Whereas over 100 pieces of the Parthenon's sculptures—now known as the Parthenon Marbles—were removed from the Parthenon under questionable circumstances between 1801 and 1816 by Thomas Bruce, seventh Earl of Elgin, while Greece was still under Ottoman rule;

Whereas the removal of the Parthenon Marbles, including their perilous voyage to Great Britain and their careless storage there for many years greatly endangered the Marbles;

Whereas the Parthenon Marbles were removed to grace the private home of Lord Elgin, who transferred the Marbles to the British Museum only after severe personal economic misfortunes;

Whereas the sculptures of the Parthenon were designed as an integral part of the structure of the Parthenon temple; the carvings of the friezes, pediments, and metopes are not merely statuary, movable decorative art, but are integral parts of the Parthenon, which can best be appreciated if all the Parthenon Marbles are reunified.

Whereas the Parthenon is a universal symbol of culture, democracy, and freedom, making the Parthenon Marbles of concern not only to Greece but to all the world;

Whereas, since obtaining independence in 1830, Greece has sought the return of the Parthenon Marbles;

Whereas the return of the Parthenon Marbles would be a profound demonstration by the United Kingdom of its appreciation and respect for the Parthenon and classical art;

Whereas returning the Parthenon Marbles to Greece would be a gesture of good will on the part of the British Parliament, and would set no legal precedent, nor in any other way affect the ownership or disposition of other objects in museums in the United States or around the world;

Whereas the United Kingdom should return the Parthenon Marbles in recognition that the Parthenon is part of the cultural heritage of the entire world and, as such, should be made whole;

Whereas Greece would provide care for the Parthenon Marbles equal or superior to the care provided by the British Museum, especially considering the irreparable harm caused by attempts by the museum to remove the original color and patina of the Marbles with abrasive cleaners;

Whereas Greece is constructing a new, permanent museum in full view of the Acropolis to house all the Marbles, protected from the elements in a safe, climate-controlled environment;

Whereas Greece has pledged to work with the British government to negotiate mutually agreeable conditions for the return of the Parthenon Marbles;

Where the people of Greece have a greater, ancient bond to the Parthenon Marbles, which were in Greece for over 2,200 years of the over 2,430-year history of the Parthenon;

Whereas the British people support the return of the Parthenon Marbles, as reflected in several recent polls;

Whereas a resolution signed by a majority of members of the European Parliament urged the British government to return the Parthenon Marbles to their natural setting in Greece;

Whereas the British House of Commons Select Committee on Culture, Media and Sport is to be commended for examining the issue of the disposition of the Parthenon Marbles in hearings held in 2000; and

Whereas Athens, Greece—birthplace of the Olympics—was selected as the host city of the Olympics Games in 2004, and the Parthenon Marbles should returned to their home in Athens in 2004; Now, therefore, be it

Resolved, by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the Government of the United Kingdom should enter into negotiations with the Government of Greece as soon as possible to facilitate the return of the Parthenon Marbles to Greece.

SENATE CONCURRENT RESOLUTION 135—AUTHORIZING THE PRINTING OF A COMMEMORATIVE DOCUMENT IN MEMORY OF THE LATE PRESIDENT OF THE UNITED STATES, RONALD WILSON REAGAN

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 135

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. COMMEMORATIVE DOCUMENT AUTHORIZED.

A commemorative document in memory of the late President of the United States, Ronald Wilson Reagan, consisting of the eulogies and encomiums for Ronald Wilson Reagan, as expressed in the Senate and the House of Representatives, together with the texts of the state funeral ceremony at the United States Capitol Rotunda, the national funeral service held at the Washington National Cathedral, Washington, District of Columbia, and the interment ceremony at the Ronald Reagan Presidential Library, Simi Valley, California, shall be printed as a Senate document, with illustrations and suitable binding.

SEC. 2. PRINTING OF DOCUMENT.

In addition to the usual number of copies printed, there shall be printed the lesser of—

(1) 32,500 copies of the commemorative document, of which 22,150 copies shall be for the use of the House of Representatives and 10,350 copies shall be for the use of the Senate; or

(2) such number of copies of the commemorative document that does not exceed a production and printing cost of $1,000,000, with distribution of the copies to be allocated in the same proportion as described in paragraph (1).

AMENDMENTS SUBMITTED AND PROPOSED

SA 3567. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 2386, to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table.

SA 3568. Mr. FRIST (for Mr. GREGG) proposed an amendment to the bill S. 720 to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely effect patient safety.

SA 3569. Mr. FRIST (for Mr. KYL (for himself, Mrs. FEINSTEIN, Mr. LUGAR, and Mr. BIDEN)) proposed an amendment to the concurrent resolution S. Con. Res. 81, expressing the concern of Congress over Iran's development of the means to produce nuclear weapons.

SA 3570. Mr. FRIST (for Mr. KYL) proposed an amendment to the concurrent resolution S. Con. Res. 81, supra.

SA 3571. Mr. FRIST (for Mr. KYL) proposed an amendment to the concurrent resolution S. Con. Res. 81, supra.

SA 3572. Mr. FRIST (for Mr. KYL (for himself, Mrs. FEINSTEIN, Mr. LUGAR, and Mr. BIDEN)) proposed an amendment to the concurrent resolution H. Con. Res. 398, expressing the concern of Congress over Iran's development of the means to produce nuclear weapons.

SA 3573. Mr. FRIST (for Mr. KYL (for himself and Mrs. FEINSTEIN)) proposed an amendment to the concurrent resolution H. Con. Res. 398, supra.

SA 3574. Mr. FRIST (for Mr. KYL (for himself and Mrs. FEINSTEIN)) proposed an amendment to the concurrent resolution H. Con. Res. 398, supra.

SA 3575. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 849, to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership; which was referred to the Committee on Energy and Natural Resources.

TEXT OF AMENDMENTS

SA 3567. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 2386, to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, strike lines 10 through 16.

SA 3568. Mr. FRIST (for Mr. GREGG) submitted an amendment intended to be proposed by him to the bill S. 720, to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely effect patient safety; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Patient Safety and Quality Improvement Act of 2004''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1999, the Institute of Medicine released a report entitled To Err is Human that described medical errors as the eighth leading cause of death in the United States, with as many as 98,000 people dying as a result of medical errors each year.

(2) To address these deaths and injuries due to medical errors, the health care system must identify and learn from such errors so that systems of care can be improved.

(3) In their report, the Institute of Medicine called on Congress to provide legal protections with respect to information reported for the purposes of quality improvement and patient safety.

(4) The Health, Education, Labor, and Pensions Committee of the Senate held 4 hearings in the 106th Congress and 1 hearing in the 107th Congress on patient safety where experts in the field supported the recommendation of the Institute of Medicine for congressional action.

(5) Myriad public and private patient safety initiatives have begun. The Quality Interagency Coordination Taskforce has recommended steps to improve patient safety that may be taken by each Federal agency

involved in health care and activities relating to these steps are ongoing.

(6) The research on patient safety unequivocally calls for a learning environment, rather than a punitive environment, in order to improve patient safety.

(7) Voluntary data gathering systems are more supportive than mandatory systems in creating the learning environment referred to in paragraph (6) as stated in the Institute of Medicine's report.

(8) Promising patient safety reporting systems have been established throughout the United States and the best ways to structure and use these systems are currently being determined, largely through projects funded by the Agency for Healthcare Research and Quality.

(9) Many organizations currently collecting patient safety data have expressed a need for legal protections that will allow them to review protected information and collaborate in the development and implementation of patient safety improvement strategies. Currently, the State peer review protections are inadequate to allow the sharing of information to promote patient safety.

(b) PURPOSES.—It is the purpose of this Act to—

(1) encourage a culture of safety and quality in the United States health care system by providing for legal protection of information reported voluntarily for the purposes of quality improvement and patient safety; and

(2) ensure accountability by raising standards and expectations for continuous quality improvements in patient safety.

SEC. 3. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.

Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended—

(1) in section 912(c), by inserting '', in accordance with part C,'' after ''The Director shall'';

(2) by redesignating part C as part D;

(3) by redesignating sections 921 through 928, as sections 931 through 938, respectively;

(4) in 934(d) (as so redesignated), by striking the second sentence and inserting the following: ''Penalties provided for under this section shall be imposed and collected by the Secretary using the administrative and procedural processes used to impose and collect civil money penalties under section 1128A of the Social Security Act (other than subsections (a) and (b), the second sentence of subsection (f), and subsections (i), (m), and (n)), unless the Secretary determines that a modification of procedures would be more suitable or reasonable to carry out this subsection and provides for such modification by regulation.'';

(5) in section 938(1) (as so redesignated), by striking ''921'' and inserting ''931''; and

(6) by inserting after part B the following:

''PART C—PATIENT SAFETY IMPROVEMENT

''SEC. 921. DEFINITIONS.

''In this part:

''(1) NON-IDENTIFIABLE INFORMATION.—

''(A) IN GENERAL.—The term 'non-identifiable information' means, with respect to information, that the information is presented in a form and manner that prevents the identification of a provider, a patient, or a reporter of patient safety data.

''(B) IDENTIFIABILITY OF PATIENT.—For purposes of subparagraph (A), the term 'presented in a form and manner that prevents the identification of a patient' means, with respect to information that has been subject to rules promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note), that the information has been de-identified so that it is no longer individually identifiable health information as defined in such rules.

''(2) PATIENT SAFETY DATA.—

''(A) IN GENERAL.—The term 'patient safety data' means—

''(i) any data, reports, records, memoranda, analyses (such as root cause analyses), or written or oral statements that are—

''(I) collected or developed by a provider for reporting to a patient safety organization, provided that they are reported to the patient safety organization within 60 days;

''(II) requested by a patient safety organization (including the contents of such request), if they are reported to the patient safety organization within 60 days;

''(III) reported to a provider by a patient safety organization; or

''(IV) collected by a patient safety organization from another patient safety organization, or developed by a patient safety organization;

that could result in improved patient safety, health care quality, or health care outcomes; or

''(ii) any deliberative work or process with respect to any patient safety data described in clause (i).

''(B) LIMITATION.—

''(i) COLLECTION.—If the original material from which any data, reports, records, memoranda, analyses (such as root cause analyses), or written or oral statements referred to in subclause (I) or (IV) of subparagraph (A)(i) are collected and is not patient safety data, the act of such collection shall not make such original material patient safety data for purposes of this part.

''(ii) SEPARATE DATA.—The term 'patient safety data' shall not include information (including a patient's medical record, billing and discharge information or any other patient or provider record) that is collected or developed separately from and that exists separately from patient safety data. Such separate information or a copy thereof submitted to a patient safety organization shall not itself be considered as patient safety data. Nothing in this part, except for section 922(f)(1), shall be construed to limit—

''(I) the discovery of or admissibility of information described in this subparagraph in a criminal, civil, or administrative proceeding;

''(II) the reporting of information described in this subparagraph to a Federal, State, or local governmental agency for public health surveillance, investigation, or other public health purposes or health oversight purposes; or

''(III) a provider's recordkeeping obligation with respect to information described in this subparagraph under Federal, State, or local law.

''(3) PATIENT SAFETY ORGANIZATION.—The term 'patient safety organization' means a private or public entity or component thereof that is currently listed by the Secretary pursuant to section 924(c).

''(4) PATIENT SAFETY ORGANIZATION ACTIVITIES.—The term 'patient safety organization activities' means the following activities, which are deemed to be necessary for the proper management and administration of a patient safety organization:

''(A) The conduct, as its primary activity, of efforts to improve patient safety and the quality of health care delivery.

''(B) The collection and analysis of patient safety data that are submitted by more than one provider.

''(C) The development and dissemination of information to providers with respect to improving patient safety, such as recommendations, protocols, or information regarding best practices.

''(D) The utilization of patient safety data for the purposes of encouraging a culture of safety and of providing direct feedback and assistance to providers to effectively minimize patient risk.

''(E) The maintenance of procedures to preserve confidentiality with respect to patient safety data.

''(F) The provision of appropriate security measures with respect to patient safety data.

''(G) The utilization of qualified staff.

''(5) PERSON.—The term 'person' includes Federal, State, and local government agencies.

''(6) PROVIDER.—The term 'provider' means—

''(A) a person licensed or otherwise authorized under State law to provide health care services, including—

''(i) a hospital, nursing facility, comprehensive outpatient rehabilitation facility, home health agency, hospice program, renal dialysis facility, ambulatory surgical center, pharmacy, physician or health care practitioner's office, long term care facility, behavior health residential treatment facility, clinical laboratory, or health center; or

''(ii) a physician, physician assistant, nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, certified nurse midwife, psychologist, certified social worker, registered dietitian or nutrition professional, physical or occupational therapist, pharmacist, or other individual health care practitioner; or

''(B) any other person specified in regulations promulgated by the Secretary.

''SEC. 922. PRIVILEGE AND CONFIDENTIALITY PROTECTIONS.

''(a) PRIVILEGE.—Notwithstanding any other provision of Federal, State, or local law, patient safety data shall be privileged and, subject to the provisions of subsection (c)(1), shall not be—

''(1) subject to a Federal, State, or local civil, criminal, or administrative subpoena;

''(2) subject to discovery in connection with a Federal, State, or local civil, criminal, or administrative proceeding;

''(3) disclosed pursuant to section 552 of title 5, United States Code (commonly known as the Freedom of Information Act) or any other similar Federal, State, or local law;

''(4) admitted as evidence or otherwise disclosed in any Federal, State, or local civil, criminal, or administrative proceeding; or

''(5) utilized in a disciplinary proceeding against a provider.

''(b) CONFIDENTIALITY.—Notwithstanding any other provision of Federal, State, or local law, and subject to the provisions of subsections (c) and (d), patient safety data shall be confidential and shall not be disclosed.

''(c) EXCEPTIONS TO PRIVILEGE AND CONFIDENTIALITY.—Nothing in this section shall be construed to prohibit one or more of the following uses or disclosures:

''(1) Disclosure by a provider or patient safety organization of relevant patient safety data for use in a criminal proceeding only after a court makes an in camera determination that such patient safety data contains evidence of a wanton and criminal act to directly harm the patient.

''(2) Voluntary disclosure of non-identifiable patient safety data by a provider or a patient safety organization.

''(d) PROTECTED DISCLOSURE AND USE OF INFORMATION.—Nothing in this section shall be construed to prohibit one or more of the following uses or disclosures:

''(1) Disclosure of patient safety data by a person that is a provider, a patient safety organization, or a contractor of a provider or patient safety organization, to another such person, to carry out patient safety organization activities.

''(2) Disclosure of patient safety data by a provider or patient safety organization to

grantees or contractors carrying out patient safety research, evaluation, or demonstration projects authorized by the Director.

''(3) Disclosure of patient safety data by a provider to an accrediting body that accredits that provider.

''(4) Voluntary disclosure of patient safety data by a patient safety organization to the Secretary for public health surveillance if the consent of each provider identified in, or providing, such data is obtained prior to such disclosure. Nothing in the preceding sentence shall be construed to prevent the release of patient safety data that is provided by, or that relates solely to, a provider from which the consent described in such sentence is obtained because one or more other providers do not provide such consent with respect to the disclosure of patient safety date that relates to such nonconsenting providers. Consent for the future release of patient safety data for such purposes may be requested by the patient safety organization at the time the data is submitted.

''(5) Voluntary disclosure of patient safety data by a patient safety organization to State or local government agencies for public health surveillance if the consent of each provider identified in, or providing, such data is obtained prior to such disclosure. Nothing in the preceding sentence shall be construed to prevent the release of patient safety data that is provided by, or that relates solely to, a provider from which the consent described in such sentence is obtained because one or more other providers do not provide such consent with respect to the disclosure of patient safety date that relates to such nonconsenting providers. Consent for the future release of patient safety data for such purposes may be requested by the patient safety organization at the time the data is submitted.

''(e) CONTINUED PROTECTION OF INFORMATION AFTER DISCLOSURE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), patient safety data that is used or disclosed shall continue to be privileged and confidential as provided for in subsections (a) and (b), and the provisions of such subsections shall apply to such data in the possession or control of—

''(A) a provider or patient safety organization that possessed such data before the use or disclosure; or

''(B) a person to whom such data was disclosed.

''(2) EXCEPTION.—Notwithstanding paragraph (1), and subject to paragraph (3)—

''(A) if patient safety data is used or disclosed as provided for in subsection (c)(1), and such use or disclosure is in open court, the confidentiality protections provided for in subsection (b) shall no longer apply to such data; and

''(B) if patient safety data is used or disclosed as provided for in subsection (c)(2), the privilege and confidentiality protections provided for in subsections (a) and (b) shall no longer apply to such data.

''(3) CONSTRUCTION.—Paragraph (2) shall not be construed as terminating or limiting the privilege or confidentiality protections provided for in subsection (a) or (b) with respect to data other than the specific data used or disclosed as provided for in subsection (c).

''(f) LIMITATION ON ACTIONS.—

''(1) PATIENT SAFETY ORGANIZATIONS.—Except to enforce disclosures pursuant to subsection (c)(1), no action may be brought or process served against a patient safety organization to compel disclosure of information collected or developed under this part whether or not such information is patient safety data unless such information is specifically identified, is not patient safety data, and cannot otherwise be obtained.

''(2) PROVIDERS.—An accrediting body shall not take an accrediting action against a provider based on the good faith participation of the provider in the collection, development, reporting, or maintenance of patient safety data in accordance with this part. An accrediting body may not require a provider to reveal its communications with any patient safety organization established in accordance with this part.

''(g) REPORTER PROTECTION.—

''(1) IN GENERAL.—A provider may not take an adverse employment action, as described in paragraph (2), against an individual based upon the fact that the individual in good faith reported information—

''(A) to the provider with the intention of having the information reported to a patient safety organization; or

''(B) directly to a patient safety organization.

''(2) ADVERSE EMPLOYMENT ACTION.—For purposes of this subsection, an 'adverse employment action' includes—

''(A) loss of employment, the failure to promote an individual, or the failure to provide any other employment-related benefit for which the individual would otherwise be eligible; or

''(B) an adverse evaluation or decision made in relation to accreditation, certification, credentialing, or licensing of the individual.

''(h) ENFORCEMENT.—

''(1) PROHIBITION.—Except as provided in subsections (c) and (d) and as otherwise provided for in this section, it shall be unlawful for any person to negligently or intentionally disclose any patient safety data, and any such person shall, upon adjudication, be assessed in accordance with section 934(d).

''(2) RELATION TO HIPAA.—The penalty provided for under paragraph (1) shall not apply if the defendant would otherwise be subject to a penalty under the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note) or under section 1176 of the Social Security Act (42 U.S.C. 1320d-5) for the same disclosure.

''(3) EQUITABLE RELIEF.—

''(A) IN GENERAL.—Without limiting remedies available to other parties, a civil action may be brought by any aggrieved individual to enjoin any act or practice that violates subsection (g) and to obtain other appropriate equitable relief (including reinstatement, back pay, and restoration of benefits) to redress such violation.

''(B) AGAINST STATE EMPLOYEES.—An entity that is a State or an agency of a State government may not assert the privilege described in subsection (a) unless before the time of the assertion, the entity or, in the case of and with respect to an agency, the State has consented to be subject to an action as described by this paragraph, and that consent has remained in effect.

''(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

''(1) limit other privileges that are available under Federal, State, or local laws that provide greater confidentiality protections or privileges than the privilege and confidentiality protections provided for in this section;

''(2) limit, alter, or affect the requirements of Federal, State, or local law pertaining to information that is not privileged or confidential under this section;

''(3) alter or affect the implementation of any provision of section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2033), section 1176 of the Social Security Act (42 U.S.C. 1320d-5), or any regulation promulgated under such sections;

''(4) limit the authority of any provider, patient safety organization, or other person to enter into a contract requiring greater confidentiality or delegating authority to make a disclosure or use in accordance with subsection (c) or (d); and

''(5) prohibit a provider from reporting a crime to law enforcement authorities, regardless of whether knowledge of the existence of, or the description of, the crime is based on patient safety data, so long as the provider does not disclose patient safety data in making such report.

''SEC. 923. PATIENT SAFETY NETWORK OF DATABASES.

''(a) IN GENERAL.—The Secretary shall maintain a patient safety network of databases that provides an interactive evidence-based management resource for providers, patient safety organizations, and other persons. The network of databases shall have the capacity to accept, aggregate, and analyze nonidentifiable patient safety data voluntarily reported by patient safety organizations, providers, or other persons.

''(b) NETWORK OF DATABASE STANDARDS.—The Secretary may determine common formats for the reporting to the patient safety network of databases maintained under subsection (a) of nonidentifiable patient safety data, including necessary data elements, common and consistent definitions, and a standardized computer interface for the processing of such data. To the extent practicable, such standards shall be consistent with the administrative simplification provisions of Part C of title XI of the Social Security Act.

''SEC. 924. PATIENT SAFETY ORGANIZATION CERTIFICATION AND LISTING.

''(a) CERTIFICATION.—

''(1) INITIAL CERTIFICATION.—Except as provided in paragraph (2), an entity that seeks to be a patient safety organization shall submit an initial certification to the Secretary that the entity intends to perform the patient safety organization activities.

''(2) DELAYED CERTIFICATION OF COLLECTION FROM MORE THAN ONE PROVIDER.—An entity that seeks to be a patient safety organization may—

''(A) submit an initial certification that it intends to perform patient safety organization activities other than the activities described in subparagraph (B) of section 921(4); and

''(B) within 2 years of submitting the initial certification under subparagraph (A), submit a supplemental certification that it performs the patient safety organization activities described in subparagraphs (A) through (F) of section 921(4).

''(3) EXPIRATION AND RENEWAL.—

''(A) EXPIRATION.—An initial certification under paragraph (1) or (2)(A) shall expire on the date that is 3 years after it is submitted.

''(B) RENEWAL.—

''(i) IN GENERAL.—An entity that seeks to remain a patient safety organization after the expiration of an initial certification under paragraph (1) or (2)(A) shall, within the 3-year period described in subparagraph (A), submit a renewal certification to the Secretary that the entity performs the patient safety organization activities described in section 921(4).

''(ii) TERM OF RENEWAL.—A renewal certification under clause (i) shall expire on the date that is 3 years after the date on which it is submitted, and may be renewed in the same manner as an initial certification.

''(b) ACCEPTANCE OF CERTIFICATION.—Upon the submission by an organization of an initial certification pursuant to subsection (a)(1) or (a)(2)(A), a supplemental certification pursuant to subsection (a)(2)(B), or a renewal certification pursuant to subsection

(a)(3)(B), the Secretary shall review such certification and—

''(1) if such certification meets the requirements of subsection (a)(1), (a)(2)(A), (a)(2)(B), or (a)(3)(B), as applicable, the Secretary shall notify the organization that such certification is accepted; or

''(2) if such certification does not meet such requirements, as applicable, the Secretary shall notify the organization that such certification is not accepted and the reasons therefor.

''(c) LISTING.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary shall compile and maintain a current listing of patient safety organizations with respect to which the Secretary has accepted a certification pursuant to subsection (b).

''(2) REMOVAL FROM LISTING.—The Secretary shall remove from the listing under paragraph (1)—

''(A) an entity with respect to which the Secretary has accepted an initial certification pursuant to subsection (a)(2)(A) and which does not submit a supplemental certification pursuant to subsection (a)(2)(B) that is accepted by the Secretary;

''(B) an entity whose certification expires and which does not submit a renewal application that is accepted by the Secretary; and

''(C) an entity with respect to which the Secretary revokes the Secretary's acceptance of the entity's certification, pursuant to subsection (d).

''(d) REVOCATION OF ACCEPTANCE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if the Secretary determines (through a review of patient safety organization activities) that a patient safety organization does not perform one of the patient safety organization activities described in subparagraph (A) through (F) of section 921(4), the Secretary may, after notice and an opportunity for a hearing, revoke the Secretary's acceptance of the certification of such organization.

''(2) DELAYED CERTIFICATION OF COLLECTION FROM MORE THAN ONE PROVIDER.—A revocation under paragraph (1) may not be based on a determination that the organization does not perform the activity described in section 921(4)(B) if—

''(A) the listing of the organization is based on its submittal of an initial certification under subsection (a)(2)(A);

''(B) the organization has not submitted a supplemental certification under subsection (a)(2)(B); and

''(C) the 2-year period described in subsection (a)(2)(B) has not expired.

''(e) NOTIFICATION OF REVOCATION OR REMOVAL FROM LISTING.—

''(1) SUPPLYING CONFIRMATION OF NOTIFICATION TO PROVIDERS.—Within 15 days of a revocation under subsection (d)(1), a patient safety organization shall submit to the Secretary a confirmation that the organization has taken all reasonable actions to notify each provider whose patient safety data is collected or analyzed by the organization of such revocation.

''(2) PUBLICATION.—Upon the revocation of an acceptance of an organization's certification under subsection (d)(1), or upon the removal of an organization from the listing under subsection (c)(2), the Secretary shall publish notice of the revocation or removal in the Federal Register.

''(f) STATUS OF DATA AFTER REMOVAL FROM LISTING.—

''(1) NEW DATA.—With respect to the privilege and confidentiality protections described in section 922, data submitted to an organization within 30 days after the organization is removed from the listing under subsection (c)(2) shall have the same status as data submitted while the organization was still listed.

''(2) PROTECTION TO CONTINUE TO APPLY.—If the privilege and confidentiality protections described in section 922 applied to data while an organization was listed, or during the 30-day period described in paragraph (1), such protections shall continue to apply to such data after the organization is removed from the listing under subsection (c)(2).

''(g) DISPOSITION OF DATA.—If the Secretary removes an organization from the listing as provided for in subsection (c)(2), with respect to the patient safety data that the organization received from providers, the organization shall—

''(1) with the approval of the provider and another patient safety organization, transfer such data to such other organization;

''(2) return such data to the person that submitted the data; or

''(3) if returning such data to such person is not practicable, destroy such data.

''SEC. 925. TECHNICAL ASSISTANCE.

''The Secretary, acting through the Director, may provide technical assistance to patient safety organizations, including convening annual meetings for patient safety organizations to discuss methodology, communication, data collection, or privacy concerns.

''SEC. 926. PROMOTING THE INTEROPERABILITY OF HEALTH CARE INFORMATION TECHNOLOGY SYSTEMS.

''(a) DEVELOPMENT.—Not later than 36 months after the date of enactment of the Patient Safety and Quality Improvement Act of 2004, the Secretary shall develop or adopt voluntary standards that promote the electronic exchange of health care information.

''(b) UPDATES.—The Secretary shall provide for the ongoing review and periodic updating of the standards developed under subsection (a).

''(c) DISSEMINATION.—The Secretary shall provide for the dissemination of the standards developed and updated under this section.

''SEC. 927. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated such sums as may be necessary to carry out this part.''.

SEC. 4. STUDIES AND REPORTS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract (based upon a competitive contracting process) with an appropriate research organization for the conduct of a study to assess the impact of medical technologies and therapies on patient safety, patient benefit, health care quality, and the costs of care as well as productivity growth. Such study shall examine—

(1) the extent to which factors, such as the use of labor and technological advances, have contributed to increases in the share of the gross domestic product that is devoted to health care and the impact of medical technologies and therapies on such increases;

(2) the extent to which early and appropriate introduction and integration of innovative medical technologies and therapies may affect the overall productivity and quality of the health care delivery systems of the United States; and

(3) the relationship of such medical technologies and therapies to patient safety, patient benefit, health care quality, and cost of care.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report containing the results of the study conducted under subsection (a).

SA 3569. Mr. FRIST (for Mr. KYL (for himself, Mrs. FEINSTEIN, Mr. LUGAR, and Mr. BIDEN)) proposed an amendment to the concurrent resolution S. Con. Res. 81, expressing the concern of Congress over Iran's development of the means to produce nuclear weapons; as follows:

Strike all after the resolving clause and insert the following:

That Congress—

(1) condemns—

(A) the failure of the Government of Iran for nearly two decades to report material, facilities, and activities to the International Atomic Energy Agency (IAEA) in contravention of its obligations under its Safeguards Agreement; and

(B) Iran's continuing deceptions and falsehoods to the IAEA and the international community about its nuclear programs and activities;

(2) concurs with the conclusion reached in the Department of State's Annual Report on Adherence to and Compliance with Arms Control and Non-Proliferation Agreements and Commitments that Iran is pursuing a program to develop nuclear weapons;

(3) urges the President to provide to the IAEA whatever financial, material, or intelligence resources are necessary to enable the IAEA it to fully investigate Iran's nuclear activities;

(4) calls upon all states party to the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (hereafter in this resolution referred to as the ''Nuclear Non-Proliferation Treaty''), including the United States, to use appropriate means to prevent Iran from acquiring nuclear weapons, including the suspension of all nuclear and other cooperation with Iran, including the provision of dual use items, until Iran fully implements the Additional Protocol to its Safeguards Agreement with the IAEA (hereafter in this resolution referred to as the ''Additional Protocol'') and is clearly in compliance with its obligations under the Nuclear Non-Proliferation Treaty;

(5) declares that Iran, through its many breaches during the past 18 years of its Safeguards Agreement with the IAEA, has forfeited the right to be trusted with the development of a full nuclear fuel cycle, especially with uranium conversion and enrichment and plutonium reprocessing technology, equipment, and facilities;

(6) declares that the revelations of Iran's nondisclosure of additional enrichment and nuclear-weapons-applicable research activities, as detailed in the reports of February 24, 2004, and June 1, 2004, by the Director General of the IAEA, together with the statement by the Government of Iran that it will not disclose other research programs, constitute ample evidence of Iran's continuing policy of noncompliance with the letter and spirit of its obligations under its Safeguards Agreement and the Additional Protocol;

(7) recognizes, in contrast with Iran's behavior, the positive example of Libya's decision to renounce and dismantle its nuclear weapons program and to provide full, complete, and transparent disclosure of all its nuclear activities, which has enabled the IAEA to rapidly understand and verify with high confidence the extent and scope of Libya's program and has led to the establishment of direct diplomatic relations with Libya, the gradual lifting of U.S. sanctions, and the establishment of cooperative programs between the United States and Libya;

(8) foresees a similar future for Iran, once that country renounces and dismantles its

weapons of mass destruction and long-range ballistic missile programs and renounces its support for international terrorist organizations;

(9) notes the assistance that the United States has provided to southeastern Iran since the Bam earthquake on December 26, 2003;

(10) calls upon Iran to immediately and permanently cease all efforts to acquire sensitive nuclear fuel cycle capabilities, in particular all uranium enrichment activities, including importing, manufacturing, and testing of related equipment;

(11) urges Iran to comply with its international commitments and to rescind its decisions—

(A) to manufacture and construct centrifuges;

(B) to produce feed material that could be used in those centrifuges; and

(C) to construct a heavy-water moderated reactor that could be used for plutonium production;

(12) calls upon Iran to honor its stated commitments and legal obligations—

(A) to grant IAEA inspectors prompt, full and unrestricted access;

(B) to cooperate fully with the investigation of its nuclear activities; and

(C) to demonstrate a new openness and honesty about all its nuclear programs;

(13) welcomes the June 26, 2004, declaration at the United States–E.U. Summit in Shannon, Ireland, in which the European Union and the United States pledged to implement United Nations Security Council Resolution 1540, which identifies actions states should take—

(A) to stop the proliferation of weapons of mass destruction;

(B) to establish new measures in accordance with the G8 Action Plan on Non-Proliferation, announced June 9, 2004, at the G8 Summit in Sea Island, Georgia; and

(C) to preserve the integrity of the Nuclear Non-Proliferation Treaty;

(14) urges close cooperation between the United States and the European Union in accordance with the reaffirmation in their June 26, 2004, declaration of ''the IAEA Board of Governors' Iran resolutions, which deplore Iran's insufficient cooperation and call on Iran, inter alia, to cooperate fully and in a timely and proactive manner, with IAEA investigation of its nuclear programme and suspend all enrichment-related and reprocessing activities'';

(15) calls upon the members of the European Union not to resume discussions with Iran on multilateral trade agreements until the IAEA Director General reports that Iran has suspended all nuclear weapons development activity, and not to implement such trade agreements until Iran has verifiably and permanently ceased all nuclear weapons development activity, including a permanent cessation of uranium conversion and enrichment and plutonium reprocessing activities;

(16) further calls upon the members of the European Union to undertake such additional measures, including imposing sanctions and sponsoring an IAEA Board of Governors report on non-compliance pursuant to Article XII of the IAEA Statute, as may be necessary to persuade Iran to cease all nuclear weapons development activity and to fulfill its obligations and commitments to the IAEA;

(17) in light of ongoing revelations of the noncompliance of the Government of Iran regarding its obligations under the Nuclear Non-Proliferation Treaty and pledges to the IAEA, and in light of the consequent and ongoing questions and concerns of the IAEA, the United States, and the international community regarding Iran's nuclear activities—

(A) urges Japan to ensure that Japanese commercial entities not proceed with the development of Iran's Azadegan oil field;

(B) urges France and Malaysia to ensure that French and Malaysian commercial entities not proceed with their agreement for further cooperation in expanding Iran's liquid natural gas production field;

(C) calls on all countries to intercede with their commercial entities to ensure that these entities refrain from or suspend all investment and investment-related activities that support Iran's energy industry; and

(D) calls on Member States of the United Nations to prevent the Government of Iran from continuing to pursue and develop programs or facilities that could be used in a nuclear weapons program and to end all nuclear cooperation with Iran, including the provision of dual use items, until Iran complies fully with its Safeguards Agreement with the IAEA and its obligations under the Nuclear Non-Proliferation Treaty;

(18) deplores any effort by any country to provide nuclear power-related assistance to Iran at this time, and calls upon Russia—

(A) to use all appropriate means to urge Iran to meet fully its obligations and commitments to the IAEA; and

(B) to suspend nuclear cooperation with Iran and not conclude a nuclear fuel supply agreement for the Bushehr reactor that would enter into force before Iran has verifiably and permanently ceased all nuclear weapons development activity, including a permanent cessation of uranium conversion and enrichment and plutonium reprocessing activities;

(19) calls upon the governments of the countries whose nationals and corporations are implicated in assisting Iranian nuclear activities, including Pakistan, Malaysia, the United Arab Emirates, and Germany—

(A) to fully investigate such assistance;

(B) to grant the IAEA all necessary access to individuals, sites, and information related to the investigations;

(C) to take all appropriate action against such nationals and corporations under the laws of those countries; and

(D) to immediately review and rectify their export control laws, regulations, and practices in order to prevent further assistance to countries pursuing nuclear programs that could support the development of nuclear weapons;

(20) urges the IAEA Board of Governors, in accordance with Article XII of the IAEA Statute—

(A) to report to the United Nations Security Council that Iran has been in noncompliance with its agreements with the IAEA; and

(B) as appropriate, to specify areas in which Iran continues to be in noncompliance with its agreements with the IAEA or with the Nuclear Non-Proliferation Treaty, or in which its compliance is uncertain;

(21) urges the United Nations Security Council, bearing in mind its decision in Resolution 1540 that the ''proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,'' to consider measures necessary—

(A) to support the inspection efforts by the IAEA; and

(B) to prevent Iran from further engaging in clandestine nuclear activities;

(22) further urges the United Nations Security Council, immediately upon receiving any report from the IAEA regarding the continuing non-compliance of Iran with its obligations, to address the threat to international peace and security posed by Iran's nuclear weapons program and take such action as may be necessary under Article 39, Article 40, and Article 41 of the Charter of the United Nations;

(23) urges the United Nations Security Council, the Nuclear Suppliers Group, the Zangger Committee, and other relevant international entities to declare that non-nuclear-weapon states under the Nuclear Non-Proliferation Treaty that commit significant violations of their safeguards agreements regarding uranium enrichment or plutonium reprocessing or engage in activities intended to support a military nuclear program thereby forfeit their right under the Nuclear Non-Proliferation Treaty to engage in nuclear fuel-cycle activities;

(24) further urges the United Nations Security Council, the Nuclear Suppliers Group, the Zangger Committee, the International Atomic Energy Agency, other relevant international entities, and all states party to the Nuclear Non-Proliferation Treaty, including the United States, to seek consensus, no later than the 2005 Nuclear Non-Proliferation Treaty Review Conference in Geneva, Switzerland, on the best and most equitable means to limit the right of non-nuclear weapons states to engage in those nuclear fuel cycle activities that could contribute to the development of nuclear weapons, while providing those states assured and affordable access to—

(A) nuclear reactor fuel and other materials used in peaceful nuclear activities; and

(B) spent fuel management; and

(25) urges the President to keep Congress fully and currently informed concerning the matters addressed in this resolution.

SA 3570. Mr. FRIST (for Mr. KYL) proposed an amendment to the concurrent resolution S. Con. Res. 81, expressing the concern of Congress over Iran's development of the means to produce nuclear weapons; as follows:

Whereas it is the policy of the United States to oppose, and urgently to seek the agreement of other nations also to oppose, any transfer to Iran of any goods or technology, including dual-use goods or technology, wherever that transfer could contribute to its acquiring chemical, biological, or nuclear weapons;

Whereas the United Nations Security Council decided, in United Nations Security Council Resolution 1540, that ''all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical, or biological weapons and their means of delivery'';

Whereas the United States has imposed sanctions numerous times on persons and entities transferring equipment and technical data to Iran to assist its weapons of mass destruction programs;

Whereas on January 1, 1968, Iran signed the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (the ''Nuclear Non-Proliferation Treaty'');

Whereas Iran, as a party to the Nuclear Non-Proliferation Treaty as a non-nuclear weapons state, is obligated never to develop or acquire nuclear weapons;

Whereas Iran did not declare to the International Atomic Energy Agency (IAEA) the existence of the Natanz Pilot Fuel Enrichment Plant and the production-scale Fuel Enrichment Facility under construction at Natanz until February 2003, after the existence of the plant and facility was revealed by an opposition group;

Whereas it is estimated that the Natanz Pilot Fuel Enrichment Plant could produce

enough highly enriched uranium for a nuclear weapon every year-and-a-half to two years;

Whereas it is estimated that the Natanz Fuel Enrichment Facility could, when completed, produce enough highly enriched uranium for as many as 25 to 30 nuclear weapons per year;

Whereas, in his report of June 6, 2003, the Director General of the IAEA stated that Iran had failed to meet its obligations under its Safeguards Agreement with the IAEA to report all nuclear material imported into Iran—specifically, the importation of uranium hexafluoride, uranium tetrafluoride and uranium dioxide in 1991—the processing and use of that material, and the facilities involved in the use and processing of the material;

Whereas the IAEA Director General stated in the same report that Iran had produced uranium metal and was building a uranium metal processing facility, despite the fact that neither its light water reactors nor its planned heavy water reactors require uranium metal for fuel;

Whereas the IAEA Board of Governors urged Iran in June 2003 to promptly rectify its failures to meet its obligations under its Safeguards Agreement, not to introduce nuclear material into the Natanz Pilot Fuel Enrichment Plant, and to cooperate fully with the Agency in resolving questions about its nuclear activities;

Whereas the IAEA Director General reported to the Board of Governors of the IAEA in August 2003 that Iran had failed to disclose additional nuclear activities as required by its Safeguards Agreement and continued to fail to resolve questions about its undeclared uranium enrichment activities, including those raised by the detection of two types of highly enriched uranium particles at the Natanz Pilot Fuel Enrichment Plant;

Whereas on August 19, 2003, after earlier denials, Iran admitted in a letter that it had carried out uranium conversion experiments in the early 1990's, experiments that included bench scale preparation of uranium compounds and that should have been disclosed to the IAEA in accordance with its obligations under its Safeguards Agreement;

Whereas the IAEA Board of Governors on September 12, 2003, called on Iran to suspend all further uranium enrichment and any plutonium reprocessing activities, disclose all its nuclear activities, and cooperate fully with the IAEA, and to sign, ratify, and fully implement the Additional Protocol between Iran and the IAEA for the application of safeguards (the ''Additional Protocol'') to strengthen investigation of all nuclear activities within Iran, and requested all third countries to cooperate closely and fully with the IAEA in resolving questions about Iran's nuclear program;

Whereas IAEA inspectors and officials continued to confront Iran with discrepancies in its explanations of its nuclear activities;

Whereas on October 21, 2003, Iran and the Foreign Ministers of France, Germany, and the United Kingdom issued a joint statement in which Iran indicated that it had decided to suspend all uranium enrichment and reprocessing activities as defined by the IAEA;

Whereas the Governments of France, Germany, and the United Kingdom promised a dialogue with Iran to ease Iran's access to modern technologies and supplies in a range of areas once certain international concerns regarding Iran are fully resolved;

Whereas, in a subsequent letter on October 23, 2003, Iran further admitted that it had tested uranium enrichment centrifuges at the Kalaye Electric Company between 1998 and 2002 using its previously undeclared imported uranium hexafluoride;

Whereas in that same letter, Iran admitted that it had a laser uranium enrichment program, in which it used 30 kilograms of uranium not previously declared to the IAEA, another violation of its Safeguards Agreement;

Whereas Iran indicated initially that its laser enrichment program had achieved uranium enrichment levels of slightly more than 3 percent, but the Director General's report of June 1, 2004, states that the IAEA later learned that Iran ''had been able to achieve average enrichment levels of 8 percent to 9 percent, with some samples of up to approximately 15 percent'';

Whereas the June 1, 2004, report states also that Iran's declaration of October 21, 2003, failed to include information that should have been provided, including the fact that ''some samples from'' the laser uranium enrichment project ''had been sent for assessment to the supplier's laboratory'';

