

(ii) for each Federal executive agency, the number of claims resolved, the type of corrective action obtained, the period of time for final resolution of the claim, and the results obtained.

(B) An assessment of whether referral to the Office of Special Counsel of claims under the demonstration project—

(i) improved services to servicemembers and veterans; or

(ii) significantly reduced or eliminated duplication of effort and unintended delays in resolving meritorious claims of those servicemembers and veterans.

(C) An assessment of the feasibility and advisability of referring all claims under chapter 43 of title 38, United States Code, against Federal executive agencies to the Office of Special Counsel for investigation and resolution.

(D) Such other recommendations for administrative action or legislation as the Comptroller General determines appropriate.

(8) DEFINITIONS.—In this subsection:

(A) OFFICE OF SPECIAL COUNSEL.—The term “Office of Special Counsel” means the Office of Special Counsel established by section 1211 of title 5, United States Code.

(B) SECRETARY.—The term “Secretary” means the Secretary of Labor.

(C) FEDERAL EXECUTIVE AGENCY.—The term “Federal executive agency” has the meaning given that term in section 4303(5) of title 38, United States Code.

(c) USERRA IMPLEMENTING REGULATIONS.—

(1) REQUIREMENT FOR REGULATIONS.—Subsections (a) and (b)(1) of section 4331 of title 38, United States Code, are amended by striking “may prescribe” and inserting “shall prescribe”.

(2) CLARIFICATION OF RIGHT TO MERIT PAY INCREASES.—The regulations prescribed for the implementation of chapter 43 of title 38, United States Code, under section 4331 of such title shall include regulations that clarify that the entitlement of persons returning to employment under such chapter to receive pay increases under merit pay systems of employers may not be denied on the basis of lack of work performance evaluations for periods of absence for active duty in the uniformed services.

#### SEC. 7. IMPROVED EDUCATIONAL ASSISTANCE BENEFITS FOR MEMBERS OF THE SELECTED RESERVE.

(a) INCREASE IN AMOUNT OF BASIC EDUCATIONAL ASSISTANCE.—

(1) IN GENERAL.—Section 16131(b) of title 10, United States Code, is amended to read as follows:

“(b) Except as provided in subsections (d) through (f), each educational assistance program established under subsection (a) shall provide for payment by the Secretary concerned, through the Secretary of Veterans Affairs, to each person entitled to educational assistance under this chapter who is pursuing a program of education of an educational assistance allowance at the following monthly rates:

“(1) For such a program of education pursued on a full-time basis, at the monthly rate equal to the applicable percentage (as defined in paragraph (3)) of the rate that applies for the month under section 3015(a)(1) of title 38.

“(2)(A) Subject to subparagraph (B), for such a program of education pursued on a less than a full-time basis, at an appropriately reduced rate, as determined under regulations which the Secretaries concerned shall prescribe.

“(B) No payment may be made to a person for less than half-time pursuit of such a program of education if tuition assistance is otherwise available to the person for such pursuit from the military department concerned.

“(3) In this subsection, the term ‘applicable percentage’ means, with respect to months occurring during—

“(A) fiscal year 2005, 33 percent;

“(B) fiscal year 2006, 37 percent;

“(C) fiscal year 2007, 41 percent;

“(D) fiscal year 2008, 45 percent; and

“(E) fiscal year 2009, and each subsequent fiscal year, 50 percent.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2004, and shall apply with respect to educational assistance allowances under section 16131(b) of such title paid for months after September 2004.

(b) EXPANSION OF ELIGIBILITY REQUIREMENTS FOR MEMBERS OF THE SELECTED RESERVE HAVING SERVED ON ACTIVE DUTY FOR A PERIOD OF 24 NON-CONSECUTIVE MONTHS UNDER CHAPTER 30 OF TITLE 38, UNITED STATES CODE.—

(1) CREDIT FOR 24 MONTHS OF ACTIVE DUTY SERVICE OVER A PERIOD OF 5 YEARS.—Subsection 3012(a) of title 38, United States Code, is amended in paragraphs (1)(A)(i), (1)(B)(i), and (1)(C)(iii)(I) by striking “two years of continuous active duty” each place it appears and inserting “a cumulative period of 24 months during any 5-year period”.

(2) CONFORMING AMENDMENT.—Subsection (b) of section 3012 of such title is amended in paragraph (1) by striking “during such two years” and inserting “at any time during such 5-year period”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply on or after October 1, 2005.

#### SEC. 8. REDUCTION IN AGE FOR RECEIPT OF MILITARY RETIRED PAY FOR NON-REGULAR SERVICE.

(a) REDUCTION IN AGE.—Section 12731(a)(1) of title 10, United States Code, is amended by striking “at least 60 years of age” and inserting “at least 55 years of age”.

(b) APPLICATION TO EXISTING PROVISIONS OF LAW OR POLICY.—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch, that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to the age in effect for qualification for such retired pay under section 12731(a) of title 10, United States Code, as amended by subsection (a).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act and shall apply to retired pay payable for that month and subsequent months.

