

a bona fide, arm's-length sale which is subject to section 5 of the Securities Act of 1933 (15 U.S.C. 77f et seq.) or the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.).

“(B) UNRELATED PERSON.—The term ‘unrelated person’ means a purchaser who does not bear a relationship to the seller described in section 267(b).

“(C) CONTINGENT LIABILITY.—This paragraph shall only apply if the contract for sale provides that, if the seller fails to make a premium payment to the Combined Fund during the first 5 plan years beginning after the sale, then the purchaser shall be secondarily liable for any liability to the Combined Fund it would have had but for the provisions of this paragraph.

“(D) NO INFERENCE.—Nothing in this paragraph shall be construed to infer that a purchaser in a sale not described in this paragraph is a successor in interest.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to transactions after the date of the enactment of this Act.

TITLE II—RETROACTIVE PROVISIONS

SEC. 201. REFORM OF RETROACTIVE PROVISIONS OF COAL INDUSTRY HEALTH BENEFIT SYSTEM.

(a) AGREEMENTS COVERED BY HEALTH BENEFIT SYSTEM.—

(1) IN GENERAL.—Section 9701(b)(1) (defining coal wage agreement) is amended to read as follows:

“(1) COAL AGREEMENTS.—

“(A) 1988 AGREEMENT.—The term ‘1988 agreement’ means the collective bargaining agreement between the settlers which became effective on February 1, 1988.

“(B) COAL WAGE AGREEMENT.—The term ‘coal wage agreement’ means the 1988 agreement and any predecessor to the 1988 agreement.”

(2) CONFORMING AMENDMENT.—Section 9701(b) (relating to agreements) is amended by striking paragraph (3).

(b) DEFINITIONS APPLICABLE TO OPERATORS.—

(1) SIGNATORY OPERATOR.—Section 9701(c)(1) (defining signatory operator) is amended to read as follows:

“(1) SIGNATORY OPERATOR.—The term ‘signatory operator’ means a 1988 agreement operator.”

(2) 1988 AGREEMENT OPERATOR.—Section 9701(c)(3) (defining 1988 agreement operator) is amended to read as follows:

“(3) 1988 AGREEMENT OPERATOR.—The term ‘1988 agreement operator’ means—

“(A) an operator which was a signatory to the 1988 agreement, or

“(B) a person in business which, during the term of the 1988 agreement, was a signatory to an agreement (other than the National Coal Mine Construction Agreement or the Coal Haulers’ Agreement) containing pension and health care contribution and benefit provisions which are the same as those contained in the 1988 agreement.

Such term shall not include any operator who was assessed, and paid the full amount of, contractual withdrawal liability to the 1950 UMWA Benefit Plan, the 1974 UMWA Benefit Plan, or the Combined Fund.”

(3) CONFORMING AMENDMENTS.—

(A) Section 9711(a) is amended by striking “maintained pursuant to a 1978 or subsequent coal wage agreement”.

(B) Section 9711(b)(1) is amended by striking “pursuant to a 1978 or subsequent coal wage agreement”.

(C) MODIFICATIONS TO REFLECT REACHBACK REFORMS.—

(1) BOARD OF TRUSTEES OF COMBINED FUND.—

(A) IN GENERAL.—Section 9702(b)(1) is amended—

(i) by striking “one individual who represents” in subparagraph (A) and inserting “two individuals who represent”.

(ii) by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively, and

(iii) by striking “(A), (B), and (C)” in subparagraph (C) (as so redesignated) and inserting “(A) and (B)”.

(B) CONFORMING AMENDMENT.—Section 9702(b)(3) is amended to read as follows:

“(3) SPECIAL RULE.—If the BCOA ceases to exist, any trustee or successor under paragraph (1)(A) shall be designated by the 3 employers who were members of the BCOA on October 24, 1992, and who have been assigned the greatest number of eligible beneficiaries under section 9706.”

(C) TRANSITION RULE.—Any trustee serving on the date of the enactment of this Act who was appointed to serve under section 9702(b)(1)(B) of the Internal Revenue Code of 1986 (as in effect before the amendments made by this paragraph) shall continue to serve until a successor is appointed under section 9702(b)(1)(A) of such Code (as in effect after such amendments).