Whereas, in its letter of October 23, 2003, Iran also admitted that it had irradiated 7 kilograms of uranium dioxide targets and reprocessed them to extract plutonium, another violation of its legal obligation to disclose such activities under its Safeguards Agreement;

Whereas Iran told the IAEA on November 10, 2003, that it would sign and ratify the Additional Protocol and would act in accordance with the Additional Protocol pending its entry-into-force;

Whereas, on November 10, 2003, Iran further informed the IAEA Director General that it had decided to suspend all enrichment and reprocessing activities in Iran, not to produce feed material for enrichment processes, and not to import enrichment related items;

Whereas the IAEA, through its investigative and forensic activities in Iran and elsewhere, has uncovered and confronted Iran about numerous lies concerning its nuclear activities;

Whereas the Director General of the IAEA reported to the IAEA Board of Governors on November 10, 2003, that Iran has concealed many aspects of its nuclear activities from the IAEA, in breach of its obligations under its Safeguards Agreement;

Whereas, despite Iran's subsequent pledge to, once again, fully disclose all of its nuclear activities to the IAEA, the Director General of the IAEA, in a February 24, 2004, report, found that Iran continued to engage in deception regarding its nuclear activities, including failing to disclose a more sophisticated enrichment program using more advanced enrichment centrifuge technology imported from foreign sources, and providing incomplete and unsupported explanations about experiments to create a highly toxic isotope of polonium that outside experts say is useful as a neutron initiator in nuclear weapons;

Whereas the Director General's reports of February 24, 2001, and June 1, 2004, stated that environmental samples from one room at the Kalaye Electric Company workshop and from equipment that had been present in that workshop showed more than trace quantities of uranium enriched to 36 percent U–235, despite finding only negligible traces of this on imported centrifuge components, and that the types of uranium contamination at that workshop differed from those found at Natanz, which would appear to contradict Iran's assertion that the source of contamination at both sites is imported centrifuge components and perhaps also its assertion that it has not enriched uranium to more than 1.2 percent U–235 using centrifuge technology;

Whereas the Director General stated in the June 1, 2004, report, that ''the contamination is different on domestic and imported centrifuges,'' that ''it is unlikely'' that the 36 percent U–235 contamination was due to components acquired from Iran's principal supplier country, and that ''important information about the P–2 centrifuge programme has frequently required repeated requests, and in some cases continues to involve changing or contradictory information'';

Whereas these deceptions by Iran are continuing violations of Iran's Safeguards Agreement and of Iran's previous assurances to the IAEA and the international community of full transparency;

Whereas despite Iran's commitment to the IAEA and to France, Germany, and the United Kingdom that it would suspend uranium enrichment activities, it has repeatedly emphasized that this suspension is temporary and continued to manufacture and, until April 2004, to import, uranium enrichment centrifuge parts and equipment, allowing it to resume and expand its uranium enrichment activities whenever it chooses;

Whereas the statements on February 25, 2004, of Hassan Rowhani, Secretary of the Supreme National Security Council of Iran, that Iran was not required to reveal to the IAEA its research into more sophisticated ''P2'' uranium enrichment centrifuges, and that Iran has other projects which it has no intention of declaring to the IAEA, are contrary to—

(1) Iran's commitment to the IAEA in an October 16, 2003, letter from the Vice President of Iran and the President of Iran's Atomic Energy Organization that Iran would present a ''full picture of its nuclear activities'' and ''full transparency'';

(2) Iran's commitment to the foreign ministers of the United Kingdom, France, and Germany of October 21, 2003, to full transparency and to resolve all outstanding issues; and

(3) its statement to the IAEA's Board of Governors of September 12, 2003, of its commitment to full transparency and to ''leave no stone unturned'' to assure the IAEA of its peaceful objectives;

Whereas Libya received enrichment equipment and technology, and a nuclear weapons design, from the same nuclear black market that Iran has used, raising the question of whether Iran, as well, received a nuclear weapon design that it has refused to reveal to international inspectors;

Whereas the Russian Federation has announced that it will soon conclude an agreement to supply Iran with enriched nuclear fuel for the Bushehr nuclear power reactor, which, if implemented, would undercut the international effort to persuade Iran to cease its nuclear weapons development program;

Whereas the IAEA Board of Governors' resolution of March 13, 2004, which was adopted unanimously, noted with ''serious concern that the declarations made by Iran in October 2003 did not amount to the complete and final picture of Iran's past and present nuclear programme considered essential by the Board's November 2003 resolution,'' and also noted that the IAEA has discovered that Iran had hidden more advanced centrifuge associated research, manufacturing, and testing activities, two mass spectrometers used in the laser enrichment program, and designs for hot cells to handle highly radioactive materials;

Whereas the same resolution also noted ''with equal concern that Iran has not resolved all questions regarding the development of its enrichment technology to its current extent, and that a number of other questions remain unresolved, including the sources of all HEU contamination in Iran; the location, extent and nature of work undertaken on the basis of the advanced centrifuge design; the nature, extent, and purpose of activities involving the planned

heavy-water reactor; and evidence to support claims regarding the purpose of polonium-210 experiments'';

Whereas Hassan Rowhani on March 13, 2004, declared that IAEA inspections would be indefinitely suspended as a protest against the IAEA Board of Governors' resolution of March 13, 2004, and while Iran subsequently agreed to readmit inspectors to one site by March 29, 2004, and to others in mid-April, 2004, including four workshops belonging to the Defence Industries Organization, this suspension calls into serious question Iran's commitment to full transparency about its nuclear activities;

Whereas Iran informed the IAEA on April 29, 2004, of its intent to produce uranium hexafluoride in amounts that the IAEA concluded would constitute production of feed material for uranium centrifuges and wrote in a letter of May 18, 2004, that its suspension of all uranium enrichment activities ''does not include suspension of production of UF6,'' which contradicted assurances provided in its letter of November 10, 2003;

Whereas the IAEA Board of Governors' resolution of June 18, 2004, which was also adopted unanimously, ''deplores'' the fact that ''Iran's cooperation has not been as full, timely and proactive as it should have been'' and ''underlines that, with the passage of time, it is becoming ever more important that Iran work proactively to enable the Agency to gain a full understanding of Iran's enrichment programme by providing all relevant information, as well as by providing prompt access to all relevant places, data and persons'';

Whereas the same resolution also expresses regret that Iran's suspension ''commitments have not been comprehensively implemented and calls on Iran immediately to correct all remaining shortcomings'';

Whereas the same resolution also calls on Iran, as further confidence-building measures, voluntarily to reconsider its decision to begin production testing at the Uranium Conversion Facility and its decision to start construction of a research reactor moderated by heavy water, as the reversal of those decisions would make it easier for Iran to restore international confidence undermined by past reports of undeclared nuclear activities in Iran;

Whereas Iran then announced its decision to resume production of centrifuge components, notwithstanding both the IAEA Board of Governors resolution of September 12, 2003, which called on Iran ''to suspend all further uranium enrichment-related activities,'' and Iran's voluntary suspension of all uranium enrichment activities pursuant to its agreement of October 21, 2003, with the foreign ministers of the United Kingdom, France, and Germany;

Whereas Iran's pattern of deception and concealment in dealing with the IAEA, the Foreign Ministers of France, Germany, and the United Kingdom, and the international community, its receipt from other countries of the means to enrich uranium, its use of sources who provided a nuclear weapon design to another country, its production of centrifuge components at Defence Industries Organization workshops, and its repeated breaches of its Safeguards Agreement suggest strongly that Iran has also violated its legal obligation under article II of the Nuclear Non-Proliferation Treaty not to acquire or seek assistance in acquiring nuclear weapons; and

Whereas the maintenance or construction by Iran of unsafeguarded nuclear facilities or uranium enrichment or reprocessing facilities will continue to endanger the maintenance of international peace and security and threaten United States national interests: Now, therefore, be it

SA 3571. Mr. FRIST (for Mr. KYL) proposed an amendment to the concurrent resolution S. Con. Res. 81, expressing the concern of Congress over Iran's development of the means to produce nuclear weapons; as follows:

Amend the title so as to read: ''Expressing the concern of Congress over Iran's development of the means to produce nuclear weapons.''.

SA 3572. Mr. FRIST (for Mr. KYL (for himself, Mrs. FEINSTEIN, Mr. LUGAR, and Mr. BIDEN)) proposed an amendment to the concurrent resolution H. Con. Res. 398, expressing the concern of Congress over Iran's development of the means to produce nuclear weapons; as follows:

Strike all after the resolving clause and insert the following:

That Congress—

(1) condemns—

(A) the failure of the Government of Iran for nearly two decades to report material, facilities, and activities to the International Atomic Energy Agency (IAEA) in contravention of its obligations under its Safeguards Agreement; and

(B) Iran's continuing deceptions and falsehoods to the IAEA and the international community about its nuclear programs and activities;

(2) concurs with the conclusion reached in the Department of State's Annual Report on Adherence to and Compliance with Arms Control and Non-Proliferation Agreements and Commitments that Iran is pursuing a program to develop nuclear weapons;

(3) urges the President to provide to the IAEA whatever financial, material, or intelligence resources are necessary to enable the IAEA it to fully investigate Iran's nuclear activities;

(4) calls upon all states party to the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (hereafter in this resolution referred to as the ''Nuclear Non-Proliferation Treaty''), including the United States, to use appropriate means to prevent Iran from acquiring nuclear weapons, including the suspension of all nuclear and other cooperation with Iran, including the provision of dual use items, until Iran fully implements the Additional Protocol to its Safeguards Agreement with the IAEA (hereafter in this resolution referred to as the ''Additional Protocol'') and is clearly in compliance with its obligations under the Nuclear Non-Proliferation Treaty;

(5) declares that Iran, through its many breaches during the past 18 years of its Safeguards Agreement with the IAEA, has forfeited the right to be trusted with the development of a full nuclear fuel cycle, especially with uranium conversion and enrichment and plutonium reprocessing technology, equipment, and facilities;

(6) declares that the revelations of Iran's nondisclosure of additional enrichment and nuclear-weapons-applicable research activities, as detailed in the reports of February 24, 2004, and June 1, 2004, by the Director General of the IAEA, together with the statement by the Government of Iran that it will not disclose other research programs, constitute ample evidence of Iran's continuing policy of noncompliance with the letter and spirit of its obligations under its Safeguards Agreement and the Additional Protocol;

(7) recognizes, in contrast with Iran's behavior, the positive example of Libya's decision to renounce and dismantle its nuclear weapons program and to provide full, complete, and transparent disclosure of all its nuclear activities, which has enabled the IAEA to rapidly understand and verify with high confidence the extent and scope of Libya's program and has led to the establishment of direct diplomatic relations with Libya, the gradual lifting of U.S. sanctions, and the establishment of cooperative programs between the United States and Libya;

(8) foresees a similar future for Iran, once that country renounces and dismantles its weapons of mass destruction and long-range ballistic missile programs and renounces its support for international terrorist organizations;

(9) notes the assistance that the United States has provided to southeastern Iran since the Bam earthquake on December 26, 2003;

(10) calls upon Iran to immediately and permanently cease all efforts to acquire sensitive nuclear fuel cycle capabilities, in particular all uranium enrichment activities, including importing, manufacturing, and testing of related equipment;

(11) urges Iran to comply with its international commitments and to rescind its decisions—

(A) to manufacture and construct centrifuges;

(B) to produce feed material that could be used in those centrifuges; and

(C) to construct a heavy-water moderated reactor that could be used for plutonium production;

(12) calls upon Iran to honor its stated commitments and legal obligations—

(A) to grant IAEA inspectors prompt, full and unrestricted access;

(B) to cooperate fully with the investigation of its nuclear activities; and

(C) to demonstrate a new openness and honesty about all its nuclear programs;

(13) welcomes the June 26, 2004, declaration at the United States–E.U. Summit in Shannon, Ireland, in which the European Union and the United States pledged to implement United Nations Security Council Resolution 1540, which identifies actions states should take—

(A) to stop the proliferation of weapons of mass destruction;

(B) to establish new measures in accordance with the G8 Action Plan on Non-Proliferation, announced June 9, 2004, at the G8 Summit in Sea Island, Georgia; and

(C) to preserve the integrity of the Nuclear Non-Proliferation Treaty;

(14) urges close cooperation between the United States and the European Union in accordance with the reaffirmation in their June 26, 2004, declaration of ''the IAEA Board of Governors' Iran resolutions, which deplore Iran's insufficient cooperation and call on Iran, inter alia, to cooperate fully and in a timely and proactive manner, with IAEA investigation of its nuclear programme and suspend all enrichment-related and reprocessing activities'';

(15) calls upon the members of the European Union not to resume discussions with Iran on multilateral trade agreements until the IAEA Director General reports that Iran has suspended all nuclear weapons development activity, and not to implement such trade agreements until Iran has verifiably and permanently ceased all nuclear weapons development activity, including a permanent cessation of uranium conversion and enrichment and plutonium reprocessing activities;

(16) further calls upon the members of the European Union to undertake such additional measures, including imposing sanctions and sponsoring an IAEA Board of Governors report on non-compliance pursuant to Article XII of the IAEA Statute, as may be necessary to persuade Iran to cease all nuclear weapons development activity and to

fulfill its obligations and commitments to the IAEA;

(17) in light of ongoing revelations of the noncompliance of the Government of Iran regarding its obligations under the Nuclear Non-Proliferation Treaty and pledges to the IAEA, and in light of the consequent and ongoing questions and concerns of the IAEA, the United States, and the international community regarding Iran's nuclear activities—

(A) urges Japan to ensure that Japanese commercial entities not proceed with the development of Iran's Azadegan oil field;

(B) urges France and Malaysia to ensure that French and Malaysian commercial entities not proceed with their agreement for further cooperation in expanding Iran's liquid natural gas production field;

(C) calls on all countries to intercede with their commercial entities to ensure that these entities refrain from or suspend all investment and investment-related activities that support Iran's energy industry; and

(D) calls on Member States of the United Nations to prevent the Government of Iran from continuing to pursue and develop programs or facilities that could be used in a nuclear weapons program and to end all nuclear cooperation with Iran, including the provision of dual use items, until Iran complies fully with its Safeguards Agreement with the IAEA and its obligations under the Nuclear Non-Proliferation Treaty;

(18) deplores any effort by any country to provide nuclear power-related assistance to Iran at this time, and calls upon Russia—

(A) to use all appropriate means to urge Iran to meet fully its obligations and commitments to the IAEA; and

(B) to suspend nuclear cooperation with Iran and not conclude a nuclear fuel supply agreement for the Bushehr reactor that would enter into force before Iran has verifiably and permanently ceased all nuclear weapons development activity, including a permanent cessation of uranium conversion and enrichment and plutonium reprocessing activities;

(19) calls upon the governments of the countries whose nationals and corporations are implicated in assisting Iranian nuclear activities, including Pakistan, Malaysia, the United Arab Emirates, and Germany—

(A) to fully investigate such assistance;

(B) to grant the IAEA all necessary access to individuals, sites, and information related to the investigations;

(C) to take all appropriate action against such nationals and corporations under the laws of those countries; and

(D) to immediately review and rectify their export control laws, regulations, and practices in order to prevent further assistance to countries pursuing nuclear programs that could support the development of nuclear weapons;

(20) urges the IAEA Board of Governors, in accordance with Article XII of the IAEA Statute—

(A) to report to the United Nations Security Council that Iran has been in noncompliance with its agreements with the IAEA; and

(B) as appropriate, to specify areas in which Iran continues to be in noncompliance with its agreements with the IAEA or with the Nuclear Non-Proliferation Treaty, or in which its compliance is uncertain;

(21) urges the United Nations Security Council, bearing in mind its decision in Resolution 1540 that the ''proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,'' to consider measures necessary—

(A) to support the inspection efforts by the IAEA; and

(B) to prevent Iran from further engaging in clandestine nuclear activities;

(22) further urges the United Nations Security Council, immediately upon receiving any report from the IAEA regarding the continuing non-compliance of Iran with its obligations, to address the threat to international peace and security posed by Iran's nuclear weapons program and take such action as may be necessary under Article 39, Article 40, and Article 41 of the Charter of the United Nations;

(23) urges the United Nations Security Council, the Nuclear Suppliers Group, the Zangger Committee, and other relevant international entities to declare that non-nuclear-weapon states under the Nuclear Non-Proliferation Treaty that commit significant violations of their safeguards agreements regarding uranium enrichment or plutonium reprocessing or engage in activities intended to support a military nuclear program thereby forfeit their right under the Nuclear Non-Proliferation Treaty to engage in nuclear fuel-cycle activities;

(24) further urges the United Nations Security Council, the Nuclear Suppliers Group, the Zangger Committee, the International Atomic Energy Agency, other relevant international entities, and all states party to the Nuclear Non-Proliferation Treaty, including the United States, to seek consensus, no later than the 2005 Nuclear Non-Proliferation Treaty Review Conference in Geneva, Switzerland, on the best and most equitable means to limit the right of non-nuclear weapons states to engage in those nuclear fuel cycle activities that could contribute to the development of nuclear weapons, while providing those states assured and affordable access to—

(A) nuclear reactor fuel and other materials used in peaceful nuclear activities; and

(B) spent fuel management; and

(25) urges the President to keep Congress fully and currently informed concerning the matters addressed in this resolution.

SA 3573. Mr. FRIST (for Mr. KYL (for himself and Mrs. FEINSTEIN)) proposed an amendment to the concurrent resolution H. Con. Res. 398, expressing the concern of Congress over Iran's development of the means to produce nuclear weapons; as follows:

Whereas it is the policy of the United States to oppose, and urgently to seek the agreement of other nations also to oppose, any transfer to Iran of any goods or technology, including dual-use goods or technology, wherever that transfer could contribute to its acquiring chemical, biological, or nuclear weapons;

Whereas the United Nations Security Council decided, in United Nations Security Council Resolution 1540, that ''all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical, or biological weapons and their means of delivery'';

Whereas the United States has imposed sanctions numerous times on persons and entities transferring equipment and technical data to Iran to assist its weapons of mass destruction programs;

Whereas on January 1, 1968, Iran signed the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (the ''Nuclear Non-Proliferation Treaty'');

Whereas Iran, as a party to the Nuclear Non-Proliferation Treaty as a non-nuclear weapons state, is obligated never to develop or acquire nuclear weapons;

Whereas Iran did not declare to the International Atomic Energy Agency (IAEA) the existence of the Natanz Pilot Fuel Enrichment Plant and the production-scale Fuel Enrichment Facility under construction at Natanz until February 2003, after the existence of the plant and facility was revealed by an opposition group;

Whereas it is estimated that the Natanz Pilot Fuel Enrichment Plant could produce enough highly enriched uranium for a nuclear weapon every year-and-a-half to two years;

Whereas it is estimated that the Natanz Fuel Enrichment Facility could, when completed, produce enough highly enriched uranium for as many as 25 to 30 nuclear weapons per year;

Whereas, in his report of June 6, 2003, the Director General of the IAEA stated that Iran had failed to meet its obligations under its Safeguards Agreement with the IAEA to report all nuclear material imported into Iran—specifically, the importation of uranium hexafluoride, uranium tetrafluoride and uranium dioxide in 1991—the processing and use of that material, and the facilities involved in the use and processing of the material;

Whereas the IAEA Director General stated in the same report that Iran had produced uranium metal and was building a uranium metal processing facility, despite the fact that neither its light water reactors nor its planned heavy water reactors require uranium metal for fuel;

Whereas the IAEA Board of Governors urged Iran in June 2003 to promptly rectify its failures to meet its obligations under its Safeguards Agreement, not to introduce nuclear material into the Natanz Pilot Fuel Enrichment Plant, and to cooperate fully with the Agency in resolving questions about its nuclear activities;

Whereas the IAEA Director General reported to the Board of Governors of the IAEA in August 2003 that Iran had failed to disclose additional nuclear activities as required by its Safeguards Agreement and continued to fail to resolve questions about its undeclared uranium enrichment activities, including those raised by the detection of two types of highly enriched uranium particles at the Natanz Pilot Fuel Enrichment Plant;

Whereas on August 19, 2003, after earlier denials, Iran admitted in a letter that it had carried out uranium conversion experiments in the early 1990's, experiments that included bench scale preparation of uranium compounds and that should have been disclosed to the IAEA in accordance with its obligations under its Safeguards Agreement;

Whereas the IAEA Board of Governors on September 12, 2003, called on Iran to suspend all further uranium enrichment and any plutonium reprocessing activities, disclose all its nuclear activities, and cooperate fully with the IAEA, and to sign, ratify, and fully implement the Additional Protocol between Iran and the IAEA for the application of safeguards (the ''Additional Protocol'') to strengthen investigation of all nuclear activities within Iran, and requested all third countries to cooperate closely and fully with the IAEA in resolving questions about Iran's nuclear program;

Whereas IAEA inspectors and officials continued to confront Iran with discrepancies in its explanations of its nuclear activities;

Whereas on October 21, 2003, Iran and the Foreign Ministers of France, Germany, and the United Kingdom issued a joint statement in which Iran indicated that it had decided to suspend all uranium enrichment and reprocessing activities as defined by the IAEA;

Whereas the Governments of France, Germany, and the United Kingdom promised a

dialogue with Iran to ease Iran's access to modern technologies and supplies in a range of areas once certain international concerns regarding Iran are fully resolved;

Whereas, in a subsequent letter on October 23, 2003, Iran further admitted that it had tested uranium enrichment centrifuges at the Kalaye Electric Company between 1998 and 2002 using its previously undeclared imported uranium hexafluoride;

Whereas in that same letter, Iran admitted that it had a laser uranium enrichment program, in which it used 30 kilograms of uranium not previously declared to the IAEA, another violation of its Safeguards Agreement;

Whereas Iran indicated initially that its laser enrichment program had achieved uranium enrichment levels of slightly more than 3 percent, but the Director General's report of June 1, 2004, states that the IAEA later learned that Iran ''had been able to achieve average enrichment levels of 8 percent to 9 percent, with some samples of up to approximately 15 percent'';

Whereas the June 1, 2004, report states also that Iran's declaration of October 21, 2003, failed to include information that should have been provided, including the fact that ''some samples from'' the laser uranium enrichment project ''had been sent for assessment to the supplier's laboratory'';

Whereas, in its letter of October 23, 2003, Iran also admitted that it had irradiated 7 kilograms of uranium dioxide targets and reprocessed them to extract plutonium, another violation of its legal obligation to disclose such activities under its Safeguards Agreement;

Whereas Iran told the IAEA on November 10, 2003, that it would sign and ratify the Additional Protocol and would act in accordance with the Additional Protocol pending its entry-into-force;

Whereas, on November 10, 2003, Iran further informed the IAEA Director General that it had decided to suspend all enrichment and reprocessing activities in Iran, not to produce feed material for enrichment processes, and not to import enrichment related items;

Whereas the IAEA, through its investigative and forensic activities in Iran and elsewhere, has uncovered and confronted Iran about numerous lies concerning its nuclear activities;

Whereas the Director General of the IAEA reported to the IAEA Board of Governors on November 10, 2003, that Iran has concealed many aspects of its nuclear activities from the IAEA, in breach of its obligations under its Safeguards Agreement;

Whereas, despite Iran's subsequent pledge to, once again, fully disclose all of its nuclear activities to the IAEA, the Director General of the IAEA, in a February 24, 2004, report, found that Iran continued to engage in deception regarding its nuclear activities, including failing to disclose a more sophisticated enrichment program using more advanced enrichment centrifuge technology imported from foreign sources, and providing incomplete and unsupported explanations about experiments to create a highly toxic isotope of polonium that outside experts say is useful as a neutron initiator in nuclear weapons;

Whereas the Director General's reports of February 24, 2001, and June 1, 2004, stated that environmental samples from one room at the Kalaye Electric Company workshop and from equipment that had been present in that workshop showed more than trace quantities of uranium enriched to 36 percent U–235, despite finding only negligible traces of this on imported centrifuge components, and that the types of uranium contamination at that workshop differed from those found at Natanz, which would appear to contradict Iran's assertion that the source of contamination at both sites is imported centrifuge components and perhaps also its assertion that it has not enriched uranium to more than 1.2 percent U–235 using centrifuge technology;

Whereas the Director General stated in the June 1, 2004, report, that ''the contamination is different on domestic and imported centrifuges,'' that ''it is unlikely'' that the 36 percent U–235 contamination was due to components acquired from Iran's principal supplier country, and that ''important information about the P–2 centrifuge programme has frequently required repeated requests, and in some cases continues to involve changing or contradictory information'';

Whereas these deceptions by Iran are continuing violations of Iran's Safeguards Agreement and of Iran's previous assurances to the IAEA and the international community of full transparency;

Whereas despite Iran's commitment to the IAEA and to France, Germany, and the United Kingdom that it would suspend uranium enrichment activities, it has repeatedly emphasized that this suspension is temporary and continued to manufacture and, until April 2004, to import, uranium enrichment centrifuge parts and equipment, allowing it to resume and expand its uranium enrichment activities whenever it chooses;

Whereas the statements on February 25, 2004, of Hassan Rowhani, Secretary of the Supreme National Security Council of Iran, that Iran was not required to reveal to the IAEA its research into more sophisticated ''P2'' uranium enrichment centrifuges, and that Iran has other projects which it has no intention of declaring to the IAEA, are contrary to—

(1) Iran's commitment to the IAEA in an October 16, 2003, letter from the Vice President of Iran and the President of Iran's Atomic Energy Organization that Iran would present a ''full picture of its nuclear activities'' and ''full transparency'';

(2) Iran's commitment to the foreign ministers of the United Kingdom, France, and Germany of October 21, 2003, to full transparency and to resolve all outstanding issues; and

(3) its statement to the IAEA's Board of Governors of September 12, 2003, of its commitment to full transparency and to ''leave no stone unturned'' to assure the IAEA of its peaceful objectives;

Whereas Libya received enrichment equipment and technology, and a nuclear weapons design, from the same nuclear black market that Iran has used, raising the question of whether Iran, as well, received a nuclear weapon design that it has refused to reveal to international inspectors;

Whereas the Russian Federation has announced that it will soon conclude an agreement to supply Iran with enriched nuclear fuel for the Bushehr nuclear power reactor, which, if implemented, would undercut the international effort to persuade Iran to cease its nuclear weapons development program;

Whereas the IAEA Board of Governors' resolution of March 13, 2004, which was adopted unanimously, noted with ''serious concern that the declarations made by Iran in October 2003 did not amount to the complete and final picture of Iran's past and present nuclear programme considered essential by the Board's November 2003 resolution,'' and also noted that the IAEA has discovered that Iran had hidden more advanced centrifuge associated research, manufacturing, and testing activities, two mass spectrometers used in the laser enrichment program, and designs for hot cells to handle highly radioactive materials;

Whereas the same resolution also noted ''with equal concern that Iran has not resolved all questions regarding the development of its enrichment technology to its current extent, and that a number of other questions remain unresolved, including the sources of all HEU contamination in Iran; the location, extent and nature of work undertaken on the basis of the advanced centrifuge design; the nature, extent, and purpose of activities involving the planned heavy-water reactor; and evidence to support claims regarding the purpose of polonium-210 experiments'';

Whereas Hassan Rowhani on March 13, 2004, declared that IAEA inspections would be indefinitely suspended as a protest against the IAEA Board of Governors' resolution of March 13, 2004, and while Iran subsequently agreed to readmit inspectors to one site by March 29, 2004, and to others in mid-April, 2004, including four workshops belonging to the Defence Industries Organization, this suspension calls into serious question Iran's commitment to full transparency about its nuclear activities;