#### SEC. 9. DEPUTY UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS (RESERVE AFFAIRS).

(a) ESTABLISHMENT OF POSITION.—

(1) POSITION AND DUTIES.—Chapter 4 of title 10, United States Code, is amended by inserting after section 136a the following new section:

##### “§ 136b. Deputy Under Secretary of Defense for Personnel and Readiness (Reserve Affairs)

“(a) There is a Deputy Under Secretary of Defense for Personnel and Readiness (Reserve Affairs), appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(b) The Deputy Under Secretary of Defense for Personnel and Readiness (Reserve Affairs) shall have as his principal duty the overall supervision of reserve component affairs of the Department of Defense.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 136a the following new item:

“136b. Deputy Under Secretary of Defense for Personnel and Readiness (Reserve Affairs).”.

(b) EXECUTIVE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by inserting after “Deputy Under Secretary of Defense for Personnel and Readiness.” the following:

“Deputy Under Secretary of Defense for Personnel and Readiness (Reserve Affairs).”.

(c) ELIMINATION OF POSITION OF ASSISTANT SECRETARY OF DEFENSE FOR RESERVE AFFAIRS.—

(1) REPEAL OF REQUIREMENT FOR POSITION.—Subsection (b) of section 138 of title 10, United States Code, is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3), (4), and (5), as paragraphs (2), (3), and (4), respectively.

(2) REDUCTION IN TOTAL NUMBER OF ASSISTANT SECRETARIES OF DEFENSE.—

(A) AUTHORIZED NUMBER.—Subsection (a) of such section is amended by striking “nine” and inserting “eight”.

(B) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking “(9)” after “Assistant Secretaries of Defense” and inserting “(8)”.

(d) EFFECTIVE DATE.—The amendments made by subsection (c) shall take effect on the date on which a person is first appointed as Deputy Under Secretary of Defense for Personnel and Readiness (Reserve Affairs).

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 422—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD DESIGNATE THE WEEK BEGINNING SEPTEMBER 12, 2004, AS “NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK”

Mr. GRAHAM of South Carolina (for himself, Mr. LOTT, Mr. LUGAR, Mr. BROWNBACK, Mr. BIDEN, Mrs. DOLE, Mr. SESSIONS, Mr. TALENT, Mrs. HUTCHISON, Mr. VOINOVICH, Mr. COCHRAN, Mr. MILLER, Ms. MIKULSKI, Ms. STABENOW, Mr. SANTORUM, Mr. DURBIN, Mr. SCHUMER, Mr. BUNNING, Mr. ALLEN, Mr. ALEXANDER, and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 422

Whereas there are 105 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it

*Resolved,*

# SECTION 1. DESIGNATION OF NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate the week beginning September 12, 2004, as “National Historically Black Colleges and Universities Week”.

(b) PROCLAMATION.—The Senate requests the President to issue a proclamation—

(1) designating the week beginning September 12, 2004, as “National Historically Black Colleges and Universities Week”; and

(2) calling on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

## SENATE RESOLUTION 423—COMMENDING INEZ SITTER FOR HER SERVICE TO THE UNITED STATES

Mr. INHOFE submitted the following resolution; which was referred to the Committee on Indian Affairs:

S. RES. 423

Whereas the United States, and subsequently the Choctaw Nation of Oklahoma, have operated a school at Hartshorne, Oklahoma, called the Jones Academy for more than 100 years, a facility that, since 1952, has provided residential services to predominately at-risk children from more than 20 Indian tribes throughout the United States who attend local, public school academic classes;

Whereas for approximately half that time, Mrs. Inez Sitter has been a vital part of that school and its efforts to educate American Indian children;

Whereas Mrs. Sitter came to the school in an administrative post in March of 1944 and progressed through various administrative capacities to be the Administrative Assistant at the school;

Whereas Mrs. Sitter formally retired from the Bureau of Indian Affairs in 1983, after 39 years of service;

Whereas Mrs. Sitter immediately thereafter assumed the position as the Study Hall/Tutorial Coordinator for Jones Academy, the Library Services Coordinator, and the Director of the critically important Foster Grandparents program at the school, positions she has held to this day;

Whereas Mrs. Sitter, who is a member of many civic organizations, including the Hartshorne Edgewood United Methodist Church, the Daughters of the American Revolution, and the American Legion Auxiliary, is known throughout the community for her extra work with students, including mentoring, tutoring, and preparation of homework and term assignments;

Whereas for such work she gained a position of advocate for the children of Jones Academy and the de facto position of liaison with the local public school in Hartshorne;

Whereas Mrs. Sitter, who resided with her family on campus, became a surrogate parent for hundreds of Jones Academy children;

Whereas Mrs. Sitter has been described by a colleague as “87 years young, and only 95 pounds, but with 60 years of service to the children of Jones Academy and the people of Hartshorne, the State of Oklahoma, and these United States”; and

Whereas the Bureau of Indian Affairs, recognizing her selfless and outstanding contributions, awarded Mrs. Sitter its Lifetime Achievement Award, presented by Assistant Secretary Dave Anderson on August 3, 2004: Now, therefore, be it

*Resolved*, That the Senate commends Mrs. Inez Sitter for her outstanding service to the

Choctaw Nation of Oklahoma, the State of Oklahoma, and the United States.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3616. Mr. FRIST (for himself, Mr. BYRD, Mr. COCHRAN, Mr. SPECTER, Ms. MURKOWSKI, Mr. VOINOVICH, Mr. DEWINE, Mr. BURNS, Mrs. CLINTON, Ms. MIKULSKI, Mrs. MURRAY, and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 3578 proposed by Mr. BAUCUS (for himself, Mr. LEVIN, Ms. STABENOW, Mrs. MURRAY, and Mrs. CLINTON) to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

SA 3617. Mr. REID (for Mr. LAUTENBERG) proposed an amendment to the bill H.R. 4567, *supra*.

