

arise after the State has submitted an application describing its intended use of such grant funds;

(2) for each State, the amount of funds reprogrammed under this section shall not exceed 10 percent of the total annual allocation for such State under the State Homeland Security Grant Program; and

(3) before reprogramming funds under this section, a State official described in paragraph (1) should consult with relevant local officials.

SEC. 536. DISASTER ASSISTANCE EMPLOYEE CADRES OF EMERGENCY PREPAREDNESS AND RESPONSE DIRECTORATE.

(a) IN GENERAL.—The Secretary of Homeland Security is encouraged to place special emphasis on the recruitment of American Indians, Alaska Natives, and Native Hawaiians for positions within Disaster Assistance Employee cadres maintained by the Emergency Preparedness and Response Directorate.

(b) REPORT.—The Secretary of Homeland Security shall report periodically to the Senate and the House of Representatives with respect to—

(1) the representation of American Indians, Alaska Natives, and Native Hawaiians in the Disaster Assistance Employee cadres; and

(2) the efforts of the Secretary of Homeland Security to increase the representation of such individuals in the cadres.

SEC. 537. Sections 702 and 703 of the Homeland Security Act of 2002 (6 U.S.C. 342 and 343) are amended by striking “, or to another official of the Department, as the Secretary may direct” each place it appears.

SEC. 538. Section 208(a) of Public Law 108-137; 117 Stat. 1849 is amended by striking “current” and inserting “2005”.

SEC. 539. LIAISON FOR DISASTER EMERGENCIES.

(a) DEPLOYMENT OF DISASTER LIAISON.—If requested by the Governor or the appropriate State agency of the affected State, the Secretary of Agriculture may deploy disaster liaisons to State and local Department of Agriculture Service Centers in a federally declared disaster area whenever Federal Emergency Management Agency Personnel are deployed in that area, to coordinate Department programs with the appropriate disaster agencies designated under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(b) QUALIFICATIONS.—A disaster liaison shall be selected from among Department employees who have experience providing emergency disaster relief in federally declared disaster areas.

(c) DUTIES.—A disaster liaison shall—

(1) serve as a liaison to State and Federal Emergency Services;

(2) be deployed to a federally declared disaster area to coordinate Department interagency programs in assistance to agricultural producers in the declared disaster area;

(3) facilitate the claims and applications of agricultural producers who are victims of the disaster that are forwarded to the Department by the appropriate State Department of Agriculture agency director; and

(4) coordinate with the Director of the State office of the appropriate Department agency to assist with the application for and distribution of economic assistance.

(d) DURATION OF DEPLOYMENT.—The deployment of a disaster liaison under subsection (a) may not exceed 30 days.

(e) DEFINITION.—In this section, the term “federally declared disaster area” means—

(1) an area covered by a Presidential declaration of major disaster, including a disaster caused by a wildfire, issued under section 301 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170); or

(2) determined to be a disaster area, including a disaster caused by a wildfire, by the Secretary under subpart A of part 1945 of title 7, Code of Federal Regulations.

TITLE VI—EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

SEC. 501. CROP DISASTER ASSISTANCE. (a) DEFINITIONS.—In this section:

(1) ADDITIONAL COVERAGE.—The term “additional coverage” has the meaning given the term in section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)).

(2) INSURABLE COMMODITY.—The term “insurable commodity” means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(3) NONINSURABLE COMMODITY.—The term “noninsurable commodity” means an eligible crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(b) EMERGENCY FINANCIAL ASSISTANCE.—Notwithstanding section 508(b)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(7)), the Secretary of Agriculture (referred to in this title as the “Secretary”) shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying crop or quality losses for the 2003 or 2004 crop (as elected by a producer), but not both, due to damaging weather or related condition, as determined by the Secretary.

(c) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-55), including using the same loss thresholds for the quantity and quality losses as were used in administering that section.

(d) REDUCTION IN PAYMENTS.—The amount of assistance that a producer would otherwise receive for a qualifying crop or quality loss under this section shall be reduced by the amount of assistance that the producer receives under the crop loss assistance program announced by the Secretary on August 27, 2004.

(e) INELIGIBILITY FOR ASSISTANCE.—Except as provided in subsection (f), the producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(1) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses; and

(2) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the crop incurring the losses.

(f) CONTRACT WAIVER.—The Secretary may waive subsection (e) with respect to the producers on a farm if the producers enter into a contract with the Secretary under which the producers agree—

(1) in the case of an insurable commodity, to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) providing additional coverage for the insurable commodity for each of the next 2 crops; and

(2) in the case of a noninsurable commodity, to file the required paperwork and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity for each of the next 2 crops under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(g) EFFECT OF VIOLATION.—In the event of the violation of a contract under subsection (f) by a

producer, the producer shall reimburse the Secretary for the full amount of the assistance provided to the producer under this section.

SEC. 502. LIVESTOCK ASSISTANCE PROGRAM. (a) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2003 or 2004 losses (as elected by a producer), but not both, in a county that has received an emergency designation by the President or the Secretary after January 1, 2003, of which an amount determined by the Secretary shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51).

(c) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock assistance program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

SEC. 503. TREE ASSISTANCE PROGRAM. The Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation to provide assistance under the tree assistance program established under subtitle C of title X of the Farm Security and Rural Investment Act of 2002 to producers who suffered tree losses during the winter of 2003 through 2004.

SEC. 504. COMMODITY CREDIT CORPORATION. The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title.

SEC. 505. REGULATIONS. (a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) PROCEDURE.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 506. EMERGENCY DESIGNATION. Amounts appropriated or otherwise made available in this title are each designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 1014).

This Act may be cited as the “Department of Homeland Security Appropriations Act, 2005”.

CALLING FOR THE SUSPENSION OF SUDAN'S MEMBERSHIP ON THE U.N. COMMISSION ON HUMAN RIGHTS

Mr. FRIST. Mr. President, in a few minutes, I will be propounding a number of unanimous consent requests and

completing business for the day. One of the unanimous consent requests I will propound shortly has to do with one of the most significant humanitarian crises of recent years—and most people would say it is the most dramatic humanitarian global crisis of today—the atrocities that are occurring in Sudan, in the Darfur region of Sudan, which is a region in western Sudan which is about the size of France.

Sudan is a huge country, and this whole Darfur region since a year before last February has been the geographic location where 30,000 to 50,000 people have died, with another 1.4 million and maybe as high as 1.7 million people displaced from their homes—action that we condemned on the floor of the Senate, and the House did likewise, at the end of July before our recess, and designating in the most dramatic terms that this is genocide.

Unfortunately, not a lot has happened on the ground that is constructive since that point in time. Thirty days passed and a United Nations determination on what was going on didn't have very much teeth to it, and the Government in Khartoum of Sudan simply hasn't responded. Thus these atrocities—the rape, the pillaging, the murder, the total destruction of the villages—have continued. It is important that the United Nations continue to act and address this issue. It is also important, since the United Nations has not really acted, that we in the United States lead with clarity, boldness, and, I would say, moral clarity.

The resolution we will be addressing shortly takes that next step for what we in this legislative body can do. The resolution calls upon the Secretary of State to take action to push for the immediate suspension of Sudan's membership on the United Nations Commission on Human Rights. A government that is engaged in committing genocide should simply not have a seat on the Commission on Human Rights.

Since the initial resolution we passed in July designating this as genocide, I have had the opportunity to go to Sudan once again, which I do at least once a year as part of the medical mission work I do. But this time I had the opportunity to go to the country of Chad, which is just west of the Darfur region of Sudan where we have had thousands and thousands of people flee to escape the Janjaweed, the militia that is being funded by the Government of Khartoum.

In these refugee camps—Tulum is one I immediately think of where 15,000 people fled—the stories you hear would be a woman who says: Last month, I was there with my three little kids, and my husband was in the fields working, and the Janjaweed military in uniform came and destroyed our entire village. My two children, I don't know where they are. I assume they have been killed. Here is one child with me. My husband is dead, and I have no home and nowhere to go, so I am in the refugee camp.

That is going on. After 1,200 interviews that have occurred over the last month, the Secretary of State this past week in a Foreign Relations hearing said: Yes. Based on our findings independent of what Congress decided, this is genocide.

What we don't have yet is a determination by the United Nations because there are countries such as China and Russia and Pakistan and others that sit on the Security Council. Basically they have not yet made a determination. Meanwhile people continue to die. The atrocities continue. Thus, this body today in this resolution will take action to push for the immediate suspension of Sudan's membership on the United Nations Commission on Human Rights.

The Senate resolution further states that the United Nations should immediately move to determine whether genocide has been conducted in Darfur, and if it has, that the Secretary of State should push for Sudan's removal from the United Nations Commission on Human Rights. A government, as I said, engaged in genocide should not have a seat on this Commission. It makes a mockery of the Human Rights Commission. This is an affront to all responsible countries that embrace and promote human rights.

The 1948 Genocide Convention calls on state parties to punish genocide—those are the words it uses—when it occurs. The United States is party to this 1948 Convention on Genocide and so is Sudan. The United States has taken a number of actions to provide relief to the people of Sudan. We have introduced resolutions to the U.N. condemning Khartoum's actions. We have taken a number of actions. The United States has already placed comprehensive sanctions on Sudan for its actions as a state sponsor of terrorism.

What we are doing today is pushing to suspend Sudan from the Human Rights Commission, which is consistent with our obligations under that Genocide Convention. It makes sense. It is the right thing to do. I hope the House of Representatives will take up this resolution quickly and pass it forthwith. I also hope in the meantime, Secretary Powell will listen to the will and intent of the Congress and begin taking appropriate action. If we are going to preserve the credibility of the United Nations and its separate commissions, if we are going to advance the causes of human rights, if we are going to protect oppressed peoples around the globe, and especially in Darfur, then the U.N. must take more aggressive action.

I turn to the resolution and ask unanimous consent the Senate proceed to the immediate consideration of S. Con. Res. 137, which was submitted earlier today by Senators FRIST and DASCHLE.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 137) calling for the suspension of Sudan's membership on the United Nations Commission on Human Rights.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DASCHLE. Mr. President, I am pleased to have joined Senator FRIST in the submission of S. Con. Res. 137.

It is a shame, really, that we need to be here on the floor again to discuss Sudan. Yet we were confronted again this morning with even more troubling and disconcerting news about the Darfur region of Sudan. According to this morning's newspapers, the United Nations has concluded that between 6,000 and 10,000 people are dying from disease and violence each month in Sudan's Darfur region.

What is worse is that the United Nations—like the United States—has concluded that each and every one of these deaths is entirely preventable.

Unfortunately, however, the Sudanese government continues to support marauding militias that not only murder people whose only offense is to be of a different ethnicity, but those militias continue to hinder efforts to respond to one of Africa's worst humanitarian crises.

This resolution also calls attention to a separate tragedy: That Sudan was granted a seat on the United Nations Human Rights Commission. It won that seat at a time when its tolerance and even support for militias in Darfur was widely known. Unfortunately, not only did no one in the Arab world object to Sudan taking this seat, neither did the administration use its clout at the United Nations to stop this.

This resolution says very clearly that a government that appears to be tolerating genocide has no business serving on the UN Human Rights Commission.

I also want to take a minute to discuss an additional effort on Sudan that Senators LEAHY, MCCONNELL, FRIST and I were able to work out this morning.

We all recognize that we will soon face mounting costs to ease the suffering caused by this humanitarian disaster in Darfur. As such, we were able to come to a straightforward, common-sense agreement that the President and Secretary of State should re-direct \$150 million in unused reconstruction money from Iraq to Darfur and for the African Union forces that are attempting to stabilize the situation there.

Let me be clear: This is not money for our troops in Iraq, but is unused reconstruction money. This is the right thing to do, and I commend my colleagues for their efforts to make sure it happens.

Mr. FRIST. I ask that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 137) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 137

Whereas, in Darfur, Sudan, more than 30,000 innocent civilians have been murdered, more than 400 villages have been destroyed, more than 130,000 men, women, and children have been forced from their villages into neighboring countries, and more than 1,000,000 people have been internally displaced;

Whereas the United States Government has been, and remains as of September 2004, the largest contributor of assistance to the people of Darfur, having provided over \$200,000,000 in assistance, which constitutes more than 70 percent of the total assistance provided to that region;

Whereas the United States has pledged \$299,000,000 in humanitarian aid to Darfur through fiscal year 2005, as well as \$11,800,000 in support of the African Union mission in that region, and is likely to provide support in excess of those pledges;

Whereas United States citizens and private organizations, as well as the United States Government, have admirably worked, at great risk and through great effort, to ease suffering in Darfur, Sudan, and in eastern Chad;

Whereas, based on credible reports, Congress determined in late July 2004 that acts of genocide were occurring in Darfur, Sudan, and that the Government of Sudan bears direct responsibility for many of those acts of genocide;

Whereas, expressing its grave concern at the ongoing humanitarian crisis and widespread human rights violations in Darfur, including continued attacks on civilians that place thousands of lives at risk, the United Nations Security Council on July 30, 2004, unanimously adopted Security Council Resolution 1556, which called upon the Government of Sudan to fulfill immediately its obligations to facilitate humanitarian relief efforts, to take steps to disarm immediately the Janjaweed militias responsible for attacks on civilians and bring the perpetrators of such attacks to justice, and to cooperate with independent United Nations-sponsored investigations of human rights violations;

Whereas the Government of Sudan has failed to take credible steps to comply with the demands of the international community as expressed through the United Nations Security Council;

Whereas, according to press reports, reports from nongovernmental organizations, first-hand accounts from refugees, and other sources, the Janjaweed attacks on the civilians of Darfur continue unabated as of September 2004;

Whereas there are credible reports from some of these same sources that the Government of Sudan is providing assistance to the Janjaweed militias and, in some cases, that Government of Sudan forces have participated directly in attacks on civilians;

Whereas the United States Government, after conducting more than 1,000 interviews with survivors and refugees, has determined that genocide has occurred in Darfur, that it may still be occurring, and that both the Janjaweed and the Government of Sudan bear responsibility for these acts;

Whereas the Secretary of State has determined that the attacks by the Government of Sudan and the Janjaweed on the non-Arab people of Darfur and their villages are based on race, not religion;

Whereas the United States has recently introduced a new resolution in the United Nations Security Council that calls for the Government of Sudan to cooperate fully with an expanded African Union force and for a cessation of Sudanese military flights over Darfur;

Whereas the introduced resolution also provides for international overflights of the Darfur region to monitor the situation on the ground and requires the United Nations Security Council to review the record of compliance of the Government of Sudan to determine whether the United Nations should impose sanctions on Sudan, including sanctions affecting the petroleum sector in that country;

Whereas the resolution also urges the Government of Sudan and the Sudanese People's Liberation Movement to conclude negotiations on a comprehensive peace accord and, most important, calls for a United Nations investigation into all violations of international humanitarian law and human rights law that have occurred in Darfur in order to ensure accountability;

Whereas the United Nations Security Council, in United Nations Security Council Resolution 1556, emphasized that the Government of Sudan bears primary responsibility for respecting human rights and protecting the people of Sudan;

Whereas United Nations Security Council Resolution 1556 calls upon the Government of Sudan to cooperate with the United Nations;

Whereas the United Nations Human Rights Commission, established in 1946 and given the responsibility of drafting the Universal Declaration of Human Rights, is responsible for promoting respect for and observance of, human rights and fundamental freedoms for all;

Whereas the Universal Declaration of Human Rights declares that all human beings are born free and equal in dignity and rights, that everyone is entitled to all the rights and freedoms set forth in the Declaration regardless of race, color, sex, language, religion, political or other opinion, or national or social origin, property, birth, or other status that everyone has the right to life, liberty and security of person, that no one shall be held in slavery or servitude, and that no one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment;

Whereas the Convention on the Prevention and Punishment of Genocide, done at Paris on December 9, 1948 (hereafter in this resolution referred to as the "Genocide Convention"), delineates the criteria that constitute genocide and requires parties to prevent and punish genocide;

Whereas Sudan is a state party to the Genocide Convention and remains a member of the United Nations Commission on Human Rights;

Whereas the Secretary of State determined that, according to United States law, the Government of Sudan is a state sponsor of terrorism and has been since 1993 and therefore remains ineligible for U.S. foreign assistance;

Whereas, due to the human rights situation in Darfur, it would be consistent with United States obligations under the Genocide Convention for the Secretary of State and the United States Permanent Representative to the United Nations to seek the immediate suspension of Sudan from the United Nations Commission on Human Rights and, in the event a formal investigation results in a determination by the UN that genocide has occurred in Darfur, the ultimate removal of Sudan from such Commission; and

Whereas it is a mockery of human rights as a universal principle, a challenge to the United Nations as an institution, and an affront to all responsible countries that embrace and promote human rights that a government under investigation by the United Nations for committing genocide against, and violating the human rights of, its own citizens sits in judgment of others as a member in good standing of the United Nations Commission on Human Rights: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes and approves of the findings of the Secretary of State that genocide has occurred and may still be occurring in Darfur, Sudan, and that the Government of Sudan bears responsibility for such acts;

(2) supports the Secretary of State's call for a full and unfettered investigation by the United Nations into all violations of international humanitarian law and human rights law that have occurred in Darfur, with a view to ensuring accountability;

(3) supports the resolution introduced by the United States Government in the United Nations Security Council on September 9, 2004, with regard to the situation in Darfur;

(4) calls upon the Secretary of State and the United States Permanent Representative to the United Nations to take immediate steps to pursue the establishment of a formal United Nations investigation, under Article VIII of the Genocide Convention to determine whether the actions of the Government of Sudan in Darfur constitute acts of genocide;

(5) calls upon the Secretary of State and the United States Permanent Representative to the United Nations to take immediate steps to pursue the immediate suspension of Sudan from the United Nations Commission on Human Rights;

(6) calls upon the Secretary of State and the United States Permanent Representative to the United Nations to take further steps to ensure that the suspension of Sudan from the United Nations Commission on Human Rights remains in effect unless and until the Government of Sudan meets all of its obligations, as determined by the United Nations Security Council, under United Nations Security Council Resolution 1556 of July 30, 2004, and any subsequent United Nations Security Council resolutions regarding this matter;

(7) calls upon the Secretary of State and the United States Permanent Representative to the United Nations to take steps to ensure that, in the event that the formal investigation of acts of genocide in Sudan results in a determination by the UN that genocide has occurred or is occurring in Darfur, the United States Government takes appropriate actions to ensure that Sudan is removed from the United Nations Human Rights Commission;

(8) calls upon the member states of the United Nations Commission on Human Rights to convene an immediate special session to consider the urgent and acute human rights situation in Sudan for the purpose of considering whether Sudan should be suspended from membership in such Commission; and

(9) expects the Secretary of State to report to Congress on progress made toward taking the actions and accomplishing the objectives outlined in this resolution not later than 60 days after the date on which Congress agrees to the resolution.