(2) ASSIGNMENT OF BENEFICIARIES.—Section 9706 (relating to assignment of eligible beneficiaries) is amended by adding at the end the following:

“(h) ASSIGNMENT AS OF OCTOBER 1, 2003.—

“(1) IN GENERAL.—Effective October 1, 2003, the Commissioner of Social Security shall—

“(A) revoke all assignments to persons other than 1988 agreement operators for purposes of assessing premiums for periods after September 30, 2003,

“(B) make no further assignments to persons other than 1988 agreement operators, and

“(C) terminate all unpaid liabilities of persons other than 1988 agreement operators with respect to eligible beneficiaries whose assignment to such persons is pending on October 1, 2003.

“(2) REASSIGNMENT UPON PURCHASE.—This subsection shall not be construed to prohibit the reassignment under subsection (b)(2) of an eligible beneficiary.”

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 246—EXPRESSING THE SENSE OF THE SENATE THAT NOVEMBER 22, 1983, THE DATE OF THE RESTORATION BY THE FEDERAL GOVERNMENT OF FEDERAL RECOGNITION TO THE CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY OF OREGON, SHOULD BE MEMORIALIZED

Mr. SMITH (for himself and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on Indian Affairs:

S. RES. 246

Whereas the Grand Ronde Restoration Act (25 U.S.C. 713 et seq.), which was signed by the President on November 22, 1983, restored Federal recognition to the Confederated Tribes of the Grand Ronde Community of Oregon;

Whereas the Confederated Tribes of the Grand Ronde Community of Oregon historically inhabited land that extended from the summit of the Cascade Range, west along the shores of the Columbia River to the summit of the Coast Range, and south to the California border;

Whereas in addition to restoring Federal recognition, that Act and other Federal In-

dian statutes have provided the means for the Confederated Tribes to achieve the goals of cultural restoration, economic self-sufficiency, and the attainment of a standard of living equivalent to that enjoyed by other citizens of the United States;

Whereas by enacting the Grand Ronde Restoration Act (25 U.S.C. 713 et seq.), the Federal Government—

(1) declared that the Confederated Tribes of the Grand Ronde Community of Oregon were eligible for all Federal services and benefits provided to federally recognized tribes;

(2) established a tribal reservation; and

(3) granted the Confederated Tribes of the Grand Ronde Community of Oregon self-government for the betterment of tribal members, including the ability to set tribal rolls;

Whereas the Confederated Tribes of the Grand Ronde Community of Oregon have embraced Federal recognition and self-sufficiency statutes and are actively working to better the lives of tribal members; and

Whereas economic self-sufficiency, which was the goal of restoring Federal recognition for the Confederated Tribes of the Grand Ronde Community of Oregon, is being realized through many projects: Now, therefore, be it

Resolved, That it is the sense of the Senate that November 22, 1983, should be memorialized as the date on which the Federal Government restored Federal recognition to the Confederated Tribes of the Grand Ronde Community of Oregon.

SENATE RESOLUTION 247—CALLING ON THE PRESIDENT TO CONDEMN THE ANTI-SEMITIC SENTIMENTS EXPRESSED BY DR. MAHATHIR MOHAMAD, THE OUTGOING PRIME MINISTER OF MALAYSIA

Mr. LAUTENBERG (for himself, Mr. SMITH, Mrs. FEINSTEIN, Mrs. CLINTON, Mr. CORZINE, Mrs. BOXER, Mr. DASCHLE, Mr. DODD, Mr. SCHUMER, Mr. HATCH, Mrs. MURRAY, Mr. COLEMAN, Mr. WYDEN, Mr. BROWNBACK, Mr. REID, Mr. BAYH, Mr. CHAMBLISS, Mr. LEAHY, and Mr. GRAHAM of Florida) submitted the following resolution; which was considered and agreed to:

Whereas the outgoing prime minister of Malaysia, Dr. Mahathir Mohamad, has become notorious over the years for his virulent opposition to Israel;

Whereas Dr. Mahathir opened the 57-nation, October 2003 summit of the Organization of the Islamic Conference in Malaysia by characterizing Israel and Jews around the world as “the enemy” who “rule the world by proxy”;

Whereas Dr. Mahathir’s anti-Semitic remarks are despicable and will serve to incite further sectarian violence; and

Whereas President George W. Bush will be traveling to Thailand to attend the October 20-21, 2003, meeting in Bangkok of the leaders of Asia-Pacific Economic Cooperation (APEC), which Dr. Mahathir will also be attending: Now, therefore, be it

Resolved, That the Senate—

(1) thoroughly repudiates the damaging rhetoric of the outgoing prime minister of Malaysia, Dr. Mahathir Mohamad, which makes peace in the Middle East and around the world more elusive; and

(2) calls upon President George W. Bush, on behalf of the United States, to condemn Dr. Mahathir’s injurious sentiments when the President and the prime minister meet to attend the October 20-21, 2003, meeting in Bangkok of the leaders of Asia-Pacific Economic Cooperation (APEC).