Whereas Iran informed the IAEA on April 29, 2004, of its intent to produce uranium hexafluoride in amounts that the IAEA concluded would constitute production of feed material for uranium centrifuges and wrote in a letter of May 18, 2004, that its suspension of all uranium enrichment activities ''does not include suspension of production of UF6,'' which contradicted assurances provided in its letter of November 10, 2003;

Whereas the IAEA Board of Governors' resolution of June 18, 2004, which was also adopted unanimously, ''deplores'' the fact that ''Iran's cooperation has not been as full, timely and proactive as it should have been'' and ''underlines that, with the passage of time, it is becoming ever more important that Iran work proactively to enable the Agency to gain a full understanding of Iran's enrichment programme by providing all relevant information, as well as by providing prompt access to all relevant places, data and persons'';

Whereas the same resolution also expresses regret that Iran's suspension ''commitments have not been comprehensively implemented and calls on Iran immediately to correct all remaining shortcomings'';

Whereas the same resolution also calls on Iran, as further confidence-building measures, voluntarily to reconsider its decision to begin production testing at the Uranium Conversion Facility and its decision to start construction of a research reactor moderated by heavy water, as the reversal of those decisions would make it easier for Iran to restore international confidence undermined by past reports of undeclared nuclear activities in Iran;

Whereas Iran then announced its decision to resume production of centrifuge components, notwithstanding both the IAEA Board of Governors resolution of September 12, 2003, which called on Iran ''to suspend all further uranium enrichment-related activities,'' and Iran's voluntary suspension of all uranium enrichment activities pursuant to its agreement of October 21, 2003, with the foreign ministers of the United Kingdom, France, and Germany;

Whereas Iran's pattern of deception and concealment in dealing with the IAEA, the Foreign Ministers of France, Germany, and the United Kingdom, and the international community, its receipt from other countries of the means to enrich uranium, its use of sources who provided a nuclear weapon design to another country, its production of centrifuge components at Defence Industries Organization workshops, and its repeated breaches of its Safeguards Agreement suggest strongly that Iran has also violated its

legal obligation under article II of the Nuclear Non-Proliferation Treaty not to acquire or seek assistance in acquiring nuclear weapons; and

Whereas the maintenance or construction by Iran of unsafeguarded nuclear facilities or uranium enrichment or reprocessing facilities will continue to endanger the maintenance of international peace and security and threaten United States national interests: Now, therefore, be it

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SA 3574. Mr. FRIST (for Mr. KYL (for himself and Mrs. FEINSTEIN)) proposed an amendment to the concurrent resolution H. Con. Res. 398, expressing the concern of Congress over Iran's development of the means to produce nuclear weapons; as follows:

Amend the title so as to read: ''Expressing the concern of Congress over Iran's development of the means to produce nuclear weapons.''

SA 3575. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 849, to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited partnership; which was referred to the Committee on Energy and Natural Resources; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2004''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—NORTHERN ARIZONA LAND EXCHANGE

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Prescott National Forest in Yavapai County, Arizona includes approximately 170 square miles of parcels of Federal land and private land intermingled in a checkerboard pattern;

(2) the Federal land is administered by the Secretary of Agriculture as National Forest System land;

(3) the private land is owned by the Yavapai Ranch Limited Partnership and the Northern Yavapai, L.L.C.;

(4) portions of the private land within the checkerboard area (including the land located in or near the Pine Creek watershed, Juniper Mesa Wilderness Area, Haystack Peak, and the Luis Maria Baca Float No. 5) possess attributes valuable for public management, use, and enjoyment, including—

(A) outdoor recreation;

(B) stands of old growth pine and juniper;

(C) wildlife habitat;

(D) cultural and archaeological resources; and

(E) scenic vistas;

(5) the checkerboard ownership pattern of private land and Federal land within the Prescott National Forest impedes sound and efficient management and use of the intermingled National Forest System land;

(6) acquisition by the United States of certain parcels of land through a land exchange with Yavapai Ranch Limited Partnership and the Northern Yavapai, L.L.C., for addition to Prescott National Forest would serve the public objectives of—

(A) acquiring private land that meets the criteria for inclusion in the National Forest System;

(B) consolidating a large area of National Forest System land to allow—

(i) permanent public access, use, and enjoyment of the land; and

(ii) efficient management of the land;

(C) minimizing cash outlays by the United States to achieve the objectives described in subparagraphs (A) and (B); and

(D) reducing administrative costs to the United States through—

(i) elimination of approximately 350 miles of boundary between private land and the Federal parcels; and

(ii) reduction of right-of-way, special use, and other permit processing and issuance for roads and other facilities on National Forest System land;

(7) additional parcels of National Forest System land within Yavapai County, Arizona have been identified for inclusion in the land exchange because the parcels—

(A) have lost their forest character;

(B) meet the National Forest Plan criteria for exchange; and

(C) are managed under special use permits and leases for a variety of purposes (including municipal water treatment facilities, sewage treatment facilities, city parks, camps, and airport-related facilities) that—

(i) limit the usefulness of the parcels for general National Forest System purposes; but

(ii)(I) are to be conveyed by the Yavapai Ranch Limited Partnership, to the third-party permit or lease holders in accordance with agreements acceptable to all parties to the agreements; or

(II) are to be purchased directly from the Secretary in accordance with this Act; and

(8) the exchange and conveyance of the Federal land should not result in adverse impacts on existing water users, State water right holders, or the Verde River.

(b) PURPOSE.—The purpose of this title is to authorize, direct, and facilitate—

(1) an equal value exchange of Federal land and non-Federal land between the United States, Yavapai Ranch Limited Partnership, and the Northern Yavapai, L.L.C.; and

(2) the conveyance of portions of certain parcels of the Federal land for community and other uses.

SEC. 102. DEFINITIONS.

In this title:

(1) CAMP.—The term ''camp'' means Camp Pearlstein, Friendly Pines, Patterdale Pines, Pine Summit, Sky Y, and YoungLife Lost Canyon camps in the State of Arizona.

(2) FEDERAL LAND.—The term ''Federal land'' means the land described in section 103(a)(2).

(3) MANAGEMENT PLAN.—The term ''Management Plan'' means the land and resource management plan for Prescott National Forest.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means the land described in section 103(b)(2).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(6) YAVAPAI RANCH.—The term ''Yavapai Ranch'' means—

(A) the Yavapai Ranch Limited Partnership, an Arizona Limited Partnership; and

(B) the Northern Yavapai, L.L.C., an Arizona Limited Liability Company.

SEC. 103. LAND EXCHANGE.

(a) CONVEYANCE OF FEDERAL LAND BY THE UNITED STATES.—

(1) IN GENERAL.—On receipt of an offer from Yavapai Ranch to convey the non-Federal land that complies with the requirements of this Act and that is acceptable to the Secretary, the Secretary shall convey to Yavapai Ranch by deed acceptable to Yavapai Ranch, subject to easements, rights-of-way, utility lines, and any other valid encumbrances on the Federal land in existence on the date of enactment of this Act and any other reservations that may be agreed to by the Secretary and Yavapai Ranch, all right, title, and interest of the United States in and to the Federal land described in paragraph (2).

(2) DESCRIPTION OF FEDERAL LAND.—The Federal land referred to in paragraph (1) shall consist of the following:

(A) Certain land comprising approximately 15,300 acres located in Yavapai County, Arizona, as generally depicted on the map entitled ''Yavapai Ranch-Ranch Area Federal Lands'', dated April 2002.

(B) Certain land in the Coconino National Forest, Coconino County Arizona—

(i) comprising approximately 1,500 acres located in Coconino National Forest, Coconino County, Arizona, as generally depicted on the map entitled ''Flagstaff Federal Lands-Airport Parcel'', dated April 2002; and

(ii) comprising approximately 28.26 acres in 2 separate parcels, as generally depicted on the map entitled ''Flagstaff Federal Lands—Wetzel School and Mt. Elden Parcels'', dated September 2002.

(C) Certain land referred to as Williams Airport, Williams golf course, Williams Sewer, Buckskinner Park, Williams Railroad, and Well parcels numbers 2, 3, and 4, comprising approximately 950 acres, located in Kaibab National Forest, Coconino County, Arizona, as generally depicted on the map entitled ''Williams Federal Lands'', dated April 2002.

(D) Certain land comprising approximately 2,200 acres located in Prescott National Forest, Yavapai County, Arizona, as generally depicted on the map entitled ''Camp Verde Federal Land—General Crook Parcel'', dated April 2002.

(E) Certain Forest Service land comprising approximately 237.5 acres located in Kaibab National Forest, Coconino County, Arizona, as generally depicted on the map entitled ''Younglife Lost Canyon'', dated April 2002.

(F) Certain Forest Service land comprising approximately 200 acres located in Prescott National Forest, Yavapai County, Arizona, and including Friendly Pines, Patterdale Pines, Camp Pearlstein, Pine Summit, and Sky Y, as generally depicted on the map entitled ''Prescott Federal Lands—Summer Youth Camp Parcels'', dated April 2002.

(G) Perpetual easements reserved by the United States that—

(i) run with and benefit land owned by or conveyed to Yavapai Ranch across certain land of the United States;

(ii) are for the purposes of—

(I) operating, maintaining, repairing, improving, and replacing electric power lines or water pipelines (including related storage tanks, valves, pumps, and hardware); and

(II) providing rights of reasonable ingress and egress necessary for the activities described in subclause (I);

(iii) are 20 feet in width; and

(iv) are located 10 feet on either side of each line depicted on the map entitled ''YRLP Acquired Easements for Water Lines'', dated April 2002.

(3) PERMITS.—Permits or other legal occupancies of the Federal land by third parties in existence on the date of transfer of the Federal land to Yavapai Ranch shall be addressed in accordance with—

(A) part 254.15 of title 36, Code of Federal Regulations (or any successor regulation); and

(B) other applicable laws (including regulations).

(4) CONDITION ON CONVEYANCE OF CAMP VERDE PARCEL.—

(A) IN GENERAL.—To conserve water in the Verde Valley, Arizona, and to minimize the adverse impacts from future development of the parcels described in paragraph (2)(D) on current and future users of water and holders of water rights in existence on the date of enactment of this Act and the Verde River and National Forest System land retained by the United States, the United States shall limit in perpetuity the use of water on each parcel by reserving conservation easements that—

(i) run with the land;

(ii) prohibit golf course development on the parcel;

(iii) require that public parks and greenbelts on the parcel be watered with treated effluent;

(iv) limit total post-exchange water use to not more than 700 acre-feet of water per year; and

(v) except for water supplied to the parcel by municipal water service providers or private water companies, require that any water used for the parcel not be withdrawn from wells perforated in the saturated Holocene alluvium of the Verde River.

(B) RECORDATION.—The conservation easements described in subparagraph (A) shall be recorded in the title to each parcel described in paragraph (2)(D) that is conveyed by the Secretary to Yavapai Ranch.

(C) SUBSEQUENT CONVEYANCE.—

(i) IN GENERAL.—On acquisition of title to the parcel described in paragraph (2)(D), Yavapai Ranch may convey all or a portion of the interest of Yavapai Ranch in the parcel to 1 or more successors-in-interest.

(ii) WATER USE APPORTIONMENT.—A conveyance under clause (i) shall, in accordance with the terms described in subparagraph (A), include a recorded and binding agreement on the quantity of water available for use on the parcel or portion of the parcel conveyed, as determined by Yavapai Ranch.

(D) ENFORCEMENT.—The Secretary shall offer to enter into a memorandum of understanding with a political subdivision of the State, as designated by the Director of Arizona Department of Water Resources, that authorizes the political subdivision to enforce the terms described in subparagraph (A) in any manner provided by law.

(E) LIABILITY.—

(i) IN GENERAL.—Any action for a breach of a term of a conservation easement described in subparagraph (A) shall be against the owner of the parcel or portion of the parcel, at the time of the breach, whose action or failure to act has resulted in the breach.

(ii) HOLD HARMLESS.—To the extent that the United States or a successor-in-interest to the United States no longer holds title to a parcel or any portion of a parcel described in paragraph (2)(D), the United States and any successor-in-interest shall be held harmless from damages or injuries attributable to any breach of a term of a conservation easement described in subparagraph (A) by a subsequent successor-in-interest if the United States or the successor-in-interest did not contribute to the breach.

(5) APPLICABLE LAW.—In accordance with section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the United States shall reserve an easement in any land transferred to Yavapai Ranch.

(b) CONVEYANCE OF NON-FEDERAL LAND BY YAVAPAI RANCH.—

(1) IN GENERAL.—On receipt of title to the Federal land, Yavapai Ranch shall simultaneously convey to the United States, by deed acceptable to the Secretary and subject to any encumbrances in existence on April 1, 2002, all right, title, and interest of Yavapai Ranch in and to the non-Federal land.

(2) DESCRIPTION OF NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) consists of approximately 35,000 acres of non-Federal land located within the boundaries of Prescott National Forest, as generally depicted on the map entitled ''Yavapai Ranch Non-Federal Lands'', dated April 2002.

(3) EASEMENTS.—

(A) IN GENERAL.—The conveyance of non-Federal land to the United States under paragraph (1) shall be subject to the reservation of—

(i) perpetual and unrestricted easements that run with and benefit the land retained by Yavapai Ranch for—

(I) the operation, maintenance, repair, improvement, development, and replacement of not more than 3 wells in existence on the date of enactment of this Act;

(II) related storage tanks, valves, pumps, and hardware; and

(III) pipelines to points of use; and

(ii) easements for reasonable ingress and egress to accomplish the purposes of the easements described in clause (i).

(B) EXISTING WELLS.—

(i) IN GENERAL.—Each easement for an existing well shall be—

(I) 40 acres in area; and

(II) to the maximum extent practicable—

(aa) centered on the existing well; and

(bb) located in the same square mile section of land.

(ii) LIMITATION.—Within each 40-acre easement described in clause (i), the United States and any permitees or licensees of the United States—

(I) may take any actions that are necessary to use the water from the well; but

(II) may not undertake, without the written consent of Yavapai Ranch, any activity that materially interferes with the use of the wells by Yavapai Ranch.

(iii) RESERVATION OF WATER FOR THE UNITED STATES.—The United States shall be entitled to ½ the production of each existing well, not to exceed a total of 3,100,000 gallons of water annually, for watering wildlife and stock and for other National Forest System purposes from the 3 wells.

(C) REASONABLE ACCESS.—Each easement for ingress and egress shall be at least 20 feet in width.

(D) LOCATION.—The locations of the easements and wells shall be the locations generally depicted on a map entitled ''YRLP Reserved Easements for Water Lines and Wells'', dated April 2002.

(c) LAND TRANSFER PROBLEMS.—

(1) FEDERAL LAND.—If any parcel of Federal land (or a portion of a Federal parcel) cannot be conveyed to Yavapai Ranch because of the presence of hazardous materials or if the proposed title to a parcel of Federal land (or a portion of a Federal parcel) is unacceptable to Yavapai Ranch because of the presence of threatened or endangered species, cultural or historic resources, unpatented mining claims, or other third party rights under public land laws—

(A) the parcel of Federal land or portion of the parcel shall be excluded from the exchange; and

(B) the non-Federal land shall be adjusted in accordance with section 104(c).

(2) NON-FEDERAL LAND.—If any parcel of non-Federal land (or a portion of a non-Federal parcel) cannot be conveyed to the United States because of the presence of hazardous materials or if the proposed title to a parcel or a portion of the parcel is unacceptable to the Secretary—

(A) the parcel of non-Federal land or portion of the parcel shall be excluded from the exchange; and

(B) the Federal land shall be adjusted in accordance with section 104(c).

(d) CONVEYANCE OF FEDERAL LAND TO CITIES AND CAMPS.—

(1) SUBSEQUENT CONVEYANCE.—If, after completion of the appraisals of Federal land and non-Federal land under section 104(b), but before the completion of the exchange, Yavapai Ranch, the cities of Flagstaff, Williams, and Camp Verde, Arizona, and the owners of the camps enter into an agreement for Yavapai Ranch to convey to the cities and the owners of the camps the parcels of Federal land or portions of parcels located in or near the cities or camps, Yavapai Ranch shall, on acquisition of the Federal land, convey to the cities and the owners of the camps the parcels or portions identified in the agreement in accordance with the terms of the agreement.

(2) DIRECT CONVEYANCE.—

(A) IN GENERAL.—If Yavapai Ranch, the cities referred to in paragraph (1), and the owners of the camps have not entered into an agreement in accordance with paragraph (1), the Secretary—

(i) shall, on notification by Yavapai Ranch, the cities, or camps, delete the parcel or any portion of the parcel from the exchange to provide the United States with manageable post-exchange land and boundaries; and

(ii) may, without further administrative or environmental analyses or appraisal and in accordance with any terms and conditions that the Secretary may require, convey to the cities or camps all right, title, and interest of the United States in and to the parcel or portion of the parcel for consideration in an amount determined under subparagraph (B).

(B) CONSIDERATION.—In exchange for a parcel or portion of a parcel acquired under subparagraph (A), the cities or camps shall pay to the Secretary the fair market value of the parcel, as determined by an independent appraisal.

(C) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale under subparagraph (A) in a special account in the fund established under Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a).

(D) USE.—Amounts deposited under subparagraph (A) shall be available to the Secretary, without further appropriation, until expended, for the acquisition of land in the State of Arizona for National Forest System purposes, including the land authorized for exchange under this title.

SEC. 104. EXCHANGE VALUATION, APPRAISALS, AND EQUALIZATION.

(a) EQUAL VALUE EXCHANGE.—The value of the non-Federal and Federal land to be exchanged under this title—

(1) shall be equal, as determined by the Secretary, based on the appraisals conducted under subsection (b); or

(2) shall be equalized in accordance with subsection (c).

(b) APPRAISALS.—

(1) IN GENERAL.—The value of the Federal land and non-Federal land shall be determined by appraisals using the appraisal standards in—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions, fifth edition (December 20, 2000); and

(B) the Uniform Standards of Professional Appraisal Practice.

(2) APPROVAL.—In accordance with part 254.9(a)(1) of title 36, Code of Federal Regulations (or any successor regulation), the appraiser shall be—

(A) acceptable to the Secretary and Yavapai Ranch; and

(B) a contractor, the clients of which shall be the Secretary and Yavapai Ranch.

(3) REQUIREMENTS.—During the appraisal process the appraiser shall—

(A) consider the effect on value of the Federal land or non-Federal land because of the existence of encumbrances on each parcel, including—

(i) permitted uses on Federal land that cannot be reasonably terminated before the appraisal; and

(ii) facilities on Federal land that cannot be reasonably removed before the appraisal; and

(B) determine the value of each parcel of Federal land and non-Federal land (including the value of each individual section of the intermingled Federal and non-Federal land of the Yavapai Ranch) as an assembled transaction consistent with the applicable provisions of parts 254.5 and 254.9(b)(1)(v) of title 36, Code of Federal Regulations (or any successor regulation).

(4) DISPUTE RESOLUTION.—A dispute relating to the appraised values of the Federal land or non-Federal land following completion of the appraisal shall be processed in accordance with—

(A) section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)); and

(B) part 254.10 of title 36, Code of Federal Regulations (or any successor regulation).

(5) AVAILABILITY.—In accordance with the policy of the Forest Service, and to ensure the timely and full disclosure of the appraisals to the public, the appraisals approved by the Secretary—

(A) shall be provided by the Secretary to—

(i) the cities of Flagstaff, Williams, and Camp Verde, Arizona; and

(ii) the owners of the camps; and

(B) shall be available for public inspection in—

(i) the Offices of the Supervisors for Prescott, Coconino, and Kaibab National Forests; and

(ii) public libraries in the cities referred to in subparagraph (A)(i).

(c) EQUALIZATION OF VALUES.—

(1) IN GENERAL.—To achieve an equal value exchange of Federal land and non-Federal land, the Secretary and Yavapai Ranch shall adjust the acreage of the Federal land and non-Federal land in accordance with paragraphs (2) and (3) until, to the maximum extent practicable, the value is equal.

(2) SURPLUS OF FEDERAL LAND.—

(A) IN GENERAL.—If, after any adjustments are made to the non-Federal land or Federal land under subsection (c) or (d) of section 103, the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land, the Federal land and non-Federal land shall be adjusted in accordance with subparagraph (B) until, to the maximum extent practicable, the value is equal.

(B) ADJUSTMENTS.—Adjustments under subparagraph (A) shall be made in accordance with the following order:

(i) By deleting—

(I) 2 portions of the Camp Verde parcel, comprising a total of approximately 630 acres, consisting of—

(aa) a portion of the Camp Verde parcel, comprising approximately 316 acres, located in Prescott National Forest, and more particularly described as lots 1, 5, and 6 of section 26, the NENE ¼ portion of section 26, and the N½N½ portion of section 27, T. 14 N., R. 4 E., Gila and Salt River Base and Meridian, Yavapai County, Arizona; and

(bb) a portion of the Camp Verde parcel, comprising approximately 314 acres, located in Prescott National Forest, and more particularly described as lots 2, 7, 8, and 9 of section 26, the SE¼NE¼ portion of section 26, and the S½N½ of section 27, T. 14 N., R. 4 E., Gila and Salt River Base and Meridian, Yavapai County, Arizona; and

(II) lots 5 through 7 of section 36, T. 14 N., R. 4 E., Gila and Salt River Base and Meridian, Yavapai County, Arizona.

(ii) Beginning at the south boundary of section 31, T. 20 N., R. 5 W., Gila and Salt River Base and Meridian, Yavapai County, Arizona, and sections 33 and 35, T. 20 N., R. 6 W., Gila and Salt River Base and Meridian, Yavapai County, by adding to the non-Federal land to be conveyed to the United States in ⅛ section increments (E–W 64th line) while deleting from the conveyance to Yavapai Ranch Federal land in the same incremental portions of section 32, T. 20 N., R. 5 W., Gila and Salt River Base and Meridian, Yavapai County, Arizona, and sections 32, 34, and 36, in T. 20 N., R. 6 W., Gila and Salt River Base and Meridian, Yavapai County, Arizona, to establish a linear and continuous boundary that runs east to west across the sections.

(iii) By deleting the Williams Sewer parcel, comprising approximately 20 acres, located in Kaibab National Forest, and more particularly described as the E½NW¼SE¼ portion of section 21, T. 22 N., R. 2 E., Gila and Salt River Base and Meridian, Coconino County, Arizona.

(iv) By deleting the Williams railroad parcel, located in the Kaibab National Forest, and more particularly described as—

(I) the W½SW¼ portion of section 26, T. 22 N., R. 2 E., Gila and Salt River Base and Meridian, Coconino County, Arizona, excluding any portion northeast of the southwestern right-of-way line of the Burlington Northern and Santa Fe Railway (Seligman Subdivision), comprising approximately 30 acres;

(II) the NE¼NW¼, the N½SE¼NW¼, the SE¼SE¼NW¼, the NE¼, the SE¼SW¼, and the SE¼ portions of section 27, T. 22 N., R. 2 E., Gila and Salt River Base and Meridian, Coconino County, Arizona, excluding any portion north of the southern right-of-way of Interstate 40 and any portion northeast of the southwestern right-of-way line of the Burlington Northern and Santa Fe Railway (Seligman Subdivision), any portion south of the northern right-of-way of the Burlington Northern and Santa Fe Railway (Phoenix Subdivision), and any portion within Exchange Survey No. 677, comprising approximately 220 acres;

(III) the NE¼NE¼ portion of section 34, T. 22 N., R. 2 E., Gila and Salt River Base and Meridian, Coconino County, Arizona, excluding any portion southwest of the northeastern right-of-way line of the Burlington Northern and Santa Fe Railway (Phoenix Subdivision), comprising approximately 2 acres; and

(IV) the N½ portion of section 35, T. 22 N., R. 2 E., Gila and Salt River Base and Meridian, Coconino County, Arizona, excluding any portion north of the southern right-of-way line of the Burlington Northern and Santa Fe Railway (Seligman Subdivision) and any portion south of the northern right-of-way of the Burlington Northern and Santa Fe Railway (Phoenix Subdivision), comprising approximately 60 acres.

(v) By deleting the Buckskinner Park parcel, comprising approximately 50 acres, located in Kaibab National Forest, and more particularly described as the SW¼SW¼, and the S½S½NW¼SW¼ portions of section 33, T. 22 N., R. 2 E., Gila and Salt River Base and Meridian, Coconino County, Arizona.

(vi) By deleting the Wetzel school parcel, comprising approximately 10.89 acres, located in Coconino National Forest, and more particularly described as lot 9 of section 11, T. 21 N., R. 7 E., Gila and Salt River Base and Meridian, Coconino County, Arizona.

(vii) By deleting the Mt. Eldon parcel, comprising approximately 17.21 acres, located in Coconino National Forest, and more particularly described as lot 7 of section 7, T. 21 N., R. 8 E., Gila and Salt River Base and Meridian, Coconino County, Arizona.

(C) MODIFICATIONS.—The descriptions of land and acreage provided in clauses (ii), (iii), and (vii) of subparagraph (B) may be modified to conform with a survey approved by the Bureau of Land Management.

(3) SURPLUS OF NON-FEDERAL LAND.—

(A) IN GENERAL.—If, after any adjustments are made to the non-Federal land or Federal land under subsection (c) or (d) of section 103, the final appraised value of the non-Federal land exceeds the final appraised value of the Federal land, the Federal land and non-Federal land shall be adjusted in accordance with subparagraph (B) until the value is equal.

(B) ADJUSTMENTS.—An adjustment referred to in subparagraph (A) shall be accomplished by beginning at the east boundary of section 30, T. 20 N., R. 6 W., Gila and Salt River Base and Meridian, Yavapai County, Arizona, and adding to the Federal land in ⅛ section increments (N–S 64th line) and lot lines across the section, while deleting in the same increments portions of sections 19 and 31, T. 20 N., R. 6 W., Gila and Salt River Base and Meridian, Yavapai County, Arizona, to establish a linear and continuous boundary that runs north to south across the sections.

(d) CASH EQUALIZATION.—

(1) IN GENERAL.—After the values of the non-Federal and Federal land are equalized to the maximum extent practicable under subsection (c), any balance due the Secretary or Yavapai Ranch shall be paid—

(A) through cash equalization payments under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(B) in accordance with standards established by the Secretary and Yavapai Ranch.

(2) LIMITATION.—

(A) ADJUSTMENTS.—If the value of the Federal land exceeds the value of the non-Federal land by more than $50,000, the Secretary and Yavapai Ranch shall, by agreement, delete additional Federal land from the exchange until the value of the Federal land and non-Federal land is equal to the maximum extent practicable.

(B) DEPOSIT.—Any amounts received by the United States under this title—

(i) shall be deposited in a fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the ''Sisk Act''); and

(ii) shall be available, without further appropriation, for the acquisition of land or interests in land for National Forest System purposes in the State of Arizona.

SEC. 105. MISCELLANEOUS PROVISIONS.

(a) REVOCATION OF ORDERS.—Any public orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land.

(b) WITHDRAWAL OF FEDERAL LAND.—The Federal land is withdrawn from all forms of

entry and appropriation under the public land laws, including the mining and mineral leasing laws and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), until the date on which the exchange of Federal land and non-Federal land is completed.

(c) SURVEYS, INVENTORIES, AND CLEARANCES.—Before completing the exchange of Federal land and non-Federal land under this title, the Secretary shall carry out land surveys and preexchange inventories, clearances, reviews, and approvals relating to hazardous materials, threatened and endangered species, cultural and historic resources, and wetlands and floodplains.

(d) COSTS OF IMPLEMENTING THE EXCHANGE.—

(1) IN GENERAL.—In accordance with part 254.7(a) of title 36, Code of Federal Regulations (or any successor regulation), and forest service policy, the costs of implementing the exchange of Federal land and non-Federal land shall be shared equally by the Secretary and Yavapai Ranch.

(2) CREDITS.—Any costs incurred by Yavapai Ranch for cultural or historic resource surveys before the date of enactment of this Act or for independent third party contractors under subsection (f) shall be credited against the amount required to be paid by Yavapai Ranch under paragraph (1).

(3) INELIGIBLE REIMBURSEMENTS.—No amount paid by Yavapai Ranch under this subsection shall be eligible for reimbursement under section 206(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(f)).

(e) TIMING.—It is the intent of Congress that the exchange of Federal land and non-Federal land directed by this title be completed not later than 18 months after the date of enactment of this Act.

(f) CONTRACTORS.—If the Secretary lacks adequate staff or resources to complete the exchange by the date specified in subsection (e), the Secretary or Yavapai Ranch shall contract with independent third party contractors, subject to the mutual agreement of the Secretary and Yavapai Ranch, to carry out any activities necessary to complete the exchange by that date.

SEC. 106. STATUS AND MANAGEMENT OF LAND AFTER EXCHANGE.

(a) IN GENERAL.—Non-Federal land acquired by the United States under this title—

(1) shall become part of the Prescott National Forest; and

(2) shall be administered by the Secretary in accordance with—

(A) this title;

(B) the laws (including regulations) applicable to the National Forest System; and

(C) other authorized uses of the National Forest System.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Acquisition of the non-Federal land under this title shall not require a revision or amendment to the Management Plan.

(2) AMENDMENT OR REVISION.—If the Management Plan is amended or revised after the date of acquisition of non-Federal land under this title, the Management Plan shall be amended to reflect the acquisition of the non-Federal land.

(c) POST-EXCHANGE MANAGEMENT OF CERTAIN LAND.—

(1) IN GENERAL.—On acquisition by the United States, the non-Federal land acquired by the United States and any adjoining National Forest System land shall be managed in accordance with—

(A) paragraphs (2) through (5); and

(B) the laws (including regulations) generally applicable to National Forest System land.

(2) GRAZING.—Each area located in the Yavapai Ranch grazing allotment as of the date of enactment of this Act, may as determined to be appropriate by the Secretary—

(A) remain in the Yavapai Ranch grazing allotment; and

(B) continue to be subject to grazing in accordance with the laws (including regulations) generally applicable to domestic livestock grazing on National Forest System land.

(3) EASEMENTS.—

(A) IN GENERAL.—On completion of the land exchange under this title, the Secretary and Yavapai Ranch shall grant each other at no charge reciprocal easements for ingress, egress, and utilities across, over, and through—

(i)(I) the routes depicted on the map entitled ''Road and Trail Easements—Yavapai Ranch Area'' dated April 2002; and

(II) any other inholdings retained by the United States or Yavapai Ranch; or

(ii) any relocated routes that are agreed to by the Secretary and Yavapai Ranch.

(B) REQUIREMENTS.—An easement described in subparagraph (A)—

(i) shall be unlimited, perpetual, and nonexclusive in nature; and

(ii) shall run with and benefit the land of the grantee.

(C) RIGHTS OF GRANTEE.—The rights of the grantee shall extend to—

(i) any successors-in-interest, assigns, and transferees of Yavapai Ranch; and

(ii) in the case of the Secretary, members of the general public, as determined to be appropriate by the Secretary.

(4) TIMBER HARVESTING.—

(A) IN GENERAL.—After the completion of the exchange of land under this title, except as provided in subparagraph (B), timber harvesting for commodity production shall be prohibited on the Federal land acquired.

(B) EXCEPTIONS.—Timber harvesting may be conducted on the Federal land acquired under this title if the Secretary determines that timber harvesting is necessary—

(i) to prevent or control fires, insects, and disease through forest thinning or other forest management techniques;

(ii) to protect or enhance grassland habitat, watershed values, native plants, trees, and wildlife species; or

(iii) to improve forest health.

(5) WATER IMPROVEMENTS.—Nothing in this title prohibits the Secretary from authorizing or constructing new water improvements in accordance with the laws (including regulations) applicable to water improvements on National Forest System land for—

(A) the benefit of domestic livestock or wildlife management; or

(B) the improvement of forest health or forest restoration.

(d) MAPS.—

(1) IN GENERAL.—The Secretary and Yavapai Ranch may correct any minor errors in the maps of, legal descriptions of, or encumbrances on the Federal land or non-Federal land.

(2) DISCREPANCY.—In the event of any discrepancy between a map and legal description, the map shall prevail unless the Secretary and Yavapai Ranch agree otherwise.

(3) AVAILABILITY.—All maps referred to in this title shall be on file and available for inspection in the Office of the Supervisor, Prescott National Forest, Prescott, Arizona.

(e) EFFECT.—Nothing in this title precludes, prohibits, or otherwise restricts Yavapai Ranch from subsequently granting, conveying, or otherwise transferring title to the Federal land after its acquisition of the Federal land.

SEC. 107. CONVEYANCE OF ADDITIONAL LAND.

(a) IN GENERAL—The Secretary shall convey to an individual or entity that represents the majority of landowners with encroachments on the lot by quitclaim deed the parcel of land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) is lot 8 in section 11, T. 21 N., R. 7 E., Gila and Salt River Base and Meridian, Coconino County, Arizona.

(c) AMOUNT OF CONSIDERATION.—In exchange for the land described in subsection (b), the individual or entity acquiring the land shall pay to the Secretary consideration in the amount of—

(1) $2500; plus

(2) any costs of re-monumenting the boundary of land.

(d) TIMING.—

(1) IN GENERAL.—Not later than 90 days after the date on which the Secretary receives a power of attorney executed by the individual or entity acquiring the land, the Secretary shall convey to the individual or entity the land described in subsection (b).

(2) LIMITATION.—If, by the date that is 270 days after the date of enactment of this Act, the Secretary does not receive the power of attorney described in paragraph (1)—

(A) the authority provided under this section shall terminate; and

(B) any conveyance of the land shall be made under Public Law 97–465 (16 U.S.C. 521c et seq.).

TITLE II—VERDE RIVER BASIN PARTNERSHIP

SEC. 201. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the majority of the parcels of Federal land and non-Federal land described in title I are located in the upper and middle portions of the Verde River Basin, Arizona;

(2) the Verde River is a vital resource that—

(A) provides water for community and other uses within the Verde River Basin and Phoenix, Arizona;

(B) recharges area groundwater aquifers; and

(C) sustains highly valued riparian habitat;

(3) approximately 40.5 miles of the Lower Verde River have been designated as a national wild and scenic river with reserved water rights to maintain flows in the River necessary for recreational and environmental purposes;

(4) water withdrawals affect available water supplies and baseflow throughout the Verde River Basin because of the hydrologic connection between surface water and groundwater resources within the entire Basin;

(5) the significant population growth over the past decade in Yavapai County in the Verde River Basin has been accompanied by an increase in water use in the County;

(6) the proposed development of the parcels of Federal land to be acquired under title I would further increase demands on limited water supplies;

(7) the Department of the Interior report entitled ''Water 2025: Preventing Crises and Conflict in the West'' identified portions of the Verde River Basin as areas in which existing water supplies are not adequate to meet increasing water demands;

(8) significant declines in groundwater levels in portions of the Verde Valley have caused water supply problems, including water quality degradation;

(9) it is essential to the interests of the Federal Government, the State of Arizona, and local communities in the State to determine the long-term availability of water supplies in the Verde Valley before the transfer and private development of Federal land in the area; and

(10) the Upper San Pedro Partnership in the Sierra Vista subwatershed in the State serves as a model of collaborative, science-

based water resource planning and management.

(b) PURPOSE.—The purpose of this title is to authorize assistance for a collaborative and science-based water resource planning and management partnership for the Verde River Basin in the State of Arizona, consisting of members that represent—

(1) Federal, State, and local agencies; and

(2) economic, environmental, and community water interests in the Verde River Basin.

SEC. 202. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term ''Director'' means the Director of the Arizona Department of Water Resources.

(2) PARTNERSHIP.—The term ''Partnership'' means the Verde River Basin Partnership.

(3) PLAN.—The term ''plan'' means the plan for the Verde River Basin required by section 204(a)(1).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(5) STATE.—The term ''State'' means the State of Arizona.

(6) VERDE RIVER BASIN.—The term ''Verde River Basin'' means the land area designated by the Arizona Department of Water Resources as encompassing surface water and groundwater resources, including drainage and recharge areas with a hydrologic connection to the Verde River.

(7) WATER BUDGET.—The term ''water budget'' means the accounting of—

(A) the quantities of water leaving the Verde River Basin—

(i) as discharge to the Verde River and tributaries;

(ii) as subsurface outflow;

(iii) as evapotranspiration by riparian vegetation;

(iv) as surface evaporation; and

(v) for human consumption; and

(B) the quantities of water replenishing the Verde River Basin by precipitation, infiltration, and subsurface inflows.

SEC. 203. VERDE RIVER BASIN PARTNERSHIP.

(a) IN GENERAL.—The Secretary may assist the Director and the Yavapai Water Advisory Council by participating in the establishment of a Verde River Basin Partnership to provide science-based and collaborative water resource planning and management activities relating to the Verde River Basin.

(b) MEMBERSHIP.—It is the intent of Congress that the Partnership be composed of Federal, State, and local members with responsibilities, expertise, and interests pertaining to water resource planning and management.

(c) AUTHORIZATION OF APPROPRIATIONS.—On establishment of the Partnership, there are authorized to be appropriated to the Secretary and the Secretary of the Interior such sums as are necessary to carry out the activities of the Partnership for each of fiscal years 2005 through 2009.

SEC. 204. VERDE RIVER BASIN STUDIES.

(a) STUDIES.—

(1) IN GENERAL.—The Partnership shall prepare a plan for the conduct of water resource studies in the Verde River Basin that identifies—

(A) the primary study objectives to fulfill water resource planning and management needs for the Verde River Basin; and

(B) the water resource studies, hydrologic models, surface and groundwater monitoring networks, and other analytical tools helpful in the identification of long-term water supply management options within the Verde River Basin.

(2) REQUIREMENTS.—At a minimum, the plan shall—

(A) include a list of specific studies and analyses that are needed to support Partnership planning and management decisions;

(B) identify any ongoing or completed water resource or riparian studies that are relevant to water resource planning and management for the Verde River Basin;

(C) describe the estimated cost and duration of the proposed studies and analyses; and

(D) designate as a study priority the compilation of a water budget analysis for the Verde Valley, including the Camp Verde parcel described in section 103(a)(2)(D).

(b) VERDE VALLEY WATER BUDGET ANALYSIS.—

(1) IN GENERAL.—Not later than 14 months after the date of enactment of this Act, the Director of the U.S. Geological Survey, in cooperation with the Director, shall prepare and submit to the Partnership a report that provides a water budget analysis of the portion of the Verde River Basin within the Verde Valley.

(2) COMPONENTS.—The report submitted under paragraph (1) shall include—

(A) a summary of the information available on the hydrologic flow regime for the portion of the Middle Verde River from the Clarkdale streamgauging station to the city of Camp Verde at United States Geological Survey Stream Gauge 09506000;

(B) with respect to the portion of the Middle Verde River described in subparagraph (A), estimates of—

(i) the inflow and outflow of surface water and groundwater;

(ii) annual consumptive water use; and

(iii) changes in groundwater storage; and

(C) an analysis of the potential long-term consequences of various water use scenarios on groundwater levels and Verde River flows.

(c) PRELIMINARY REPORT AND RECOMMENDATIONS.—.

(1) IN GENERAL.—Not later than 16 months after the date of enactment of this Act, using the information provided in the report submitted under subsection (b) and any other relevant information, the Partnership shall submit to the Secretary, the Governor of Arizona, and representatives of the Verde Valley communities, a preliminary report that sets forth the findings and recommendations of the Partnership regarding the long-term available water supply within the Verde Valley (including the Camp Verde parcel described in section 103(a)(2)(D)), taking into account the long-term consequences analyzed under subsection (b)(2)(C).

(2) INCLUSIONS.—To the maximum extent practicable, the recommendations submitted under paragraph (1) shall include, with respect to the Camp Verde parcel described in section 103(a)(2)(D)—

(A) proposed development scenarios on the parcel that are compatible with long-term available water supply estimates; and

(B) designation of any portions of the parcel that should be retained as open space or otherwise managed for aquifer recharge or baseflow maintenance.

SEC. 205. VERDE RIVER BASIN PARTNERSHIP FINAL REPORT.

Not later than 4 years after the date of enactment of this Act, the Partnership shall submit to the Secretary and the Governor of Arizona a final report that—

(1) includes a summary of the results of any water resource assessments conducted under this title in the Verde River Basin;

(2) identifies any areas in the Verde River Basin that are determined to have groundwater deficits or other current or potential water supply problems;

(3) identifies long-term water supply management options for communities and water resources within the Verde River Basin; and

(4) identifies water resource analyses and monitoring needed to support the implementation of management options.

SEC. 206. MEMORANDUM OF UNDERSTANDING.

The Secretary (acting through the Chief of the Forest Service) and the Secretary of the Interior, shall enter into a memorandum of understanding authorizing the United States Geological Survey to access Forest Service land (including stream gauges, weather stations, wells, or other points of data collection on the Forest Service land) to carry out this title.

SEC. 207. EFFECT.

Nothing in this title diminishes or expands State or local jurisdiction, responsibilities, or rights with respect to water resource management or control.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, September 16, 2004, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the current status of the Hard Rock Mining Industry in America. The hearing would provide a status and trend analysis, a review of domestic mineral reserves, a summary on exploration investments and current production as well as permitting and reclamation issues.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Dick Bouts at 202–224–7545 or Amy Millet at 202–224–8276.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 22, 2004, at 9:30 a.m., in open session to receive testimony on the Department of the Army Inspector General Report on Detention Operation Doctrine and Training.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, July 22, 2004, at 10 a.m., to conduct an oversight hearing on ''Regulation N.M.S. and Developments in Market Structure.''

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