of the Immigration and Nationality Act (8 U.S.C. 1255), an alien physically present in the United States who is the beneficiary of a petition under paragraph (1), (2)(B), or (3)(B) of subsection (a) of section (d)(1) of subsection (c), or subsection (d)(1) of this section, may apply to the Secretary of Homeland Security for adjustment of status to that of an alien lawfully admitted for permanent residence.

(f) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In determining the admissibility of any alien accorded an immigration benefit under this section, the ground for inadmissibility specified in section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) shall not apply, and notwithstanding any other provision of law, the Secretary of Homeland Security may waive paragraph (6)(A), (7), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) with respect to such an alien if the alien establishes exceptional and extraordinary hardship to the alien or the alien's spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence. Any such waiver by the Secretary of Homeland Security shall be in writing and shall be granted only on an individual basis following an investigation.

(g) BENEFITS TO SURVIVORS: TECHNICAL AMENDMENT.—Section 329A of the Immigration and Nationality Act (8 U.S.C. 1440-1) is amended—

(1) by striking subsection (e); and

(2) by striking "Attorney General" each place that term appears and inserting "Secretary of Homeland Security".

(h) TECHNICAL AND CONFORMING AMENDMENTS.—Section 319(d) of the Immigration and Nationality Act (8 U.S.C. 1430(d)) is amended—

(1) by inserting ", child, or parent" after "surviving spouse";

(2) by inserting "sibling, parent, or child" after "whose citizen spouse"; and

(3) by striking "who was living" and inserting "who, in the case of a surviving spouse, was living on September 11, 2001."

SEC. 605. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect as if enacted on September 11, 2001.

SA 848. Mr. REID (for himself, Mr. Mccain, Mr. Dorgan, Mr. Inhofe, Mr. Nelson, Mr. Jeffords, Ms. Collins, Mr. Edwards, Mr. Bingaman, Mrs. Murray, Mr. Biden, Mrs. Clinton, Ms. Murkowski, Mrs. Lincoln, Mr. Graham of South Carolina, Mr. Kerry, and Mr. Hagel) proposed an amendment to the bill H.R. 1588, to authorize appropriations for fiscal year 2004 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 Forces, and for other purposes; as follows:

At the appropriate place in the bill, add the following:

SEC. 3. FULL PAYMENT OF BOTH RETIRED PAY AND COMPENSATION TO DISABLED MILITARY RETIREEES.

(a) RESTORATION OF FULL RETIRED PAY BENEFITS.—Section 2204(a) of title 38, United States Code, is amended to read as follows:

"(a) PAYMENT OF BOTH RETIRED PAY AND COMPENSATION.—Except as provided in subsection (b), a member or former member of the uniformed services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans' disability compensation is entitled to be paid both without regard to sections 5304 and 5305 of title 38."

(b) SPECIAL RULE FOR CHAPTER 61 CAREER RETIREES.—If a member retired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1405 of this title at the time of the member's retirement, the member's retirement is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

(c) EXCEPTION.—Subsection (a) does not apply to a member retired under chapter 61 of this title after September 11, 2001, who was living on September 11, 2001, and in-"