Mr. SMITH. Mr. President, I rise today to join my colleague, Senator LAUTENBERG, in the introducing an important resolution. This resolution condemns the highly inflammatory and hate-ridden statements by the Malaysian Prime Minister Mahathir Mohamad at the opening of the Organization of the Islamic Conference this Thursday.

Prime Minister Mohamad expressed the most despicable of views toward people of the Jewish faith. The Malaysian Prime Minister did not confine himself merely to vitriolic anti-Semitic remarks, however. He moved to incite Muslims throughout the world to fight Jews. These remarks are not only hateful, but directly undermine the goals of tolerance and understanding that the U.S. hopes its allies will promote.

As you are aware, President Bush is currently in Asia and will attend the Asia-Pacific Economic Conference in Thailand, October 20. This resolution urges the President to condemn the Prime Minister's remarks when the two meet next week.

I urge my respected colleagues to join us in supporting this important legislation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1883. Mr. DORGAN (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1884. Mr. BYRD (for himself, Mr. DURBIN, Mr. BIDEN, Mr. LEAHY, Mr. DORGAN, Ms. MIKULSKI, Ms. LANDRIEU, and Mrs. FEINSTEIN) proposed an amendment to amendment SA 1819 submitted by Mr. BYRD (for himself and Mr. DURBIN) to the bill S. 1689, *supra*.

SA 1885. Mr. BROWNBACK proposed an amendment to the bill S. 1689, *supra*.

SA 1886. Mr. BYRD proposed an amendment to the bill S. 1689, *supra*.

SA 1887. Mr. DORGAN (for himself, Mr. WYDEN, and Mr. HARKIN) proposed an amendment to the bill S. 1689, *supra*.

SA 1888. Mr. BYRD (for himself, Mr. LAUTENBERG, Mr. SARBANES, Mr. FEINGOLD, Mr. WYDEN, Mr. JEFFORDS, and Mr. DAYTON) proposed an amendment to the bill S. 1689, *supra*.

SA 1889. Mrs. LINCOLN (for herself and Mr. REID) submitted an amendment intended to be proposed by her to the bill S. 1689, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1883. Mr. DORGAN (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 25, strike lines 7 through 18, and insert the following:

For necessary expenses for security, rehabilitation and reconstruction in Iraq, \$18,449,000,000, to remain available until expended, to be allocated as follows: \$3,243,000,000 for security and law enforcement; \$1,318,000,000 for justice, public safety infrastructure, and civil society; \$5,560,000,000 for the electric sector; \$1,900,000,000 for oil infrastructure; \$4,332,000,000 for water resources and sanitation; \$500,000,000 for transportation and telecommunications; \$370,000,000 for roads, bridges, and construction; \$793,000,000 for health care; \$153,000,000 for private sector development; and \$280,000,000 for education, refugees, human rights, democracy, and governance: *Provided*, That

SA 1884. Mr. BYRD (for himself, Mr. DURBIN, Mr. BIDEN, Mr. LEAHY, Mr. DORGAN, Ms. MIKULSKI, Ms. LANDRIEU, and Mrs. FEINSTEIN) proposed an amendment to amendment SA 1819 submitted by Mr. BYRD (for himself and Mr. DURBIN) to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

In the Amendment, strike all after (a) in line 1 and insert the following:

SEC. 3002. Notwithstanding section 3001 of this Act, all of the amounts provided in section 3003 of this Act, excluding amounts contained in subsections (j), (k), (l) and (m) of section 3003 of this Act, are designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress).

SEC. 3003.
(a) Notwithstanding any other provision of this Act, amounts appropriated under the heading "Iraq Relief and Reconstruction Fund" shall be reduced by \$1,655,000,000 and the total amount appropriated under this heading shall be allocated as follows:

(1) \$3,243,000,000 for security and law enforcement; (2) \$1,268,000,000 for justice, public safety infrastructure, and civil society, of which not less than \$107,000,000 shall be made available for the Iraqi Civil Defense Corps; (3) \$5,646,000,000 for the electric sector; (4) \$1,850,000,000 for oil infrastructure; (5) \$4,332,000,000 for water resources and sanitation; (6) \$500,000,000 for transportation and telecommunications; (7) \$240,000,000 for roads, bridges, and construction; (8) \$850,000,000 for health care; (9) \$155,000,000 for private sector development; and (10) \$245,000,000 for refugees, human rights, democracy, and governance: *Provided*, That none of the funds appropriated by this Act may be used to fund (1) traffic police buildings, fleet, and equipment; (2) parking lots and cosmetic improvements at airports; (3) electric sector institutional strengthening; (4) solid waste management; (5) an Iraqi-American Enterprise Fund; (6) wireless internet capabilities for the Iraqi Telephone Postal Company (ITPC); (7) technical and management training for ITPC; (8) postal information technology architecture and systems; (9) management for Iraqi television and radio; (10) a numbering schema and 911 initiative for ITPC; (11) new housing communities and new government buildings; (12) a national security communications network; (13) market-oriented specialized training; (14) municipal public information centers; and (15) catch-up business training: *Provided further*, That of the funds appropriated by this Act, not more than \$765,000,000 may be made available for petroleum product imports, and not more than \$100,000,000 may be made available for new prison construction.

(b) In addition to amounts made available elsewhere in this Act, there is hereby appropriated to the Department of Defense \$363,300,000, to be used only for recovery and repair of damage due to natural disasters including Hurricane Isabel, to be distributed as follows:

"Operation and Maintenance, Army", \$66,600,000

"Operation and Maintenance, Navy", \$118,400,000

"Operation and Maintenance, Marine Corps", \$9,200,000

"Operation and Maintenance, Air Force", \$166,900,000; and

"Other Procurement, Air Force", \$2,200,000.

(c) For an additional amount for "Military Construction, Army", \$65,200,000, to remain available until September 30, 2008, to be used only to repair facilities damaged by Hurricane Isabel at Fort Monroe, Virginia: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out military construction projects not otherwise authorized by law.

(d) For an additional amount for "Military Construction, Navy", \$45,530,000, to remain available until September 30, 2008, to be used for facilities damaged beyond repair by Hurricane Isabel, including \$40,920,000 to replace the central chilled water plant at the United States Naval Academy, Maryland, and \$4,610,000 to replace Building 3104, Lucas Hall, at Quantico, Virginia: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out military construction projects not otherwise authorized by law.

(e) For an additional amount for "Family Housing, Operation and Maintenance, Army", \$8,151,000 to repair family housing units damaged by Hurricane Isabel at Fort Monroe and Fort Lee, Virginia: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out military construction projects not otherwise authorized by law.

(f) For an additional amount for "Family Housing, Operation and Maintenance, Navy and Marine Corps", \$6,280,000 to repair family housing units damaged by Hurricane Isabel at various locations in Virginia and North Carolina: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out military construction projects not otherwise authorized by law.

(g) For an additional amount for "Family Housing Operation and Maintenance, Air Force", \$6,981,000 to repair family housing units damaged by Hurricane Isabel at Langley Air Force Base, Virginia: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out military construction projects not otherwise authorized by law.

(h) For an additional amount for "Operation and Maintenance, Navy", \$23,183,000, which may be transferred to the Department of Homeland Security for Coast Guard Operations.

(i) In addition to the amounts otherwise made available in this Act, \$600,000,000 shall be made available for "Operation and Maintenance, Army": *Provided*, That these funds are available only for the purpose of securing and destroying conventional munitions in Iraq, such as bombs, bomb materials, small arms, rocket propelled grenades, and shoulder-launched missiles.

(j) For an additional amount for "United States Emergency Fund for Complex Foreign Crises", \$150,000,000: *Provided*, That not less than \$200,000,000 of the funds made available under this heading shall be made available for humanitarian relief and reconstruction activities in Liberia: *Provided further*, That funds appropriated under this heading shall be made available for Sudan.