

and kill the men and boys and raze their homes.

The dictatorship in Khartoum says they are not responsible for the Janjaweed. They tell us officially: We cannot control what goes on with the Janjaweed. To me, that is hard to believe. I believe otherwise. I believe if they were sincere in their efforts to make peace, peace would be at hand. The direct line between the government of Sudan, the Janjaweed, and the raping and pillaging and burning is so direct that I am convinced there has to be some sort of order coming from the top. But if that same order was reversed, coming from the top, the crisis would end. That is what I am so hopeful about. That is why at 9 o'clock on the Senate floor it is important for our voice to be heard. If we don't recognize or shine light on that, if we don't call the international community to act, that order from the government in Khartoum simply will not come, this crisis will not stop, and this genocide will continue.

The regime in Khartoum has cynically concluded that it can survive a moderate amount of diplomatic pressure and that it can continue the genocide. I say cynical because it is wrong. When I say it, I am sure people think it is wrong, but it is still occurring. Therefore, we have to shine more light and put on more pressure, and we need to go not just before the Senate, but we need to have our media across the country focus on what is going on with the genocide in the Sudan and this Darfur region.

The government in Khartoum believes it can ignore what is mostly rhetorical pressure that has been brought to bear by the international community to date. Lip service is being given, but that is just about it. Khartoum believes that the threat of a Chinese veto in the U.N. Security Council will protect it from more serious sanctions. We must prove them wrong. I am convinced we can prove them wrong. It is going to take our collective wisdom, but our collective action.

For nearly 7 years, I have had the opportunity to travel to Sudan and to neighboring countries more in my capacity as a doctor, as medical mission work, than as a Senator. My first visits there were in 1998. I had the opportunity to help and participate with a wonderful group called Well Medical Mission, establishing a hospital in this region called Lui. I have had the opportunity to go back many times to that southern part of Sudan.

I remember in the year of 2000 going into the middle part of Sudan, into a region called the Nuba Mountains, a village called Kuada. We delivered 35 tons of seed and farm tools for about 8,000 families. That was back in 2000. Since then, that area has opened up to relief. We were one of the first relief airplanes in that region. The Nuba Mountains are a wonderful part of the Sudan that has a history rich in tradition of great Nuba wrestlers—glorious

men—really boys—who were powerful, big, strong. When I went there, I heard about the 2,000 years of this history of wrestling. When I went—and we were the first relief efforts in there in 15, 20 years—I found sick people—no wrestlers but thin, emaciated kids, with stunted growth from conditions imposed on them by the government.

I mentioned to others there is another part of the Sudan called Bapong in the oil region, in the Upper West Nile area. There the government was targeting civilians and denying them basic medical needs. Since that time, a hospital has been put in that region. I had the opportunity to go back this past year.

Sudan does need to be a focus. A lot is going on that we can participate in reversing. This fall, the Senate and House unanimously passed resolutions pressing for the immediate suspension of Sudan's membership on the U.N. Commission on Human Rights. Isn't it ironic that you have Sudan in this body of the U.N., after everything that I have just said, participating on that Commission on Human Rights? Something is not right. It is hypocritical—even worse than that.

The House and the Senate acted several months ago. All 535 Members agreed that Sudan's membership on the U.N. commission to protect human rights is a travesty. It is a cruel trick. It defies all decency that a nation actively engaged in genocide against its own people could occupy a position of honor and authority, a commission in the United Nations supposedly devoted to human rights.

Mr. President, I do want to applaud the President of the United States and Secretary Colin Powell for their efforts to bring accountability to the Khartoum Government. This administration has shown immense leadership in addressing the crisis in Darfur. In fact, we can even be proud. The United States is providing over 80 percent of all the supplies from around the world going into Darfur and going into Chad in these refugee camps—more than 80 percent.

Since February of 2003, we have provided \$219 million for Sudan. The appropriations bill we just passed provides over \$300 million for Sudan in additional support for the African Union peacekeeping activities. It is going to take Africans to solve this problem, but it is going to take our support and our authority to help them solve that problem.

In September of this year, Secretary Powell came before the Senate Foreign Relations Committee and unflinchingly declared the situation in Darfur to be government-sponsored genocide. That showed leadership in the same way this body showed leadership when it, through a resolution, called it genocide.

In October, the President of the United States authorized the use of three C-130 transport planes to convey 3,300 Rwandan and Nigerian peace-

keeping troops into Darfur. Last month, the U.N. Secretary Council held a 2-day meeting in Nairobi, Kenya. At that meeting, council members discussed carrot-and-stick approaches to bringing Khartoum into compliance with international human rights standards. U.N. Ambassador Jack Danforth has worked hard to press the U.N. to take concrete action, and I support him in this difficult and critical work.

I am deeply committed to the future of the Sudanese people. Their plight calls out to all freedom-loving nations. As a human being, as a doctor, as a Senator who cherishes life, I believe it is our duty to answer that call.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### SUDDEN OAK DEATH

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4569, which is at desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4569) to provide for the development of a national plan for the control and management of Sudden Oak Death, a tree disease caused by the fungus-like pathogen *Phytophthora ramorum*, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 4569) was read the third time and passed.

#### SUDDEN OAK DEATH SYNDROME CONTROL ACT OF 2004

Mr. FRIST. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 2575 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2575) to direct the Secretary of Agriculture to conduct research, monitoring, management, treatment, and outreach activities relating to sudden oak death syndrome and to convene regular meetings of, or conduct regular consultations with, Federal, State, tribal, and local government officials to provide recommendations on how to carry out those activities.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 2575) was read the third time and passed, as follows:

S. 2575

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Sudden Oak Death Syndrome Control Act of 2004”.

#### SEC. 2. FINDINGS.

Congress finds that—

(1) tan oak, coast live oak, Shreve’s oak, and black oak trees are among the most beloved features of the topography of California and the Pacific Northwest and efforts should be made to protect those trees from disease;

(2) the die-off of those trees, as a result of the exotic fungal pathogen *Phytophthora ramorum*, is approaching epidemic proportions;

(3) native plants and forests must be protected from *Phytophthora ramorum*;

(4) more information is needed on—

(A) *Phytophthora ramorum*, including the existence of *Phytophthora ramorum* throughout the United States; and

(B) sudden oak death syndrome, including—

- (i) the causes;
- (ii) the methods of transmittal; and
- (iii) the best methods of treatment;

(5) the host list for *Phytophthora ramorum* includes 60 plant species in 32 genera, including—

(A) some of the most popular and economically important landscape and garden plants in the United States; and

(B) wild huckleberry plants, potentially endangering the commercial blueberry and cranberry industries;

(6) sudden oak death syndrome threatens to create major economic and environmental problems in California, the Pacific Northwest, and other regions, including—

(A) the increased threat of fire and fallen trees;

(B) the cost of tree removal and a reduction in property values; and

(C) loss of revenue due to—

(i) restrictions on the movement of forest products and nursery stock; and

(ii) the impact on the commercial nursery and small fruit industries;

(7) in 2002, the Secretary of Agriculture imposed a quarantine on the exportation from 10 counties in northern California and Curry County, Oregon, of oak trees and nursery plants that serve as hosts for *Phytophthora ramorum*;

(8) on April 9, 2004, after the discovery of *Phytophthora ramorum* in 2 nurseries in southern California—

(A) restrictions were placed on the interstate movement of species that could potentially serve as hosts to *Phytophthora ramorum*; and

(B) new restrictions were implemented on the interstate movement of host plants and potential host plants from all commercial nurseries in the State of California that are outside the 10 quarantined counties;

(9) on April 22, 2004, the restrictions referred to in paragraph (8)(B) were expanded to include—

(A) all plants in the same genus as host and potential host plants; and

(B) plants growing within 10 meters of a host or potential host plant; and

(10) several States and Canada have placed restrictions on the importation of nursery plants from California.

#### SEC. 3. RESEARCH, MONITORING, AND REGULATION OF SUDDEN OAK DEATH SYNDROME.

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this Act as the “Secretary”) shall carry out a sudden oak death syndrome research, monitoring, and regulation program to develop methods to control, manage, or eradicate sudden oak death syndrome from—

(1) trees and shrubs on both public and private land; and

(2) host plants and potential host plants from commercial nurseries.

(b) RESEARCH, MONITORING, AND REGULATION ACTIVITIES.—In carrying out the program under subsection (a), the Secretary may—

(1) conduct open space, roadside, and aerial surveys;

(2) provide monitoring technique workshops with respect to—

(A) *Phytophthora ramorum* in wildland and urban areas; and

(B) *Phytophthora ramorum* infestations in nurseries;

(3) conduct a comprehensive and biologically sound national survey of forests, plant nurseries, and landscapes that may have been exposed to *Phytophthora ramorum*, with priority given to surveying and inspecting plants at commercial nurseries and adjacent wildlands throughout the United States;

(4) develop a comprehensive risk assessment of the threat posed by *Phytophthora ramorum* to natural and managed plant resources in the United States, including modes of transmission and the risk of infestation;

(5) conduct a study of a representative sample of nursery plants imported into the United States from Europe, where *Phytophthora ramorum* is known to be found;

(6) develop baseline information on the distribution, condition, and mortality rates of oaks with *Phytophthora ramorum* infestation;

(7) maintain a geographic information system database of *Phytophthora ramorum* occurrences;

(8) conduct research on *Phytophthora ramorum* ecology, pathology, and management in wildland, urban, and nursery settings;

(9) evaluate the susceptibility of oak and other vulnerable species in the United States, with priority given to evaluating the susceptibility of commercially important nursery species;

(10) conduct assessments of trees that could pose a hazard due to infestation of *Phytophthora ramorum*; and

(11) provide diagnostic services.

#### SEC. 4. MANAGEMENT, TREATMENT, AND FIRE PREVENTION.

(a) IN GENERAL.—The Secretary shall conduct sudden oak death syndrome management, treatment, and fire prevention activities.

(b) MANAGEMENT, TREATMENT, AND FIRE PREVENTION ACTIVITIES.—In carrying out subsection (a), the Secretary shall—

(1) carry out activities to reduce the threat of fire and fallen trees killed by sudden oak death syndrome;

(2) increase and improve firefighting and emergency response capabilities in areas where fire hazard has increased due to tree die-off;

(3) treat vegetation to prevent fire in areas heavily infected with sudden oak death syndrome; and

(4) provide grants to local units of government for hazard tree removal, disposal and recycling, assessment and management of restoration and mitigation projects, green waste treatment facilities, reforestation, and resistant tree breeding.

#### SEC. 5. EDUCATION AND OUTREACH.

(a) IN GENERAL.—The Secretary shall conduct education and outreach activities to make information available to the public on sudden oak death syndrome.

(b) EDUCATION AND OUTREACH ACTIVITIES.—In carrying out subsection (a), the Secretary may—

(1) develop and distribute educational materials for homeowners, arborists, urban foresters, park managers, public works personnel, recreationists, nursery workers, landscapers, naturalists, firefighting personnel, and other individuals, as the Secretary determines appropriate;

(2) design and maintain a website to provide information on sudden oak death syndrome; and

(3) provide financial and technical support to States, local governments, and nonprofit organizations providing information on sudden oak death syndrome.

#### SEC. 6. INTERGOVERNMENTAL COMMUNICATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that close communication between the affected agencies at all levels of government is required for the programs authorized under this Act to be effective.

(b) REGULAR MEETINGS OR CONSULTATIONS.—

(1) IN GENERAL.—In accordance with section 204(a) of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1534(a)), the Secretary shall convene regular meetings of, or conduct regular consultations with, Federal, State, tribal, and local government officials for the purpose of providing a means of exchanging information and recommendations on how to carry out this Act effectively.

(2) REQUIREMENTS.—Meetings or consultations conducted under paragraph (1) shall—

(A) be conducted in a manner that ensures that the various regions of the United States are represented; and

(B) include—

(i) representatives from the Animal and Plant Health Inspection Service;

(ii) representatives from the Agriculture Research Service;

(iii) representatives from the Cooperative State Research, Education, and Extension Service;

(iv) representatives from the Forest Service;

(v) representatives from State forester offices; and

(vi) State representatives from the National Plant Board.

#### SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each of fiscal years 2005 through 2009—

(1) to carry out section 3, \$25,000,000;

(2) to carry out section 4, \$18,500,000; and

(3) to carry out section 5, \$700,000.

#### DISTRICT OF COLUMBIA RETIREMENT PROTECTION IMPROVEMENT ACT OF 2004

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4657, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows: