

Fund' (in this section referred to as the 'Fund').

"(2) The Fund shall consist of the following:

"(A) Amounts authorized to be appropriated to the Fund.

"(B) Proceeds from the lease of land or buildings under this section.

"(C) Proceeds of agricultural licenses of lands of the National Cemetery Administration.

"(D) Any other amounts authorized for deposit in the Fund by law.

"(3) Amounts in the Fund shall be available to cover costs incurred by the National Cemetery Administration in the operation and maintenance of property of the Administration.

"(4) Amounts in the Fund shall remain available until expended."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2412. Lease of land and buildings."

By Mr. SPECTER (for himself and Ms. MURKOWSKI) (by request):

S. 2486. A bill to amend title 38, United States Code, to improve and enhance education, housing, employment, medical, and other benefits for veterans and to improve and extend certain authorities relating to the administration of benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SPECTER. Mr. President, I have sought recognition to comment on legislation which I have introduced today which would, among other things, improve the education and housing benefits of our Nation's veterans. Education and housing benefits administered by the Department of Veterans Affairs, VA, were the essence of one of the most significant pieces of legislation in the 20th Century, the 1944 GI Bill of Rights. Sixty years later, the Veterans' Benefits Improvements Act of 2004, which I introduce today, would build on that historic legacy.

Section 101 of the bill would allow for significant increases in Montgomery GI Bill, MGIB, educational assistance benefits by expanding on "buy up" legislation which I authored in 1999 and which was enacted as part of Public Law 106-419. Under the provisions of the existing "buy up" program, active duty service members can increase their monthly MGIB "pay-out" by making voluntary in-service contributions of up to \$600 in addition to the \$1,200 aggregate contribution which is made to secure basic eligibility for MGIB benefits. In return for this added \$600 "investment," a veteran can secure an increase in his or her monthly MGIB benefit of \$150 per month. Assuming the veteran completes a 36-month course of full-time study, the added benefit amount to \$5,400, an effective yield of \$9 for every added dollar contributed. The legislation which I have introduced today would expand the "buy-up" program by allowing service members to voluntarily contribute more—up to \$2000—to the program, in return for which they could "buy" up to an

additional \$18,000—or \$500 per month over 36 months—in potential MGIB benefits. A service member who contributes the full \$2,000 could thus increase his or her aggregate MGIB entitlement to \$53,460, the amount that the College Board, an association of over 4,000 colleges and other educational organizations, estimates is necessary today to finance the average cost of tuition, fees, books, room and board, transportation, and expenses for a resident student at a four-year public institution of higher learning.

Section 102 of this bill would authorize VA to carry out a 4-year pilot program under which veterans could extend, for up to 2 years, their eligibility period to use MGIB education benefits. Current law states, in summary, that a veteran is entitled to 36 months of MGIB benefit, but only during a 10-year "delimiting period" beginning on the date of discharge from service. Section 102 of my bill would allow a veteran with a "left-over" entitlement to apply for a one-time extension of the delimiting period so that he or she might gain vocational or job readiness skills necessary to obtain or maintain employment. I believe that as the workforce evolves, so too must workers in order to stay competitive. Providing veterans with some flexibility in the use of a benefit they have earned—at a point in life beyond the "delimiting period"—is a sensible approach to helping veterans obtain the skills they may need to stay competitive in a 21st Century workforce.

Section 103 of this legislation would prohibit veterans' education benefits from being considered when determining a veteran's entitlement to Federal financial aid administered by the Department of Education. Under current law, such benefits are already excluded from eligibility calculations in determining eligibility for some forms of assistance granted by Title IV of the Higher Education Act of 1965, e.g., Pell grants and subsidized Stafford loans, but not for other forms of assistance, e.g., unsubsidized Stafford loans and campus-based aid. This legislation would rectify that anomaly by excluding veterans' education benefits from all such eligibility determinations.

Section 104 of the bill would fix yet another anomaly of law applicable to Reservists who are called to active duty. Current law generally specifies that such Reservists are eligible for MGIB benefits if they have served a minimum of 2 consecutive years of active duty. Current law also requires that service members contribute \$100 a month during their first 12 months of service to gain eligibility for MGIB benefits. Because the Department of Defense (DoD) activates Reservists for indefinite periods of time, it is impossible for a Reservist to know at the beginning of his or her activation period—when a decision has to be made on contributing the requisite \$100 per month—whether he or she will, in fact, end up serving 2 consecutive years of

active duty and, thus, whether he or she will become eligible for MGIB benefits. Due to that uncertainty, activated Reservists are, quite reasonably, hesitant to make the requisite contributions. The DoD and VA have worked around this problem; they permit Reservists who end up serving 2 consecutive years to pay the \$1,200 contribution at some later point—but the law does not explicitly authorize that allowance. This legislation would update the law to authorize these "late" contributions.

Section 201 of this legislation would increase the maximum amount of the VA home loan guaranty from \$60,000 to \$83,425. A guaranty of \$60,000 allows a veteran to purchase, without a down payment, a home with a value of four times that amount, or \$240,000. In many areas of the country, the median cost of housing is over \$300,000, effectively limiting the utility of this benefit. This legislation would raise the VA guaranty limit to make the effective amount of a VA loan equal to the so-called conforming loan rate in the non-VA secondary mortgage markets.

Sections 202 and 203 of this bill would expand on legislation I authored in 2002 that added a pilot adjustable rate mortgage, ARM, feature to VA's loan guaranty program. Currently, the pilot program, which expires on September 30, 2005, allows VA to guarantee only so-called "hybrid" ARMs. Even then, restrictive adjustment caps have effectively limited the program to only one type of hybrid ARM financing. This bill would give VA permanent authority to guaranty a full range of ARM financing, to include traditional 1-year ARMs and hybrid ARMs with interest rates fixed for periods of 3, 5, 7, or 10 years, consistent with the ARM provisions of the National Housing Act. I believe the housing benefit for veterans should, at the very least, equal that of benefits available for non-veterans through the FHA program.

Section 204 of this legislation resurrects legislation that was approved by the Senate during the 106th Congress, but which failed to pass the House. Current law mandates that VA collect a funding fee when veterans obtain a loan with a VA guaranty, but it also allows for a waiver of the funding fee if the veteran seeking housing assistance has suffered a service-connected disability. For the funding fee to be waived under current law, however, the veteran must already be receiving compensation, an event which can only occur after the service member has been discharged from service. Because VA has a presence at over 136 military discharge sites (where it conducts pre-discharge medical examinations), it is common for someone who is still in service to be adjudged disabled by VA. But because such a service member cannot yet receive veterans' compensation, VA cannot waive the funding fee even though an active-duty service can make use of his or her entitlement to a VA-guaranteed home loan while still in

service. This legislation would rectify that situation by, prospectively, allowing VA to waive funding fees for active duty service members who are eligible to receive compensation as a result of a pre-discharge examinations, but who are not yet discharged from service.

Section 301 of this legislation would rectify what I perceive to be an unintended oversight of the Veterans Employment Opportunity Act of 1998. That statute granted Federal job preferences to two classes of veterans—those who are “preference eligible” due to service during wartime or because of service-connected disability, and those who served on active duty for at least three years. The statute also authorized administrative and judicial redress but, by oversight, it limited such redress to the “preference eligible” class of veterans only. This legislation would extend current remedies to all veterans who are eligible for Federal job preferences.

Section 311 of this legislation would prohibit the collection of co-payments from veterans receiving VA-provided hospice care. The requirement for co-payments for hospice care is, I think, unduly burdensome in cases where the end of life is near. The Bush administration concurs; it requested this exemption in its fiscal year 2005 budget proposal. I am glad to advance this provision on behalf of the President.

Section 321 of this bill would extend three non-controversial statutory authorities that are now scheduled to expire. The first would extend, until 2009, the requirement that the VA's Advisory Committee on Former Prisoners of War submit a biennial report of its recommendations for improvements to benefits afforded to former prisoners of war. The second would make permanent VA authority to provide counseling and treatment services to veterans who have experienced sexual trauma while in service. The third would extend, until December 31, 2009, a reporting requirement imposed on VA's Special Medical Advisory Group. Finally, Section 331 of my legislation would update the definition of minority group members for purposes of the work of VA's Advisory Committee on Minority Veterans.

Mr. President, the principal thrust of this legislation is to improve and modernize aspects of VA education and housing programs which were first conceived 60 years ago. These improvements, and others contained in this bill, merit the support of the Senate. I request that support, and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2486

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Veterans’ Benefits Improvements Act of 2004”.

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

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

#### TITLE I—EDUCATION BENEFITS

Sec. 101. Increase in maximum amount of contribution for increased amount of basic educational assistance under Montgomery GI Bill.

Sec. 102. Pilot program on additional two-year period for use of entitlement by participants in Montgomery GI Bill for vocational or job readiness training.

Sec. 103. Exclusion of veterans education benefits in determination of eligibility or amount of Federal educational grants and loans.

Sec. 104. Collection of contributions for educational assistance under Montgomery GI Bill from Reserves called to active duty.

#### TITLE II—HOUSING BENEFITS

Sec. 201. Increase in maximum amount of housing loan guarantee.

Sec. 202. Permanent authority for guarantee of adjustable rate mortgages.

Sec. 203. Permanent authority for guarantee of hybrid adjustable rate mortgages and modification of guarantee authority.

Sec. 204. Termination of collection of loan fees from veterans rated eligible for compensation at pre-discharge rating examinations.

#### TITLE III—OTHER BENEFITS AND BENEFITS MATTERS

##### Subtitle A—Employment Benefits

Sec. 301. Availability of administrative and judicial redress for certain veterans denied opportunity to compete for Federal employment.

##### Subtitle B—Medical Benefits

Sec. 311. Prohibition on collection of copayments for hospice care.

##### Subtitle C—Extension of Benefits and Related Authorities

Sec. 321. Extension of various authorities relating to benefits for veterans.

##### Subtitle D—Other Matters

Sec. 331. Modification of definition of minority group member for purposes of Advisory Committee on Minority Veterans.

#### SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

#### TITLE I—EDUCATION BENEFITS

##### SEC. 101. INCREASE IN MAXIMUM AMOUNT OF CONTRIBUTION FOR INCREASED AMOUNT OF BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) ACTIVE DUTY BENEFIT.—Section 3011(e)(3) is amended by striking “\$600” and inserting “\$2,000”.

(b) SELECTED RESERVE BENEFIT.—Section 3012(f)(3) is amended by striking “\$600” and inserting “\$2,000”.

##### SEC. 102. PILOT PROGRAM ON ADDITIONAL TWO-YEAR PERIOD FOR USE OF ENTITLEMENT BY PARTICIPANTS IN MONTGOMERY GI BILL FOR VOCATIONAL OR JOB READINESS TRAINING.

(a) IN GENERAL.—(1) Subchapter I of chapter 30 is amended by adding at the end the following new section:

##### “§ 3020A. Additional two-year period for use of entitlement for vocational or job readiness instruction or training; pilot program

“(a) PILOT PROGRAM REQUIRED.—(1) The Secretary shall carry out a pilot program to assess the feasibility and advisability of permitting individuals whose entitlement to basic educational assistance under this chapter expires under section 3031 of this title before their complete use of such entitlement to be entitled to an additional two-year period for their use of such entitlement.

“(2) The pilot program shall commence six months after the date of the enactment of this section, and shall terminate four years after the date of the commencement of the pilot program.

“(b) ADDITIONAL TWO-YEAR PERIOD OF ENTITLEMENT.—Notwithstanding any provision of section 3031 of this title, an individual described in subsection (c) shall, at the expiration of the 10-year period beginning on the educational assistance entitlement commencement date of such individual, be entitled to an additional two-year period for the use of entitlement to basic educational assistance under this chapter.

“(c) ELIGIBLE INDIVIDUALS.—(1) An individual described in this subsection is any individual who—

“(A) as of the end of the 10-year period beginning on the educational assistance entitlement commencement date of such individual—

“(i) would remain entitled to basic educational assistance under this chapter but for the expiration of the 10-year delimiting period applicable to such individual under section 3031 of this title; and

“(ii) has not utilized all of the entitlement of such individual to basic educational assistance under this chapter; and

“(B) at the time of the application for entitlement under this subsection (d), is accepted, enrolled, or otherwise participating (as determined by the Secretary) in instruction or training described in subsection (e).

“(2) This subsection does not apply to an individual otherwise described by paragraph (1) whose remaining entitlement to basic educational assistance under this chapter as described in subparagraph (A)(ii) of that paragraph is based on the transfer of basic educational assistance under section 3020 of this title.

“(d) APPLICATION.—(1) An individual seeking an additional two-year period for the use of entitlement under this section shall submit to the Secretary an application therefor containing such information as the Secretary may require for purposes of this section.

“(2) The Secretary may not receive applications under this subsection after the termination date of the pilot program under subsection (a)(2).

“(e) COMMENCEMENT OF ADDITIONAL PERIOD FOR USE.—The additional two-year period for the use of entitlement by an individual under this section shall commence on the date the application of the individual under subsection (d) is received by the Secretary if the Secretary determines pursuant to a review of the application that the individual is an individual described by subsection (c) for purposes of this section.

“(f) INSTRUCTION OR TRAINING COVERED BY ADDITIONAL PERIOD FOR USE.—(1) The instruction or training for which entitlement to basic educational assistance under this chapter may be used during the additional two-year period for the use of entitlement under this section is as follows:

“(A) Education leading to employment in a high technology industry for purposes of section 3014A of this title.

“(B) A full-time program of apprenticeship or other on-job training approved as provided

in clause (1) or (2), as appropriate, of section 3687 of this title.

“(C) A cooperative program (as defined in section 3482(a)(2) of this title).

“(D) A licensing or certification test approved under section 3689 of this title.

“(E) Training or education leading toward a professional or vocational objective which has been approved in accordance with the provisions of subchapter I of chapter 36 of this title and is identified by the Secretary in regulations to be prescribed by the Secretary for purposes of this section.

“(2) Entitlement to basic educational assistance under this chapter may not be used during the additional two-year period for the use of entitlement under this section for the instruction or training as follows:

“(A) General education leading toward a standard college degree (as defined in section 3452(g) of this title), unless the program or training concerned will result in an associates degree that is approved by the Secretary in the manner specified in paragraph (1)(E) to be necessary to obtain a professional or vocational objective.

“(B) Preparatory courses for a test that is required or used for admission to an institution of higher education or graduate school.

“(g) COORDINATION WITH CERTAIN OTHER BENEFITS.—(1) An individual entitled to basic educational assistance under subsection (c) is entitled to educational and vocational counseling under section 3697A of this title in connection with the use of entitlement under this section.

“(2) An individual using entitlement to basic educational assistance under this chapter during the additional two-year period for the use of entitlement under this section is not entitled during the use of such entitlement to the following:

“(A) Supplemental educational assistance under subchapter III of this chapter.

“(B) A work-study allowance under section 3485 of this title.

“(h) EDUCATIONAL ASSISTANCE ENTITLEMENT COMMENCEMENT DATE DEFINED.—In this section, the term ‘educational assistance entitlement commencement date’, in the case of an individual described in subsection (b)(1), means the date on which begins the period during which the individual may use the individual’s entitlement to educational assistance under chapter as determined under section 3031 of this title.

“(i) EFFECT OF TERMINATION OF PILOT PROGRAM.—The termination of the pilot program under subsection (a)(2) shall not effect the continuing use of entitlement under this section of any individual whose additional two-year period for the use of entitlement under this section continues after the date of the termination of the pilot program under that subsection.”

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3020 the following new item:

“3020A. Additional two-year period for use of entitlement for vocational or job readiness instruction or training: pilot program.”

(b) CROSS-REFERENCE AMENDMENT.—Section 3031 is amended—

(1) in subsection (a), by striking “subsections (b) through (g), and subject to subsection (h),” and inserting “subsections (b) through (h), and subject to subsection (i),”;

(2) by redesignating subsection (h) as subsection (i); and

(3) by inserting after subsection (g) the following new subsection (h):

“(h) An individual whose period for the use of entitlement to basic educational assistance under this chapter would otherwise expire under this section may be eligible for an

additional two-year period for the use of entitlement under section 3020A of this title.”

#### **SEC. 103. EXCLUSION OF VETERANS EDUCATION BENEFITS IN DETERMINATION OF ELIGIBILITY OR AMOUNT OF FEDERAL EDUCATIONAL GRANTS AND LOANS.**

(a) IN GENERAL.—(1) Subchapter II of chapter 36 is amended by inserting after section 3694 the following new section:

##### **“§ 3694A. Exclusion of veterans education benefits in determination of eligibility or amount of Federal education grants and loans**

“(a) EXCLUSION.—Notwithstanding any other provision of law and subject to subsection (b), education benefits shall not be considered as income, assets, or other monetary resource in determining eligibility for, or the amount of, grant or loan assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

“(b) EXCEPTION.—In the case of campus-based student financial assistance, the amount of such assistance for which an individual would otherwise be eligible without taking into consideration education benefits as described in subsection (a) shall be reduced to the extent that the sum of such amount, the amount of the education benefits of the individual, and the amount of the Federal Pell Grant, if any, of the individual exceeds the cost of attendance of the individual.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘campus-based student financial assistance’ means grant, work, or loan assistance provided under subpart 3 of part A, and parts C and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq.; 42 U.S.C. 2751 et seq.; 20 U.S.C. 1087aa et seq.).

“(2) The term ‘cost of attendance’ has the meaning given such term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087fff).

“(3) The term ‘education benefits’ means education benefits under chapters 30, 32, and 35 of this title and under chapter 1606 of title 10.

“(4) The term ‘Federal Pell Grant’ means a grant provided under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a).”

(2) The table of sections at the beginning of chapter 36 is amended by inserting after the item referring to section 3694 the following new item:

“3694A. Exclusion of veterans education benefits in determination of eligibility or amount of Federal education grants and loans.”

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to award years, as that term is defined in section 481(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)(1)), beginning on or after July 1, 2004.

#### **SEC. 104. COLLECTION OF CONTRIBUTIONS FOR EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL FROM RESERVES CALLED TO ACTIVE DUTY.**

(a) ACTIVE DUTY PROGRAM.—Section 3011(b) is amended—

(1) by striking “The basic pay” and inserting “(1) Except as provided in paragraph (2), the basic pay”;

(2) by designating the second sentence as paragraph (3), indenting the left margin of such paragraph, as so designated, two ems, and, in that paragraph by striking “this chapter” and inserting “this subsection”;

(3) by inserting after paragraph (1), as so designated, the following new paragraph:

“(2) In the case of an individual covered by paragraph (1) who is a Reserve, the Secretary shall collect from the individual an amount

equal to \$1,200 before the commencement by the individual of the use of entitlement to basic educational assistance under this chapter. The Secretary may collect such amount through reductions in basic pay in accordance with paragraph (1) or through such other method as the Secretary determines appropriate.”

(b) SELECTED RESERVE PROGRAM.—Section 3012(c) is amended—

(1) by striking “The basic pay” and inserting “(1) Except as provided in paragraph (2), the basic pay”;

(2) by designating the second sentence as paragraph (3), indenting the left margin of such paragraph, as so designated, two ems, and, in that paragraph by striking “this chapter” and inserting “this subsection”;

(3) by inserting after paragraph (1), as so designated, the following new paragraph:

“(2) In the case of an individual covered by paragraph (1) who is a Reserve, the Secretary shall collect from the individual an amount equal to \$1,200 before the commencement by the individual of the use of entitlement to basic educational assistance under this chapter. The Secretary may collect such amount through reductions in basic pay in accordance with paragraph (1) or through such other method as the Secretary determines appropriate.”

### **TITLE II—HOUSING BENEFITS**

#### **SEC. 201. INCREASE IN MAXIMUM AMOUNT OF HOUSING LOAN GUARANTEE.**

(a) IN GENERAL.—Subparagraph (A)(i)(IV) of section 3703(a)(1) is amended by striking “\$60,000” and inserting “\$83,425”.

(b) CONFORMING AMENDMENT.—Subparagraph (B) of such section is amended by striking “\$60,000” and inserting “\$83,425”.

#### **SEC. 202. PERMANENT AUTHORITY FOR GUARANTEE OF ADJUSTABLE RATE MORTGAGES.**

Section 3707(a) is amended by striking “The Secretary shall” and all that follows through “guaranteeing loans” and inserting “The Secretary shall guarantee loans”.

#### **SEC. 203. PERMANENT AUTHORITY FOR GUARANTEE OF HYBRID ADJUSTABLE RATE MORTGAGES AND MODIFICATION OF GUARANTEE AUTHORITY.**

(a) PERMANENT AUTHORITY.—Subsection (a) of section 3707A is amended by striking “The Secretary shall” and all that follows through “guaranteeing loans” and inserting “The Secretary shall guarantee loans”.

(b) MODIFICATION OF INTEREST RATE ADJUSTMENT REQUIREMENTS.—Subsection (c) of such section is amended—

(1) by striking paragraph (3) and inserting the following new paragraph (3):

“(3) in the case of the initial interest rate adjustment under such provisions, be limited to a maximum increase or decrease of 1 percentage point if the interest rate remained fixed for 3 or fewer years; and”;

(2) in paragraph (4), by striking “5 percentage points” and all that follows and inserting “such number of percentage points as the Secretary shall prescribe for purposes of this section.”

(c) NO EFFECT ON GUARANTEE OF LOANS UNDER HYBRID ADJUSTABLE RATE MORTGAGE GUARANTEE DEMONSTRATION PROJECT.—The amendments made by this section shall not be construed to affect the force or validity of any guarantee of a loan made by the Secretary of Veterans Affairs under the demonstration project for the guarantee of hybrid adjustable rate mortgages under section 3707A of title 38, United States Code, as in effect on the day before the date of the enactment of this Act.

**SEC. 204. TERMINATION OF COLLECTION OF LOAN FEES FROM VETERANS RATED ELIGIBLE FOR COMPENSATION AT PRE-DISCHARGE RATING EXAMINATIONS.**

Section 3729(c) is amended—

- (1) by inserting “(1)” before “A fee”; and
- (2) by adding at the end the following new paragraph:

“(2) A veteran who is rated eligible to receive compensation as a result of a pre-discharge disability examination and rating shall be treated as receiving compensation for purposes of this subsection as of the date on which the veteran is rated eligible to receive compensation as a result of the pre-discharge disability examination and rating without regard to whether an effective date of the award of compensation is established as of that date.”.

**TITLE III—OTHER BENEFITS AND BENEFITS MATTERS**

**Subtitle A—Employment Benefits**

**SEC. 301. AVAILABILITY OF ADMINISTRATIVE AND JUDICIAL REDRESS FOR CERTAIN VETERANS DENIED OPPORTUNITY TO COMPETE FOR FEDERAL EMPLOYMENT.**

(a) ADMINISTRATIVE REDRESS.—Section 3330a(a)(1) of title 5, United States Code, is amended—

- (1) by inserting “(A)” after “(1)”; and
- (2) by adding at the end the following new subparagraph:

“(B) A veteran described in section 3304(f)(1) who alleges that an agency has violated such section with respect to such veteran may file a complaint with the Secretary of Labor.”.

(b) JUDICIAL REDRESS.—Section 3330b(a)(1) of such title is amended by inserting “, or a veteran described by section 3330a(a)(1)(B) with respect to a violation described by such section,” after “a preference eligible”.

**Subtitle B—Medical Benefits**

**SEC. 311. PROHIBITION ON COLLECTION OF CO-PAYMENTS FOR HOSPICE CARE.**

Section 1710B(c)(2) is amended—

- (1) in subparagraph (A), by striking “or” at the end;

(2) by redesignating subparagraph (B) as subparagraph (C); and

- (3) by inserting after subparagraph (A) the following new subparagraph (B):

“(B) to a veteran being furnished hospice care under this section; or”.

**Subtitle C—Extension of Benefits and Related Authorities**

**SEC. 321. EXTENSION OF VARIOUS AUTHORITIES RELATING TO BENEFITS FOR VETERANS.**

(a) SIX-YEAR EXTENSION OF BIENNIAL REPORT OF ADVISORY COMMITTEE ON FORMER PRISONERS OF WAR.—Section 541(c)(1) is amended by striking “2003” and inserting “2009”.

(b) PERMANENT AUTHORITY FOR COUNSELING AND TREATMENT FOR SEXUAL TRAUMA.—Section 1720D(a) is amended—

- (1) in paragraph (1), by striking “During the period through December 31, 2004, the Secretary” and inserting “The Secretary”; and

(2) in paragraph (2), by striking “, during the period through December 31, 2004.”.

(c) FIVE-YEAR EXTENSION OF REPORTS BY SPECIAL MEDICAL ADVISORY GROUP.—Section 7312(d) is amended by striking “December 31, 2004” and inserting “December 31, 2009”.

**Subtitle D—Other Matters**

**SEC. 331. MODIFICATION OF DEFINITION OF MINORITY GROUP MEMBER FOR PURPOSES OF ADVISORY COMMITTEE ON MINORITY VETERANS.**

Subsection (d) of section 544 is amended to read as follows:

“(d) In this section, the term ‘minority group member’ means an individual who is—

- “(1) American Indian or Alaska Native;
- “(2) Asian;
- “(3) Black or African American;
- “(4) Native Hawaiian or other Pacific Islander; or
- “(5) of the Hispanic, Latino, or Spanish origin.”.

**SUBMITTED RESOLUTIONS**

**SENATE RESOLUTION 368—COMMENDING THE UNIVERSITY OF VIRGINIA CAVALIERS WOMEN'S LACROSSE TEAM FOR WINNING THE 2004 NCAA DIVISION I WOMEN'S LACROSSE NATIONAL CHAMPIONSHIP**

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

S. RES. 368

Whereas the students, alumni, faculty, and supporters of the University of Virginia are to be congratulated for their commitment and pride in the University of Virginia Cavaliers National Champion women's lacrosse team;

Whereas in the National Collegiate Athletic Association (NCAA) championship game against the Princeton Tigers, the Cavaliers raced out to a 5 to 1 halftime lead on the strength of 8 saves by tournament Most Valuable Player Andrea Pfeiffer and 2 goals and an assist from Tyler Leachman;

Whereas the Cavaliers won the 2004 NCAA Division I women's lacrosse National Championship with an outstanding second half performance, scoring 5 goals to the Princeton Tigers' 3 goals to win by a score of 10 to 4;

Whereas the Cavaliers added the NCAA women's lacrosse title to their Atlantic Coast Conference (ACC) title to claim their second championship in 2004;

Whereas every player on the Cavalier women's lacrosse team—Amy Appelt, Caitlin Banks, Bridget Bradley, Kate Breslin, Laura Burns, Cary Chasney, Kim Connors, Ashley Dodson, Ashleigh Haas, Julie Hauser, Megan Havrilla, Carol Hotarek, Lauren Keller, Meredith Lazarus, Tyler Leachman, Nikki Leib, Chelsea Metz, Ginger Miles, Jessy Morgan, Erin Nagle, Andrea Pfeiffer, Elizabeth Pinney, Kaitlin Swagart, Erin Sweeney, Morgan Thalenberg, Molly Urlock, Jess Wasilewski, and Courtney Young—contributed to the team's success in this impressive championship season;

Whereas the Cavaliers women's lacrosse team Head Coach Julie Myers has won more than 100 games and has taken her teams to the NCAA title game 4 times, a feat only accomplished by 4 other coaches in women's lacrosse Division I history;

Whereas Coach Myers's 8 consecutive invitations to the NCAA lacrosse tournament has only been accomplished by 4 other coaches in women's lacrosse Division I history;

Whereas Coach Myers entered this season, her ninth year at the University of Virginia, as Head Coach with 2 NCAA women's lacrosse titles—1 as a player (1991) and 1 as an assistant coach (1993);

Whereas Julie Myers is the third person in NCAA women's lacrosse history to win a title as both a player and a coach, and is the first person to play for the championship both as a player and as a head coach; and

Whereas assistant coaches Heather Dow, Kateri Linville, and Colleen Shearer deserve high commendation for their strong leadership of, and superb coaching support to, the

University of Virginia Cavaliers women's lacrosse team: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the University of Virginia Cavaliers women's lacrosse team for winning the 2004 NCAA Division I women's lacrosse National Championship;

(2) recognizes the achievements of all the team's players, coaches, and support staff, and invites them to the United States Capitol Building to be honored; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Head Coach of the National Champion University of Virginia Cavaliers women's lacrosse team.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 3251. Mr. TALENT submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table.

SA 3252. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3253. Mr. ALLARD (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3254. Mr. ALLARD (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3255. Mr. SARBANES (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3256. Mr. CAMPBELL submitted an amendment intended to be proposed by him to the bill S. 1955, to make technical corrections to laws relating to Native Americans, and for other purposes; which was ordered to lie on the table.

**TEXT OF AMENDMENTS**

**SA 3251.** Mr. TALENT submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1068. SENSE OF CONGRESS ON AMERICA'S NATIONAL WORLD WAR I MUSEUM.**

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

(1) The Liberty Memorial Museum in Kansas City, Missouri, was built in 1926 in honor of those individuals who served in World War I in defense of liberty and the Nation.

(2) The Liberty Memorial Association, a nonprofit organization which originally built the Liberty Memorial Museum, is responsible for the finances, operations, and collections management of the Liberty Memorial Museum.

(3) The Liberty Memorial Museum is the only public museum in the Nation that exists for the exclusive purpose of interpreting the experiences of the United States and its allies in the World War I years (1914-1918), both on the battlefield and on the home front.

(4) The Liberty Memorial Museum project began after the 1918 Armistice through the efforts of a large-scale, grass-roots civic and fundraising effort by the citizens and veterans of the Kansas City metropolitan area. After the conclusion of a national architectural design competition, ground was broken in 1921, construction began in 1923, and the Liberty Memorial Museum was opened to the public in 1926.

(5) In 1994, the Liberty Memorial Museum closed for a massive restoration and expansion project. The restored museum reopened to the public on Memorial Day, 2002, during a gala rededication ceremony.

(6) Exhibits prepared for the original museum buildings presaged the dramatic, underground expansion of core exhibition gallery space, with over 30,000 square feet of new interpretive and educational exhibits currently in development. The new exhibits, along with an expanded research library and archives, will more fully utilize the many thousands of historical objects, books, maps, posters, photographs, diaries, letters, and reminiscences of World War I participants that are preserved for posterity in the Liberty Memorial Museum's collections. The new core exhibition is scheduled to open on Veterans Day, 2006.

(7) The City of Kansas City, the State of Missouri, and thousands of private donors and philanthropic foundations have contributed millions of dollars to build and later to restore this national treasure. The Liberty Memorial Museum continues to receive the strong support of residents from the States of Missouri and Kansas and across the Nation.

(8) Since the restoration and rededication of 2002, the Liberty Memorial Museum has attracted thousands of visitors from across the United States and many foreign countries.

(9) There remains a need to preserve in a museum setting evidence of the honor, courage, patriotism, and sacrifice of those Americans who offered their services and who gave their lives in defense of liberty during World War I, evidence of the roles of women and African Americans during World War I, and evidence of other relevant subjects.

(10) The Liberty Memorial Museum seeks to educate a diverse group of audiences through its comprehensive collection of historical materials, emphasizing eyewitness accounts of the participants on the battlefield and the home front and the impact of World War I on individuals, then and now. The Liberty Memorial Museum continues to actively acquire and preserve such materials.

(11) A great opportunity exists to use the invaluable resources of the Liberty Memorial Museum to teach the "Lessons of Liberty" to the Nation's schoolchildren through on-site visits, classroom curriculum development, distance learning, and other educational initiatives.

(12) The Liberty Memorial Museum should always be the Nation's museum of the national experience in the World War I years (1914-1918), where people go to learn about this critical period and where the Nation's history of this monumental struggle will be preserved so that generations of the 21st century may understand the role played by the United States in the preservation and advancement of democracy, freedom, and liberty in the early 20th century.

(13) This initiative to recognize and preserve the history of the Nation's sacrifices in World War I will take on added significance as the Nation approaches the centennial observance of this event.

(14) It is fitting and proper to refer to the Liberty Memorial Museum as "America's National World War I Museum".

(b) SENSE OF CONGRESS.—Congress—

(1) recognizes the Liberty Memorial Museum in Kansas City, Missouri, including the museum's future and expanded exhibits, collections, library, archives, and educational programs, as "America's National World War I Museum";

(2) recognizes that the continuing collection, preservation, and interpretation of the historical objects and other historical materials held by the Liberty Memorial Museum enhance the knowledge and understanding of the Nation's people of the American and allied experience during the World War I years (1914-1918), both on the battlefield and on the home front;

(3) commends the ongoing development and visibility of "Lessons of Liberty" educational outreach programs for teachers and students throughout the Nation; and

(4) encourages the need for present generations to understand the magnitude of World War I, how it shaped the Nation, other countries, and later world events, and how the sacrifices made then helped preserve liberty, democracy, and other founding principles for generations to come.

**SA 3252.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, add the following:

**SEC. 2844. TREATMENT OF PROCEEDS OF SALE OF REAL PROPERTY AT ROCKY MOUNTAIN ARSENAL, COLORADO, DISPOSED OF FOR COMMERCIAL, HIGHWAY, OR OTHER PUBLIC USE.**

Section 5(c) of the Rocky Mountain Arsenal National Wildlife Refuge Act of 1992 (Public Law 102-402; 106 Stat. 1966; 16 U.S.C. 668dd note) is amended by striking paragraph (2) and inserting the following new paragraphs:

"(2) Any amounts realized by the United States upon the sale of property as described in paragraph (1) shall be transferred to the National Fish and Wildlife Foundation for use in constructing a visitor center and an environmental education center for the refuge.

"(3) The use by the Foundation of amounts transferred to the Foundation under paragraph (2) shall be subject to the following:

"(A) Applicable provisions of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), except that such use shall not be subject to section 10(a) of such Act (16 U.S.C. 3709(a)).

"(B) Such terms and conditions as the Foundation and the United States Fish and Wildlife Service shall jointly agree upon with respect to the construction of the visitor center and the environmental education center.

"(4) If the amount transferred to the Foundation under paragraph (2) is excess to the amount required for the construction of the visitor center and the environmental edu-

cation center, the Foundation shall use the amount of the excess to pay costs associated with the operation and maintenance of the centers."

**SA 3253.** Mr. ALLARD (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 84, between the matter following line 13 and line 14, insert the following:

**SEC. 535. QUALIFICATIONS FOR APPOINTMENT AS DEAN OF THE FACULTY AT THE UNITED STATES AIR FORCE ACADEMY.**

Section 9335(a) of title 10, United States Code, is amended by inserting before the period at the end of the second sentence the following: ". except that, if the Dean is not an officer of the Air Force on active duty, the Dean shall be a retired officer or former officer of the Air Force, and a person may not be appointed or assigned as Dean unless that person holds the highest academic degree in that person's academic field".

**SA 3254.** Mr. ALLARD (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 84, between the matter following line 13 and line 14, insert the following:

**SEC. 535. REPEAL OF REQUIREMENT FOR OFFICER TO RETIRE UPON TERMINATION OF SERVICE AS SUPERINTENDENT OF THE AIR FORCE ACADEMY.**

(a) REPEALS.—Sections 8921 and 9333a of title 10, United States Code, are repealed.

(b) CLERICAL AMENDMENTS.—Subtitle D of title 10, United States Code, is amended—

(1) in the table of sections at the beginning of chapter 867, by striking the item relating to section 8921; and

(2) in the table of sections at the beginning of chapter 903, by striking the item relating to section 9333a.

**SA 3255.** Mr. SARBANES (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title III, insert the following:

**SEC. 353. SENSE OF THE SENATE REGARDING RESIDENTIAL COMMUNITIES INITIATIVE.**

(a) FINDINGS.—The Senate finds the following:

(1) There are approximately 750,000 school-aged children of members of the active duty Armed Forces in the United States.

(2) Approximately 650,000 of those students are currently being served in public schools across the United States.

(3) The Department of the Army has embarked on a housing initiative, the Residential Communities Initiative, which will result in 70,770 new family housing units at 34 installations and a corresponding increase in the number of school-aged children housed at those installations.

(4) The Secretary of the Army is authorized to include new school facilities in privatized housing contracts; however, the Secretary of the Army has not been using this authority to its fullest advantage. As a result, local educational agencies are being severely impacted by increased student-age populations.

(5) Local educational agencies are struggling under increasing financial burdens as a result of State budget cuts that have reduced the rate of growth for education spending to its lowest point since the 1990–1991 recession and this burden is exacerbated by a stagnate Federal education budget that actually cuts total education funding in fiscal year 2006 through fiscal year 2009 by \$5,000,000.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that the Department of the Army should support, through a dedicated fund, the construction of schools in local educational agencies whose student populations are severely impacted by housing developed through the Residential Communities Initiative.

**SA 3256.** Mr. CAMPBELL submitted an amendment intended to be proposed by him to the bill S. 1955, to make technical corrections to laws relating to Native Americans, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

#### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Native American Technical Corrections Act of 2004”.

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

*Sec. 1. Short title; table of contents.*

*Sec. 2. Definition of Secretary.*

#### **TITLE I—TECHNICAL AMENDMENTS AND OTHER PROVISIONS RELATING TO NATIVE AMERICANS**

*Sec. 101. National Fund for Excellence in American Indian Education.*

*Sec. 102. Indian Financing Act Amendments.*

*Sec. 103. Indian tribal justice technical and legal assistance.*

*Sec. 104. Tribal justice systems.*

*Sec. 105. Crow Tribal Trust Fund.*

*Sec. 106. ANCSA amendment.*

*Sec. 107. Washoe Tribe of Nevada and California land conveyance.*

#### **TITLE II—ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION**

*Sec. 201. Short title.*

*Sec. 202. Findings.*

*Sec. 203. Definitions.*

*Sec. 204. Distribution of judgment funds.*

*Sec. 205. Applicable law.*

#### **TITLE III—INDIAN LAND LEASING**

*Sec. 301. Authorization of 99-year leases.*

*Sec. 302. Certification of rental proceeds.*

*Sec. 303. Montana Indian Tribes; agreement with Dry Prairie Rural Water Association, Incorporated.*

*Sec. 304. Authorization of leases of restricted land for terms of 99 years.*

#### **TITLE IV—NAVAJO HEALTH CONTRACTING**

*Sec. 401. Navajo health contracting.*

#### **SEC. 2. DEFINITION OF SECRETARY.**

In this Act, the term “Secretary” means the Secretary of the Interior.

#### **TITLE I—TECHNICAL AMENDMENTS AND OTHER PROVISIONS RELATING TO NATIVE AMERICANS**

##### **SEC. 101. NATIONAL FUND FOR EXCELLENCE IN AMERICAN INDIAN EDUCATION.**

Title V of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bbb) is amended—

(1) by striking the title heading and inserting the following:

**“TITLE V—NATIONAL FUND FOR EXCELLENCE IN AMERICAN INDIAN EDUCATION”;**

(2) in section 501 (25 U.S.C. 458bbb)—

(A) by striking the section heading and inserting the following:

**“SEC. 501. NATIONAL FUND FOR EXCELLENCE IN AMERICAN INDIAN EDUCATION.”;**

and

(B) in subsection (a), by striking “the American Indian Education Foundation” and inserting “a foundation to be known as the ‘National Fund for Excellence in American Indian Education’”; and

(3) in section 503(2) (25 U.S.C. 458bbb-2(2)), by striking “Foundation” the second place it appears and inserting “National Fund for Excellence in American Indian Education”.

##### **SEC. 102. INDIAN FINANCING ACT AMENDMENTS.**

(a) **LOAN GUARANTIES AND INSURANCE.**—Section 201 of the Indian Financing Act of 1974 (25 U.S.C. 1481) is amended—

(1) by striking “the Secretary is authorized (a) to guarantee” and inserting “the Secretary may—

“(1) guarantee”;

(2) by striking “Indians; and (b) in lieu of such guaranty, to insure” and inserting “Indians; or

“(2) to insure”;

(3) by striking “SEC. 201. In order” and inserting the following:

**“SEC. 201. LOAN GUARANTIES AND INSURANCE.**

“(a) IN GENERAL.—In order”; and

(4) by adding at the end the following:

“(b) **ELIGIBLE BORROWERS.**—The Secretary may guarantee or insure loans under subsection (a) to both for-profit and nonprofit borrowers.”.

(b) **LOAN APPROVAL.**—Section 204 of the Indian Financing Act of 1974 (25 U.S.C. 1484) is amended by striking “SEC. 204.” and inserting the following:

**“SEC. 204. LOAN APPROVAL.”.**

(c) **LOANS INELIGIBLE FOR GUARANTY OR INSURANCE.**—Section 206 of the Indian Financing Act of 1974 (25 U.S.C. 1486) is amended by striking “Internal Revenue Code of 1954, as amended,” and inserting “Internal Revenue Code of 1986 (except loans made by certified Community Development Finance Institutions)”.

(d) **AGGREGATE LOANS OR SURETY BONDS LIMITATION.**—Section 217(b) of the Indian Financing Act of 1974 (25 U.S.C. 1497(b)) is amended by striking “\$500,000,000” and inserting “\$1,500,000,000”.

##### **SEC. 103. INDIAN TRIBAL JUSTICE TECHNICAL AND LEGAL ASSISTANCE.**

Sections 106 and 201(d) of the Indian Tribal Justice Technical and Legal Assistance Act (25 U.S.C. 3666, 3681(d)) are amended by striking “for fiscal years 2000 through 2004” and inserting “for fiscal years 2004 through 2010”.

##### **SEC. 104. TRIBAL JUSTICE SYSTEMS.**

Subsections (a), (b), (c), and (d) of section 201 of the Indian Tribal Justice Act (25 U.S.C. 3621) are amended by striking “2007” and inserting “2010”.

##### **SEC. 105. CROW TRIBAL TRUST FUND.**

Section 6(d) of the Crow Boundary Settlement Act of 1994 (25 U.S.C. 1776d(d)), is amended—

(1) in the subsection heading, by inserting “AND CAPITAL GAINS” after “INTEREST”;

(2) in paragraph (1), by striking “Only” and inserting “Except as provided in paragraph (4), only”; and

(3) by adding at the end the following:

“(4) **DISTRIBUTION OF CAPITAL GAINS.**—Notwithstanding subsection (f) or any other provision of law, capital gains and any other noninterest income received on funds in the Crow Tribal Trust Fund shall be available for distribution by the Secretary to the Crow Tribe to the extent that the balance in the Crow Tribal Trust Fund (including capital gains) exceeds \$85,000,000, for the same uses and subject to the same restrictions in paragraphs (1) and (3) as are applicable to distributions of interest.”.

##### **SEC. 106. ANCSA AMENDMENT.**

All land and interests in land in the State of Alaska conveyed by the Federal Government under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) to a Native Corporation and reconveyed by that Native Corporation, or a successor in interest, in exchange for any other land or interest in land in the State of Alaska and located within the same region (as defined in section 9(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1608(a)), to a Native Corporation under an exchange or other conveyance, shall be deemed, notwithstanding the conveyance or exchange, to have been conveyed pursuant to that Act.

##### **SEC. 107. WASHOE TRIBE OF NEVADA AND CALIFORNIA LAND CONVEYANCE.**

Section 2 of Public Law 108–67 (117 Stat. 880) is amended by striking “the parcel” and all that follows and inserting “a portion of Lots 3 and 4, as shown on the United States and Encumbrance Map revised January 10, 1991, for the Toiyabe National Forest, Ranger District Carson –1, located in the S½ of NW¼ and N½ of SW¼ of the SE¼ of sec. 27, T. 15N, R. 18E, Mt. Diablo Base and Meridian, comprising 24.3 acres.”.

#### **TITLE II—ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION**

##### **SEC. 201. SHORT TITLE.**

This title may be cited as the “Assiniboiné and Sioux Tribes of the Fort Peck Reservation Judgment Fund Distribution Act of 2004”.

##### **SEC. 202. FINDINGS.**

Congress finds that—

(1) on December 18, 1987, the Assiniboiné and Sioux Tribes of the Fort Peck Reservation and 5 individual Fort Peck tribal members filed a complaint in the United States Claims Court (currently the Court of Federal Claims) in the case of Assiniboiné and Sioux Tribes of the Fort Peck Reservation v. United States of America, Docket No. 773–87–L, to recover interest earned on trust funds while those funds were held in special deposit accounts and Indian Moneys–Proceeds of Labor accounts;

(2) the Court held that the United States was liable for any income derived from investment of the trust funds of the Tribe and individual members of the Tribe for the period during which those funds were held in special deposit accounts and Indian Moneys–Proceeds of Labor accounts;

(3) on December 31, 1998, the plaintiffs entered into a settlement with the United States for claims made in the case for payment by the United States of—

(A) \$1,339,415.33, representing interest earned on funds while held in special deposit accounts at the Fort Peck Agency during the period August 13, 1946, through September 30, 1981;

(B) \$2,749,354.41, representing—

(1) interest on the principal indebtedness for the period from August 13, 1946, through July 31, 1998; plus



(ii) \$364.27 in per diem interest on the principal indebtedness for each day during the period commencing August 1, 1998, and ending on the date on which the judgment is paid; and

(C) \$350,000, representing the litigation costs and attorney's fees that the Tribe incurred to prosecute the claims;

(4) the terms of the settlement were approved by the Court on January 8, 1999, and judgment was entered on January 12, 1999;

(5) on March 18, 1999, \$4,522,551.84 was transferred to the Department of the Interior;

(6) that judgment amount was deposited in an escrow account established to provide—

(A) \$350,000 for the payment of attorney's fees and expenses; and

(B) \$4,172,551.84 for pending Court-ordered distribution to the Tribe and individual Indian trust beneficiaries;

(7) on January 31, 2001, the Court approved a joint stipulation that established procedures for—

(A) identification of the class of individual Indians having an interest in the judgment;

(B) notice to and certification of that class; and

(C) the distribution of the judgment amount to the Tribe and affected class of individual Indians;

(8)(A) on or about February 14, 2001, in accordance with the Court-approved stipulation, \$643,186.73 was transferred to an account established by the Secretary for the benefit of the Tribe; and

(B) that transferred amount represents—

(i) 54.2 percent of the Tribe's estimated 26-percent share of the amount referred to in paragraph (6)(B); plus

(ii) 50 percent of the Tribe's estimated 26-percent share of interest and capital gains earned on the judgment amount from the period beginning March 18, 1999, and ending on December 31, 2000;

(9) under the Court-approved stipulation—

(A) that transferred amount is to remain available for use by the Tribe in accordance with a plan adopted under the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.);

(B) the Tribe will most likely receive additional payments from the distribution amount once the identification of all individuals eligible to share in the distribution amount is completed and the pro rata shares are calculated; and

(C) those additional payments would include—

(i) the balance of the share of the Tribe of the distribution amount and investment income earned on the distribution amount;

(ii) the portion of the distribution amount that represents income derived on funds in special deposit accounts that are not attributable to the Tribe or any individual Indian; and

(iii) the portion of the distribution amount that represents shares attributable to individual Indians that—

(I) cannot be located for purposes of accepting payment; and

(II) will not be bound by the judgment in the case referred to in paragraph (1); and

(10) under the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), the Secretary is required to submit to Congress for approval an Indian judgment fund use or distribution plan.

#### SEC. 203. DEFINITIONS.

In this title:

(1) COURT.—The term "Court" means the Court of Federal Claims.

(2) DISTRIBUTION AMOUNT.—The term "distribution amount" means the amount referred to in section 202(6)(B).

(3) JUDGMENT AMOUNT.—The term "judgment amount" means the amount referred to in section 202(5).

(4) PRINCIPAL INDEBTEDNESS.—The term "principal indebtedness" means the amount referred to in section 202(3)(A).

(5) TRIBE.—The term "Tribe" means the Assiniboiné and Sioux Tribes of the Fort Peck Reservation.

#### SEC. 204. DISTRIBUTION OF JUDGMENT FUNDS.

(a) IN GENERAL.—Notwithstanding any provision of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), the share of the Tribe of the distribution amount, and such additional amounts as may be awarded to the Tribe by the Court with respect to the case referred to in section 202(1) (including any interest accrued on those amounts)—

(1) shall be made available for tribal health, education, housing, and social services programs of the Tribe, including—

(A) educational and youth programs;

(B) programs for improvement of facilities and housing;

(C) programs to provide equipment for public utilities;

(D) programs to provide medical assistance or dental, optical, or convalescent equipment; and

(E) programs to provide senior citizen and community services; and

(2) shall not be available for per capita distribution to any member of the Tribe.

(b) BUDGET SPECIFICATION.—The specific programs for which funds are made available under subsection (a)(1), and the amount of funds allocated to each of those programs, shall be specified in an annual budget developed by the Tribe and approved by the Secretary.

#### SEC. 205. APPLICABLE LAW.

Except as provided in section 204(a), all funds distributed under this title are subject to sections 7 and 8 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1407, 1408).

### TITLE III—INDIAN LAND LEASING

#### SEC. 301. AUTHORIZATION OF 99-YEAR LEASES.

(a) IN GENERAL.—Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)), is amended in the second sentence—

(1) by inserting "the reservation of the Confederated Tribes of the Umatilla Indian Reservation," before "the Burns Paiute Reservation,";

(2) by inserting "the" before "Yavapai-Prescott";

(3) by inserting "the Muckleshoot Indian Reservation and land held in trust for the Muckleshoot Indian Tribe," after "the Cabazon Indian reservation,".

(4) by striking "Washington,," and inserting "Washington,";

(5) by inserting "lands held in trust for the Fallon Paiute Shoshone Tribes," before "lands held in trust for the Pueblo of Santa Clara"; and

(6) by inserting "land held in trust for the Yurok Tribe, land held in trust for the Hopland Band of Pomo Indians of the Hopland Rancheria," after "Pueblo of Santa Clara,".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any lease entered into or renewed after the date of enactment of this Act.

#### SEC. 302. CERTIFICATION OF RENTAL PROCEEDS.

Notwithstanding any other provision of law, any actual rental proceeds from the lease of land acquired under section 1 of Public Law 91-229 (25 U.S.C. 488) certified by the Secretary of the Interior shall be deemed—

(1) to constitute the rental value of that land; and

(2) to satisfy the requirement for appraisal of that land.

#### SEC. 303. MONTANA INDIAN TRIBES; AGREEMENT WITH DRY PRAIRIE RURAL WATER ASSOCIATION, INCORPORATED.

(a) IN GENERAL.—The Assiniboiné and Sioux Tribes of the Fort Peck Indian Reservation (referred to in this section as the "Tribes") may, with the approval of the Secretary of the Interior, enter into a lease or other temporary conveyance of water rights recognized under the Fort Peck-Montana Compact (Montana Code Annotated 85-20-201) for the purpose of meeting the water needs of the Dry Prairie Rural Water Association, Incorporated (or any successor entity), in accordance with section 5 of the Fort Peck Reservation Rural Water System Act of 2000 (114 Stat. 1454).

(b) CONDITIONS OF LEASE.—With respect to a lease or other temporary conveyance described in subsection (a)—

(1) the term of the lease or conveyance shall not exceed 100 years; and

(2)(A) the lease or conveyance may be approved by the Secretary of the Interior without monetary compensation to the Tribes; and

(B) the Secretary of the Interior shall not be subject to liability for any claim or cause of action relating to the compensation or consideration received by the Tribes under the lease or conveyance.

(c) NO PERMANENT ALIENATION OF WATER.—Nothing in this section authorizes any permanent alienation of any water by the Tribes.

#### SEC. 304. AUTHORIZATION OF LEASES OF RESTRICTED LAND FOR TERMS OF 99 YEARS.

The first section of the Act of August 9, 1955 (25 U.S.C. 415) (as amended by section 3), is amended by adding at the end the following:

"(h) AUTHORIZATION OF LEASES OF TRIBALLY OWNED RESTRICTED LAND FOR TERMS OF 99 YEARS.—

"(1) IN GENERAL.—Notwithstanding subsection (a), any restricted Indian land that is owned by an Indian tribe may be leased by the tribal owner, with the approval of the Secretary of the Interior, for a term of not longer than 99 years, for—

"(A) public, religious, educational, recreational, residential, or business purposes; and

"(B) any other purpose stated in subsection (a), unless the Secretary determines that the principal purpose of the lease is for—

"(i) exploration, development, or extraction of a mineral resource; or

"(ii) storage of materials listed as high level radioactive waste (as defined in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101)).

"(2) APPROVAL BY THE SECRETARY.—To the maximum extent practicable under law, the Secretary shall approve or disapprove a lease described in subsection (a) or an amendment to such a lease not later than the date that is 270 days after the date on which an application for approval of the lease or lease amendment is submitted to the Secretary.".

### TITLE IV—NAVAJO HEALTH CONTRACTING

#### SEC. 401. NAVAJO HEALTH CONTRACTING.

The Navajo Health Foundation/Sage Memorial Hospital in Ganado, Arizona, shall be considered to be a tribal contractor under the Indian Self-Determination and Education Assistance Act for the purposes of section 102(d) and subsections (k) and (o) of section 105 of that Act (25 U.S.C. 450f(d), 450j) provided that the Hospital remains the authorized tribal organization (as defined in section 4 of that Act (25 U.S.C. 450b)) of the Navajo Nation.

## 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 the following hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, June 8th, 2004 at 10:00 a.m. in Room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nomination of Suedeen G. Kelly, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2009.

For further information, please contact Judy Pensabene of the Committee staff at (202) 224-1327.

## SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources:

The hearing will be held on Tuesday, June 8, 2004 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 931, to direct the Secretary of the Interior to undertake a program to reduce the risks from and mitigate the effects of avalanches on visitors to units of the National Park System and on other recreational users of public land; S. 1678, to provide for the establishment of the Uintah Research and Curatorial Center for Dinosaur National Monument in the States of Colorado and Utah, and for other purposes; S. 2140, to expand the boundary of the Mount Rainier National Park; S. 2287, to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes; and S. 2469, to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation.

Because of the limited time available for the hearings, 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, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Tom Lillie at (202) 224-5161 or Sarah Creachbaum at (202) 224-6293.

COMMENDING THE UNIVERSITY OF  
VIRGINIA WINNING THE 2004  
NCAA DIVISION I WOMEN'S LA-  
CROSSE NATIONAL CHAMPION-  
SHIP

Mr. MCCONNELL. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 368, which was submitted earlier today by Senators ALLEN and WARNER.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 368) commending the University of Virginia Cavaliers women's lacrosse team for winning the 2004 NCAA Division I women's lacrosse National Championship.

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

Mr. ALLEN. Mr. President, I congratulate the University of Virginia Women's Lacrosse team for winning the 2004 NCAA Division I lacrosse championship with a 10-to-4 victory over the previously undefeated 2003 champion Princeton Tigers and introduce a resolution expressing the congratulations of the United States Senate to these outstanding young women.

As a University of Virginia graduate and father of a daughter who plays lacrosse in high school, I express the pride felt by all students, faculty and alumni of the University of Virginia at this tremendous accomplishment by the women's lacrosse team. Coach Julie Myers and her superb coaching staff: Colleen Shearer, Heather Dow and Kateri Linville, deserve much of the credit for the accomplishment of these student athletes and should also be highly commended.

The University of Virginia Cavaliers Women's Lacrosse team raced out to a 5 to 1 halftime lead on the strength of eight saves by tournament MVP Andrea Pfeiffer and two goals and an assist from Tyler Leachman. The University of Virginia went on to win the championship with an outstanding second half performance scoring five goals to the Princeton Tigers' three to win the 2004 NCAA women's lacrosse title 10 to 4.

In her distinguished career, Cavalier Head Coach Julie Myers has won over a hundred games and has taken her teams to the NCAA title game four times, a feat accomplished by only four other coaches in Division I history. Cavalier teams' eight consecutive invitations to the NCAA tournament have been accomplished by only four other coaches in Division I history. In addition to their 2004 National title, the women's team also won the ACC championship, one of the toughest conferences in the country.

The members of the 2004 University of Virginia's Women's Lacrosse team have indeed made Mr. Jefferson's University proud and should be applauded for their character and leadership, both on and off the playing field. I congratu-

late Amy Appelt, Caitlin Banks, Bridget Bradley, Kate Breslin, Laura Burns, Cary Chasney, Kim Connors, Ashley Dodson, Ashleigh Haas, Julie Hauser, Megan Havrilla, Carol Hotarek, Lauren Keller, Meredith Lazarus, Tyler Leachman, Nikki Leib, Chelsea Metz, Ginger Miles, Jessy Morgan, Erin Nagle, Andrea Pfeiffer, Elizabeth Pinney, Kaitlin Swagart, Erin Sweeney, Morgan Thalenberg, Molly Urlock, Jess Wasilewski, and Courtney Young.

Mr. President, I hope my colleagues will join with Senator WARNER and me to pass this resolution recognizing the National Champion University of Virginia Women's Lacrosse team.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements related to this resolution be printed in the RECORD.

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

The resolution (S. Res. 368) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

## S. RES. 368

Whereas the students, alumni, faculty, and supporters of the University of Virginia are to be congratulated for their commitment and pride in the University of Virginia Cavaliers National Champion women's lacrosse team;

Whereas in the National Collegiate Athletic Association (NCAA) championship game against the Princeton Tigers, the Cavaliers raced out to a 5 to 1 halftime lead on the strength of 8 saves by tournament Most Valuable Player Andrea Pfeiffer and 2 goals and an assist from Tyler Leachman;

Whereas the Cavaliers won the 2004 NCAA Division I women's lacrosse National Championship with an outstanding second half performance, scoring 5 goals to the Princeton Tigers' 3 goals to win by a score of 10 to 4;

Whereas the Cavaliers added the NCAA women's lacrosse title to their Atlantic Coast Conference (ACC) title to claim their second championship in 2004;

Whereas every player on the Cavalier women's lacrosse team—Amy Appelt, Caitlin Banks, Bridget Bradley, Kate Breslin, Laura Burns, Cary Chasney, Kim Connors, Ashley Dodson, Ashleigh Haas, Julie Hauser, Megan Havrilla, Carol Hotarek, Lauren Keller, Meredith Lazarus, Tyler Leachman, Nikki Leib, Chelsea Metz, Ginger Miles, Jessy Morgan, Erin Nagle, Andrea Pfeiffer, Elizabeth Pinney, Kaitlin Swagart, Erin Sweeney, Morgan Thalenberg, Molly Urlock, Jess Wasilewski, and Courtney Young—contributed to the team's success in this impressive championship season;

Whereas the Cavaliers women's lacrosse team Head Coach Julie Myers has won more than 100 games and has taken her teams to the NCAA title game 4 times, a feat only accomplished by 4 other coaches in women's lacrosse Division I history;

Whereas Coach Myers's 8 consecutive invitations to the NCAA lacrosse tournament has only been accomplished by 4 other coaches in women's lacrosse Division I history;

Whereas Coach Myers entered this season, her ninth year at the University of Virginia,