around the State. We all knew great things were in store for Tom.

Tom continued to practice law in Barren and Metcalfe counties. Then in the late 1980s, he was appointed by then-Governor Wallace Wilkinson to the Kentucky Court of Appeals. He was reelected to that panel repeatedly and had a long and distinguished career, capped off by being elected chief judge by his fellow judges after several years of service. He held that chief judge slot until his retirement from the bench in 2004.

To this day, Tom is still active in his community with many volunteer and philanthropic activities. He is also an avid reader, and I know one of his favorite places to relax is in his office surrounded by books.

Western Kentucky University has certainly made the right choice in selecting Judge Tom Emberton as a distinguished alumni. My friend Tom is highly deserving of this honor, and I am sure his family is very proud of him and all he has accomplished. I know my U.S. Senate colleagues join me in congratulating Judge Emberton for this recognition and wishing him the very best in his future life endeavors.

Mr. President, area publication the Herald News recently published an article detailing Judge Emberton’s life and career. I ask unanimous consent that the article be printed in the RECORD.

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

[From the Herald News, June 29, 2016]

JUDGE EMBERTON HONORED BY WKU
(By Shirley Mayrand)

Every couple of years we’re reminded of why we’re so proud of Judge Tom Emberton. In 2014 he received the Jim C. Coleman Community Service Award, and in October he will join WKU’s Hall of Distinguished Alumni during WKU’s 2016 Homecomings Celebration at the Sloan Convention Center. It brings back some fond memories.

“Western has always been a part of my life,” Tom said, “even from a small first grader. My mother went to Western.” His mom finished a year of college and then got a teaching job at a Monroe County school where they lived at the time. Tom recalls how she told him as a first grader he could continue to have fun when he got to Western.

The family moved to Metcalfe County right after World War II ended and Tom graduated from Edmonson High School. He attended one semester at Western before going into the U.S. Air Force where he was part of the Strategic Air Command under General Curtis LeMay. “His mission,” Tom explained, “was that if Russia could get an atomic bomb off in this country, that we could respond to that in 15 minutes.”

In 1955, Tom returned home to resume his education at Western. He credits his great aunt with starting the family tradition of attending WKU. She enrolled in 1909, just three years after it opened. (H.H. Cherry purchased full ownership of the school in 1899 and the Southern Normal School part of the institution became Western Kentucky State Normal School in 1906.)

Tom met his wife, Julia there, their two children attended and all but one of their grandchildren.

Tom believes that his active role at WKU was what earned him the honor of being selected for the Hall of Distinguished Alumni. As a student he was named business manager of the College Heights Herald, elected president of his sophomore and junior classes and president of his fraternity.

Continuing on to the University of Louisville to pursue a law degree, he continued student leadership activities. He was the president of the Delta Theta Phi fraternity and president of the Student Bar Association. “It’s those things that the alumni association looked at to see what you’d done, rather than just walk into class.” Tom got his law degree in 1962 and was elected as county attorney in 1965.

In 1967, Tom was tapped by Louis Nunn to assist in his campaign for governor. When Nunn won the election he asked Tom to move to Frankfort and be his chief administrative aide. At that time a governor could only serve one four-year term. Tom’s own bid for the governorship ended after winning the Republican primary, and he returned to the farm at Cave Ridge to practice law in Barren and Metcalfe counties, where he brought Jim C. Coleman in as a law partner.

Around 1976, Tom opened the Southern Mineral coal mine in Hyden (Lesley County), KY. Coal was very lucrative at the time, but within a few years the bottom dropped out and he returned to law once again.

Over his long, successful career, his greatest satisfaction came while serving as a Kentucky Court of Appeals Judge. He was first

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