SA 3618. Mr. COCHRAN (for Mr. FRIST (for himself, Mr. COCHRAN, Mr. BYRD, and Mr. VOINOVICH)) proposed an amendment to the bill H.R. 4567, *supra*.

SA 3619. Mr. CORZINE (for himself, Mr. LAUTENBERG, Mr. SCHUMER, Mrs. BOXER, and Mrs. CLINTON) proposed an amendment to the bill H.R. 4567, *supra*.

SA 3620. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 4567, *supra*; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

SA 3616. Mr. FRIST (for himself, Mr. BYRD, Mr. COCHRAN, Mr. SPECTER, Ms. MURKOWSKI, Mr. VOINOVICH, Mr. DEWINE, Mr. BURNS, Mrs. CLINTON, Ms. MIKULSKI, Mrs. MURRAY, and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 3578 proposed by Mr. BAUCUS (for himself, Mr. LEVIN, Ms. STABENOW, Mrs. MURRAY, and Mrs. CLINTON) to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 2, line 5 insert:

“(b) The total amount appropriated under the heading “IMMIGRATION AND CUSTOMS ENFORCEMENT, FEDERAL AIR MARSHALS” is hereby increased by \$50,000,000. Of such total amount, as so increased, \$50,000,000 is for the continued operations of the Federal Air Marshals program.

“(c) The total amount appropriated under the heading “OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, STATE AND LOCAL PROGRAMS” is hereby increased by \$50,000,000. Of such total amount, as so increased, \$50,000,000 is for discretionary assistance to non-profit organizations (as defined under section 501(c)(3) of the Internal Revenue Code of 1986) determined by the Secretary of Homeland Security to be at high-risk of international terrorist attacks.

“(d) The total amount appropriated under the heading “OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, FIREFIGHTER ASSISTANCE GRANTS” is hereby increased by \$50,000,000. Of such total amount, as so increased, \$50,000,000 is for the program authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229).

“(e) The total amount appropriated under the heading “OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, EMERGENCY MAN-

AGEMENT PERFORMANCE GRANTS” is hereby increased by \$20,000,000. Of such total amount, as so increased, \$20,000,000 is for emergency management performance grants.”.

On page 2, line 5 strike “(b)” and insert “(f)”.

SA 3617. Mr. REID (for Mr. LAUTENBERG) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 14, line 2, strike “\$5,153,220,000, of which \$1,090,000,000 shall be for defense-related activities;” and insert “\$5,253,220,000 of which \$1,090,000,000 shall be for defense-related activities; and of which, \$100,000,000 shall be for non-homeland security missions defined by Sec. 888(a)(1) of Public Law 107-296.”.

SA 3618. Mr. COCHRAN (for Mr. FRIST (for himself, Mr. COCHRAN, Mr. BYRD, and Mr. VOINOVICH)) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 39, between lines 5 and 6, insert the following new section:

“Sec.—. (a) The total amount appropriated under the heading “CUSTOMS AND BORDER PROTECTION, SALARIES AND EXPENSES” is hereby increased by \$120,000,000. Of such total amount, as so increased, \$40,000,000 is provided for radiation detection devices, \$40,000,000 is provided for additional border inspectors, and \$40,000,000 is provided for additional border patrol agents.

“(b) The total amount appropriated under the heading “IMMIGRATION AND CUSTOMS ENFORCEMENT, SALARIES AND EXPENSES” is hereby increased by \$80,000,000. Of such total amount, as so increased, \$40,000,000 is provided for additional investigator personnel, and \$40,000,000 is provided for detention and removal beds and removal operations.

“(c) The total amount appropriated under the heading “OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, STATE AND LOCAL PROGRAMS” is hereby increased by \$81,000,000. The total amount provided in the aforementioned heading for discretionary grants is increased by \$81,000,000. Of that total amount, as so increased, the amount for rail and transit security grants is increased by \$81,000,000.

“(d) The total amount appropriated under heading “OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, EMERGENCY MANAGEMENT PERFORMANCE GRANTS” is hereby increased by \$36,000,000. Of such total amount, as so increased, \$36,000,000 is provided for emergency management performance grants.

“(e) In Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 as amended by this bill, strike “June 1, 2005” and insert “September 30, 2005.”

SA 3619. Mr. CORZINE (for himself, Mr. LAUTENBERG, Mr. SCHUMER, Mrs. BOXER, and Mrs. CLINTON) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows: