

(21) Section 411 is amended to read as follows:

"Sec. 411. Certification of Completion of Coal Reclamation.

"(a) The Governor of a State, or the head of a governing body of an Indian tribe, with an approved abandoned mine reclamation program under section 405, may certify to the Secretary that reclamation of all eligible lands and waters under section 404 with the priorities stated in paragraphs (1), (2), and (3) of section 403(a) has been achieved. The Secretary, after notice in the Federal Register and opportunity for public comment, shall concur with such certification if the Secretary determines that such certification is correct.

"(b) The Secretary may make the certification referred to in subsection (a) on behalf of any State or Indian tribe if, on the basis of the inventory referred to in section 403(c), all reclamation projects relating to the priorities set forth in paragraphs (1), (2), and (3) of section 403(a) for eligible lands and waters under section 404 in such State or tribe have been completed. The Secretary shall only make such certification after notice in the Federal Register and opportunity for public comments."

"(22) Section 413(d) is amended by striking "(33 U.S.C.A. 1151, et seq. as amended)" and inserting in its place "(33 U.S.C. 1251 et seq.)."

"(23) Section 413(e) is amended by striking the comma after the word 'agencies'."

"(24) Section 414 is amended to read as follows:

"Sec. 414. Interagency Cooperation.

"(a) IN GENERAL.—All departments, boards, commissioners, and agencies of the United States of America shall cooperate with the Secretary by providing technical expertise, personnel, equipment, materials, and supplies to implement and administer the provisions of this title of this Act.

"(b) EXCISE TAX COLLECTION.—Notwithstanding any provision of law to the contrary, the Secretary is authorized to collect the excise tax imposed by section 4121 of the Internal Revenue Code of 1986 (26 U.S.C. 4121). The Secretary of the Treasury shall enter into an agreement with the Secretary providing for reimbursement of any additional expenses that the Office incurs in connection with collecting this tax and conducting audits related thereto."

"(25) Section 415 is added to read as follows:

"Sec. 415. Remining Incentives.

"(a) Notwithstanding any other provisions of this Act to the contrary, the Secretary may propose, and, after opportunity for public comment, adopt, regulations that would prescribe conditions under which the fund may be used to promote remining of eligible lands under section 404 to leverage use of monies available from the fund to achieve more reclamation of those lands than would otherwise be likely to occur. Any such regulations shall specify that these incentives will apply only in situations in which the agency administering this title of this Act determines, with the concurrence of the regulatory authority under title V of this Act that the site is otherwise not likely to be remined and reclaimed under the applicable regulatory program.

"(b) Incentives that may be considered include, but are not limited to—

"(1) A rebate or waiver of the reclamation fee payments required under section 402(a) of this Act. The rebate or waiver shall be limited to operations that remove or reprocess abandoned coal mine waste or that remine sites meeting the priorities in paragraph (1) or (2) of section 403(a). The amount of the rebate or waiver shall be limited to the esti-

mated cost of reclaiming those sites under this title of this Act.

"(2) Use of the fund to provide financial assurance for remining operations in lieu of all or part of the performance bond required under section 509 of this Act."

(26) section 510 is amended by—

(A) inserting a sentence at the end of subsection (c) to read as follows: "In applying the prohibitions of this subsection after October 24, 1992, the regulatory authority shall not include any violation resulting from an unanticipated event or condition at a surface coal mining operation on lands eligible for remining under a permit held by the person making the application."; and

(B) striking subsection (e) in its entirety.

(27) Section 515(b)(22)(B) is amended to read as follows:

"(B) the areas of disposal are within either a bonded permit area or the boundaries of an abandoned mine land reclamation project approved under title IV of this Act, and all organic matter shall be removed immediately prior to spoil placement;"

(28) Section 701 is amended by—

(A) in paragraph (33), striking "section 510(e)" and inserting in its place "section 510(c)"; and

(B) amending paragraph (34) to read as follows:

"(34) the term 'lands eligible for remining' means those lands eligible for expenditures under section 404 of this Act."

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 296—RELATING TO SENATE ADJOURNMENTS AND RECESSES

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

S. RES. 296

Resolved, That the Presiding Office of the Senate may suspend any proceeding of the Senate, including a roll call vote or a quorum call, and declare a recess or adjournment of the Senate subject to existing authorities or subject to the call of the Chair, within the limits of article I, section 5, clause 4, of the Constitution, whenever the Presiding Officer has been notified of an imminent threat.

SEC. 2. When the Senate is out of session, the Majority and Minority Leaders, or their designees, may, acting jointly and within the limits of article I, section 5, clause 4, of the Constitution, modify any order for the time or place of the convening of the Senate when, in their opinion, such action is warranted by intervening circumstances.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on February 4, 2004, at 9:30 a.m., in the Carl Vinson Room of the Rayburn House Office Building, in open session to receive testimony on the Defense Authorization request for fiscal year 2005 and the future years Defense program.

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

APPOINTMENT OF COMMITTEE TO ESCORT HIS EXCELLENCY JOSE MARIA AZNAR, PRESIDENT OF THE GOVERNMENT OF SPAIN

Mr. FRIST. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency Jose Maria Aznar, President of the Government of Spain, into the House Chamber for the joint meeting tomorrow.

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

ORDER FOR COMMITTEE TO MEET

Mr. FRIST. Mr. President, I ask another unanimous consent for a committee to meet during tomorrow's session of the Senate. It has the approval of the majority and minority leaders.

I ask unanimous consent that this request be agreed to and that this request be printed in the RECORD.

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

Mr. FRIST. For the information of Members, Chairman WARNER will hold this hearing tomorrow at 9:30 a.m., in the Rayburn House Office Building, in the Carl Vinson Room. Secretary Rumsfeld will be at the hearing and will provide testimony on the 2004 Defense authorization bill.

Again, this hearing will be in the Rayburn House Office Building at 9:30 tomorrow morning.

ORDERS FOR WEDNESDAY, FEBRUARY 4, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 1 p.m., Wednesday, February 4. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 1072, the highway bill.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow at 11 a.m., the Senate and House will conduct a joint meeting to hear an address by President Aznar of Spain. We do ask Senators be in the Senate Chamber at 10:40 a.m. so Senators can proceed together to the Hall of the House of Representatives for that address.

At 1 p.m., the Senate will reconvene and resume consideration of S. 1072, the highways bill. Notwithstanding the

recent events, it is still my intention to complete action on this bill before the February recess. Indeed, with the progress demonstrated today, I believe we can indeed accomplish just that.

I do inform my colleagues that roll-call votes should be anticipated during tomorrow's session as we begin the amendment process. I encourage Senators to come to the floor to offer and debate amendments. In addition to the highway bill amendments, the Senate may also consider any available judicial nominations tomorrow. We will alert all Members as these votes are scheduled.

With regard to the events that have occurred over the course of today, I do appreciate the patience of all of the Members with the restrictions we have had to put in place in terms of access to papers and access to their offices. First and foremost, our attention is on the staff and on the safety of the Senate family, the extended Senate family that begins with our own employees in our offices and then extends out through the Senate community and, indeed, beyond the immediate community here.

It has been a difficult day but, as I said earlier, it has given us an opportunity to really come together in some remarkable ways. I contrast it with a lot that we had to go through several years ago with anthrax, which was a very difficult time as well. It was a separate agent, but now another agent has been directed against this body. These agents are weapons that kill. People ask, is it terrorism? Was it a criminal act? To me, both of those demonstrate the intent to harm and to hurt. Both were acts of terror. The whole purpose is not just to physically harm but also to cause insecurity among people.

We have learned over the last several years the best way to alleviate and tone down that feeling of insecurity when dealing with unknown agents—agents that have never been used this way in the history of mankind, poisonous toxins or biological agents that for the most part we cannot really see you can see the powder, but you cannot touch it, and you know the weapons kill when they get into the immediate surroundings and are directed at individuals—is the pulling together and the sharing of information, with openness, holding press conferences, using the Blackberries, the computer and the telephone, the personal interaction. Put that together with good information and accurate information and things can work out in a smooth way, in a way that allays the great fears we all have when dealing with the new powerful agents, we are all more comfortable, more secure, we are all a little more relaxed.

This is very serious business. There is nothing more serious. We are talking about the health and safety and welfare of individuals and, through those individuals, their families. It extends not just on Capitol Hill but the feeling of insecurity around the country.

I keep coming back to the individuals and the families. I do want to share with everybody that the individuals in my office are doing fine. The people who happened to go through the office where this powder was discovered took appropriate procedures on behalf of my staff that went into effect immediately in the response by the police and HAZ-MAT personnel, with appropriate notification all the way up through late last night. I have been very pleased and very proud. They are all doing fine. We have had two conference calls today, one bright and early this morning. Many did not get home until 2 or 2:30 last night, after waiting, of course, for some of the latest results. We had a conference call with everyone early this morning before the Senate session and we just completed another one. We are providing access to medical personnel and physicians and trying to answer as many questions as we possibly can with them. I am mighty proud of them and things are looking fine.

It is remarkable also for me to see, having been involved in both of these attacks with toxins, chemical acts and bioterror agents, the real integration and the working together which people do not see. I share with my colleagues our thanks to the various staff members who, starting immediately yesterday and working through today, include the United States Capitol Hill Police—and they serve on both the Senate and the House side—who demonstrated excellent leadership. Their experience and the protocols immediately came together, working very closely with the response team and the Environmental Protection Agency.

We all asked questions. Yes, you saw a powder, but how far does it aerosolize? How far does it travel over the Capitol grounds? The EPA has been instrumental over the last day having prepared for this sort of event over the last several years.

The United States Marine Corps; a lot of people say, What do you mean? The United States Marine Corps has been very helpful in the process of getting things back up and running.

The Joint Terrorism Task Force is something we did not even think very much about 3 years ago. And that joint terrorism task force is now an organized group. They were prepared for this.

The Federal Bureau of Investigation has been working diligently over the last 24 hours with us and the Department of Homeland Security.

As a physician, of course, I usually start with recognizing the medical personnel. In all public events, we will have the Senate Capitol attending physician there. He, again, walked us through the anthrax threat. He has more experience than anybody in the world today in terms of a bioterrorist or chemical terrorist attack in an institution or society such as this, having gone through anthrax and now the ricin attack, and that is John Eisold

who does a tremendous job. One of his physicians was with my staff constantly all last night from early in the evening until the early hours of the morning, sitting with my staff throughout, answering questions and reassuring them and appropriately advising them and counseling them.

The Sergeant at Arms, Bill Pickle, who was not here when we had the anthrax attack but who has been here over the course of the year, again, is doing a superb job. He and I have talked to each other at least every hour except for maybe two hours between 4 and 6 early this morning.

Secretary of the Senate Emily Reynolds' office right now serves as a central hotline point and control room in terms of coordination.

The list could go on and on. I mention all this because Senator DASCHLE and I have worked over the course of today and we are doing our very best in terms of the communication, getting accurate information out, and we are continuing to do just that over the next several days.

The Senate has not missed a beat. We have been in session, had a productive day. We are in session tomorrow, for another productive day. We will have a joint meeting of Congress to hear an address of the President of Spain, a wonderful friend to the United States of America, President Aznar.

Following that, as I mentioned earlier, we will come into session at 1 p.m. and votes will occur.

I mentioned we are moving one committee over to the House side; other committees will be meeting in the Capitol. I do ask that individual committee members check with their committee chairman for the location of individual hearings. We do have three Senate office buildings which are closed: the Hart building, Dirksen, and Russell. All three Senate office buildings will be closed throughout tomorrow. It is primarily to facilitate in the most time-efficient fashion the collection and removal of mail. That is the primary purpose. That is well underway as we speak.

With that, I believe I will bring this session to a close. We will be back working hard tomorrow and we will be staying in touch with everyone over the course of tonight.

Mr. REID. Mr. President, very briefly, I am the only former Capitol policeman here who is a Senator. I have such great respect for the work they do. When I was a Capitol policeman, I did not have near the responsibilities, not even close to what goes on now in this modern police force. We have what I think is, if not the best police force, one of the best. They are the ones who are really talking about first line responders; they are that.

The problem occurred with anthrax, or with this ricin; they are the first to go there. They do it with courage and determination. We see these men and women a lot of times standing at their duty stations and some people wonder

what they do. Well, every day they are working—for lack of a better way to say it, as happened in the Capitol just a few years ago, they take bullets for us. They are well trained in any aspect of law enforcement, as well trained as anyone in the country.

I underscore the remarks of the majority leader. We are very proud of our Capitol police force.

ADJOURNMENT UNTIL 1 P.M.,
WEDNESDAY, FEBRUARY 4, 2004

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:18 p.m., adjourned until Wednesday, February 4th, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate February 3, 2004:

DEPARTMENT OF ENERGY

JERALD S. PAUL, OF FLORIDA, TO BE PRINCIPAL DEPUTY ADMINISTRATOR, NATIONAL NUCLEAR SECURITY ADMINISTRATION. (NEW POSITION)

DEPARTMENT OF STATE

CRAIG A. KELLY, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHILE.

DEPARTMENT OF JUSTICE

MATTHEW G. WHITAKER, OF IOWA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS, VICE STEVEN M. COLLOTON, RESIGNED.