

(i) minimizes the effects on surface resources;

(ii) prevents unnecessary or unreasonable surface disturbance; and

(iii) complies with all applicable laws (including regulations), lease requirements, and land and resource management plan directives; and

(C) a road constructed or reconstructed under this paragraph will be removed on the earlier of—

(i) the date on which the road is no longer needed for the purposes of the lease; or

(ii) the date of termination or expiration of the lease.

(c) ROAD MAINTENANCE.—A classified road in an inventoried roadless area may be maintained.

#### SEC. 5. PROHIBITION ON TIMBER CUTTING, SALE, OR REMOVAL IN INVENTORIED ROADLESS AREAS.

(a) PROHIBITION.—Except as provided in subsection (b), timber may not be cut, sold, or removed in an inventoried roadless area of the National Forest System.

(b) EXCEPTIONS.—Timber may be cut, sold, or removed in an inventoried roadless area if the responsible official determines that the cutting, sale, or removal of the timber is expected to be infrequent and—

(1) the cutting, sale, or removal of generally small diameter timber—

(A) will improve or maintain 1 or more roadless area characteristics; and

(B) is needed—

(i) to improve habitat for threatened, endangered, candidate, or sensitive species, and species proposed for listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(ii) to maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under a natural disturbance regime of the current climatic period;

(2) the cutting, sale, or removal of timber is incidental to the implementation of a management activity not otherwise prohibited by this Act;

(3) the cutting, sale, or removal of timber is needed and appropriate for personal or administrative use, in accordance with part 223 of title 36, Code of Federal Regulations; or

(4) roadless characteristics have been substantially altered in a portion of an inventoried roadless area as a result of the construction of a classified road and subsequent timber harvest, if—

(A) the road construction and subsequent timber harvest occurred after the area was designated an inventoried roadless area and before January 12, 2001; and

(B) timber is cut, sold, or removed only in the substantially altered portion of the inventoried roadless area.

#### SEC. 6. SCOPE AND APPLICABILITY.

(a) EFFECT.—This Act does not—

(1) revoke, suspend, or modify any permit, contract, or other legal instrument authorizing the occupancy and use of National Forest System land issued or entered into before January 12, 2001;

(2) compel the amendment or revision of any land and resource management plan;

(3) revoke, suspend, or modify any decision concerning any project or activity made before January 12, 2001; or

(4) apply to road construction, reconstruction, or the cutting, sale, or removal of timber in an inventoried roadless area of the Tongass National Forest if a notice of availability of a draft environmental impact statement for such activity has been published in the Federal Register before January 12, 2001.

(b) LIMITATION ON REVISION.—The prohibitions and restrictions established in this Act are not subject to reconsideration, revision, or rescission in any subsequent project decision or amendment or revision to any land and resource management plan carried out in accordance with section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 387—RECOGNIZING THE NEED TO REPLACE THE UNITED NATIONS HUMAN RIGHTS COMMISSION WITH A NEW HUMAN RIGHTS COUNCIL

Mr. COLEMAN (for himself, Mr. SMITH, Mr. VOINOVICH, Mr. COBURN, and Mr. KYL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 387

Whereas the United Nations Human Rights Commission (hereinafter “UNHRC”) has lost its credibility as an instrument for the promotion or protection of human rights, instead allowing repressive regimes to shield themselves from criticism for their human rights violations;

Whereas Secretary-General Kofi Annan has also acknowledged that, “the Commission’s declining credibility has cast a shadow on the reputation of the United Nations system”;

Whereas the primary deficiency of the Human Rights Commission is directly related to its membership, where 6 of the 53 current members, namely China, Cuba, Eritrea, Saudi Arabia, Sudan, and Zimbabwe, are listed as the worst human-rights abusers by Freedom House, and many other members have serious deficiencies concerning commitments to democracy and human rights according to the Department of State Country Reports on Human Rights Practices;

Whereas the lack of membership criteria of the UNHRC, particularly when combined with the relatively large membership of 53 countries, hinders efforts to filter out countries with poor human rights records from membership;

Whereas the UNHRC spends a disproportionate amount of time vilifying Israel, its primary target for criticism, but fails to direct such sustained criticism at states engaged in the systematic abuse of human rights, with 30 percent of all country-specific resolutions critical of human rights records over the history of the UNHRC have been directed at Israel alone, while there has never been a single such resolution on China, Syria, or Zimbabwe;

Whereas the UNHRC has consistently failed to take decisive action against member states implicated in the massive violation of human rights, which is evidenced by the fact that the UNHRC has never held a special emergency session on Sudan despite millions of deaths over 2 decades in Sudan, but the UNHRC has held a special sitting to criticize Israel on the death of Sheikh Ahmed Yassin, the leader of Hamas;

Whereas the UNHRC only meets for 6 weeks each year, providing the UNHRC with insufficient time to review and take action against the most flagrant human rights violators;

Whereas Israel has been consistently discriminated against by being denied full participatory rights in regional group meetings associated with the operation of the UNHRC, while non-United Nations members

such as the Holy See (WEOG) and the Palestinian observer participate in these meetings;

Whereas the overwhelming failures of the UNHRC led to an international consensus that it must be abolished and replaced with a new Human Rights Council, and the United Nations Summit Outcome Document, signed by all United Nations member states in September 2005, stated that “Pursuant to our commitment to further strengthen the United Nations human rights machinery, we resolve to create a Human Rights Council. The Council will be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner. The Council should address situations of violations of human rights, including gross and systematic violations and make recommendations thereon. It should also promote effective coordination and the mainstreaming of human rights within the United Nations system.”;

Whereas efforts by the United States and other committed democracies to carry out the mandate of the Summit Document to create a new credible Human Rights Council have been strongly opposed by human rights abusers at the United Nations: Now, therefore, be it

*Resolved, That—*

(1) the United States remains strongly committed to the creation of a new Human Rights Council to replace the discredited United Nations Human Rights Commission (hereinafter “UNHRC”), and the proposal for such a Council should work to assure the integrity of its membership as well as provide a strong mandate for action;

(2) the Senate urges the President to use the present opportunity that has been generated by the international recognition of the need to replace the current UNHRC, and to refrain from supporting any proposal for a Human Rights Council that would result either in only cosmetic changes or changes that would even further degrade the membership and mandate of the current UNHRC;

(3) the Senate urges the President and the governments of other member countries of the United Nations to continue with negotiations for the creation of a Human Rights Council that is a credible human rights institution; and

(4) it is the sense of the Senate that an acceptable proposal for a credible Human Rights Council would—

(A) establish criteria for membership that would serve to exclude the worst human rights abusers, and such criteria would include, but should not be limited to, the automatic exclusion of member countries that are subject to Security Council sanctions;

(B) include a provision allowing full participation by Israel in all operations associated with the Council;

(C) set a size limit that is consistent with the goal of ensuring that only countries that respect human rights are members of the primary human rights body of the United Nations;

(D) establish a human rights review requirement that is tied to a mandatory outcome and takes place prior to elections for membership;

(E) exclude any provision that prevents the consecutive election of member countries to the Council; and

(F) utilize a formula for the distribution of membership among United Nations member countries that gives priority to countries that respect human rights, while also giving consideration to geographical distribution, the representation of different forms of civilization, and the principal legal systems.

**SENATE RESOLUTION 388—URGING THE GOVERNMENT OF NATIONAL UNITY OF SUDAN AND THE GOVERNMENT OF SOUTHERN SUDAN TO IMPLEMENT FULLY THE COMPREHENSIVE PEACE AGREEMENT THAT WAS SIGNED ON JANUARY 9, 2005**

Mr. FRIST (for himself, Mr. SANTORUM, and Mr. BROWNBACK) submitted the following resolution; which was considered and agreed to:

S. RES. 388

Whereas the people of Sudan have been devastated by war for all but 10 years since Sudan gained its independence in 1956;

Whereas the second civil war in Sudan between the Government of Sudan in the north and the Sudan People's Liberation Movement in the south lasted for more than 20 years;

Whereas more than 2,000,000 people died and more than 4,000,000 people were internally displaced or became refugees as a direct or indirect result of the civil war in Sudan;

Whereas, on January 9, 2005, the Government of Sudan and the Sudan People's Liberation Movement signed the Comprehensive Peace Agreement, which ended Sudan's 21-year civil war;

Whereas the Comprehensive Peace Agreement provides for a new constitution, new arrangements for power sharing and wealth sharing, and a 6-year interim period to be followed by a referendum in Southern Sudan so that the people of Southern Sudan can decide their political future;

Whereas the parties have implemented parts of the Comprehensive Peace Agreement, such as the ratification of the new constitution and the formation of the Government of National Unity and the Government of Southern Sudan;

Whereas the overall pace of implementation of the Comprehensive Peace Agreement has been slow and insufficient;

Whereas the recommendations of many of the commissions established by the Comprehensive Peace Agreement have yet to be implemented;

Whereas 1 of the keys to a lasting and durable peace in Sudan is the full and timely implementation of the Comprehensive Peace Agreement by all sides, wholly consistent with the letter, spirit, and intent of the agreement;

Whereas, despite the signing of the Comprehensive Peace Agreement and an end to the civil war, there has been little progress made in ending the genocide in Sudan's western region of Darfur;

Whereas hundreds of thousands of innocent civilians have died in Darfur as a result of violence, disease, and malnutrition, and millions more have been internally displaced or sought refuge in refugee camps in neighboring Chad;

Whereas millions of the people across Sudan continue to suffer from the effects of war, including displacement and war-related disease, hunger, and malnutrition;

Whereas the United States and the international community must not neglect the humanitarian and reconstruction needs of the people of Southern Sudan;

Whereas, according to the World Food Program, more than 2,900,000 people in Southern Sudan have been severely affected by the civil war;

Whereas the people of Southern Sudan are in desperate need of reconstruction assistance to build and improve vital infrastructure components, such as an education system, a health care system, and a transpor-

tation system, that are nearly nonexistent in Southern Sudan;

Whereas the current humanitarian crisis in Southern Sudan is considered 1 of the worst in decades; and

Whereas the reconstruction process in Southern Sudan is vital to delivering the benefits of peace to the people of Southern Sudan and stability to the region: Now, therefore, be it

*Resolved*, That the Senate—

(1) strongly urges the new Government of National Unity of Sudan to implement fully the Comprehensive Peace Agreement in a timely manner consistent with the letter, spirit, and intent of the agreement;

(2) calls on the Government of National Unity to meet the terms of the Comprehensive Peace Agreement to achieve an equitable distribution of wealth and resources between the North and the South and to provide a full and transparent accounting of Sudan's oil revenues;

(3) urges the United States Government—

(A) to maintain appropriate pressure on the Government of National Unity to implement fully the Comprehensive Peace Agreement;

(B) to maintain sanctions and pressure on the Government of National Unity until the Comprehensive Peace Agreement has been fully implemented and the crisis in Darfur has been resolved; and

(C) to address, as appropriate, any legal barriers which prevent humanitarian and reconstruction operations in Southern Sudan;

(4) supports the continued provision of humanitarian and reconstruction assistance from the United States to the people of Southern Sudan, in addition to the assistance allocated for the people of Darfur, so that the people of Sudan may experience and appreciate the benefits of peace;

(5) strongly urges the Government of National Unity to use the Comprehensive Peace Agreement as the basis for negotiation of a peaceful resolution of the conflicts in Darfur and other areas of Sudan; and

(6) strongly urges all countries in the region and the international community to support actively the full implementation of the Comprehensive Peace Agreement.

#### AMENDMENTS SUBMITTED AND PROPOSED

**SA 2899.** Mr. KYL (for himself and Mr. ENSIGN) proposed an amendment to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

**SA 2900.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2320, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2899.** Mr. KYL (for himself and Mr. ENSIGN) proposed an amendment to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; as follows:

Strike all after the first word and insert the following:

#### 1. FUNDS FOR LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

Section 9001 of the Deficit Reduction Act of 2005 is amended—

(1) in subsection (a)—

(A) by striking “for a 1-time only obligation and expenditure—” and all that follows through “2007” the first place it appears and inserting “\$1,000,000,000 for fiscal year 2006”;

(B) by striking “; and”;

(C) by striking paragraph (2);

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

“(b) LIMITATION.—None of the funds made available under this section may be used for the planning and administering described in section 2605(b)(9) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(b)(9)).”;

(4) in subsection (c) (as redesignated by paragraph (2)), by striking “September 30, 2007” and inserting “September 30, 2006”.

**SA 2900.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ PROTECTION FOR MEDICARE BENEFICIARIES WHO ENROLL IN THE PRESCRIPTION DRUG BENEFIT DURING 2006.

(a) EXTENDED PERIOD OF OPEN ENROLLMENT DURING ALL OF 2006 WITHOUT LATE ENROLLMENT PENALTY.—Section 1851(e)(3)(B) of the Social Security Act (42 U.S.C. 1395w-21(e)(3)(B)) is amended—

(1) in clause (iii), by striking “May 15, 2006” and inserting “December 31, 2006”; and

(2) by adding at the end the following new sentence:

“An individual making an election during the period beginning on November 15, 2006, and ending on December 15, 2006, shall specify whether the election is to be effective with respect to 2006 or with respect to 2007 (or both).”.

(b) ONE-TIME CHANGE OF PLAN ENROLLMENT FOR MEDICARE PRESCRIPTION DRUG BENEFIT DURING ALL OF 2006.—

(1) IN GENERAL.—Section 1851(e) of the Social Security Act (42 U.S.C. 1395w-21(e)) is amended—

(A) in paragraph (2)(B)—

(i) in the heading, by striking “FOR FIRST 6 MONTHS”;

(ii) in clause (i), by striking “the first 6 months of 2006,” and all that follows through “is a Medicare+Choice eligible individual,” and inserting “2006.”;

(iii) in clause (ii), by inserting “(other than during 2006)” after “paragraph (3)”; and

(B) in paragraph (4), by striking “2006” and inserting “2007” each place it appears.

(2) CONFORMING AMENDMENT.—Section 1860D-1(b)(1)(B)(iii) of the Social Security Act (42 U.S.C. 1395w-101(b)(1)(B)(iii)) is amended by striking “subparagraphs (B) and (C) of paragraph (2)” and inserting “paragraph (2)(C)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173).

#### NOTICES OF HEARINGS/MEETINGS

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. Domenici. Mr. President, I would like to announce for the information of