

"1206c. Applicability of subchapter: members on temporary disability retired list as of implementation of reform of disability retirement system.

"1206d. Retirement.

"1206e. Temporary disability retired list.

"1206f. Treatment of retired pay.

"1206g. Determinations of unfitness.

"1206h. Definitions.";

and

(4) by inserting after the subchapter heading for subchapter III, as so added, the following:

"Sec.

"1207. Disability from intentional misconduct or willful neglect: separation.

"1207a. Members with over eight years of active service: eligibility for disability retirement for pre-existing conditions.

"1207b. Reserve component members unable to perform duties when ordered to active duty: disability system processing.

"1208. Computation of service.

"1209. Transfer to inactive status list instead of separation.

"1210. Members on temporary disability retired list: periodic physical examination; final determination of status.

"1211. Members on temporary disability retired list: return to active duty; promotion.

"1212. Disability severance pay.

"1213. Effect of separation on benefits and claims.

"1214. Right to full and fair hearing.

"1215. Members other than Regulars: applicability of laws.

"1216. Secretaries: powers, functions, and duties.

"1217. Academy cadets and midshipmen: applicability of chapter.

"1218. Discharge or release from active duty: claims for compensation, pension, or hospitalization.

"1219. Statement of origin of disease or injury: limitations.

"1221. Effective date of retirement or placement of name on temporary disability retired list."

(c) **ELIGIBILITY FOR DISABILITY RETIREMENT FOR PRE-EXISTING CONDITION AFTER EIGHT YEARS OF SERVICE.**—Section 1207a(a) of title 10, United States Code, is amended by striking "or 1203" and inserting "1203, 1206b, 1206c, 1206d, or 1206e".

(d) **COMPUTATION OF RETIRED PAY.**—The table in section 1401(a) of title 10, United States Code, is amended by inserting after the matter relating to Formula 2 the following matter:

"3	1206b	Retired pay base	2½% of years of
	1206c	as computed	service cred-
	1206d	under section	ited to the per-
	1206e	1406(b) or 1407	son under sec-
			tion 1208.1".

(e) **CONFORMING AMENDMENTS RELATING TO RETIRED PAY.**—

(1) **RECOMPUTATION OF RETIRED PAY TO REFLECT LATER ACTIVE DUTY.**—Sections 1402(b) and 1402a(b) of title 10, United States Code, are each amended by inserting "(as in effect before the effective date of the reform of the disability retirement system for members of the armed forces (as determined in accordance with section 1206a(c) of this title) or subchapter I of chapter 61 of this title (as in effect after such effective date), as applicable" after "chapter 61 of this title".

(2) **RETIRED PAY BASE FOR MEMBERS RETIRED BEFORE SEPTEMBER 8, 1980.**—The items in the

column in the table in section 1406(b)(1) of such title designated "For a member entitled to retired pay under section:" are amended to read as follows:

"1201

1202

1204

1205

1206b

1206c

1206d

1206e".

(3) **RETIRED PAY BASE FOR MEMBERS RETIRED AFTER SEPTEMBER 7, 1980.**—Section 1407 of such title is amended—

(A) in subsection (c)—

(i) in paragraph (1), by striking "other than section 1204 or 1205 or section 12731 of this title" and inserting "(other than section 1204, 1205, or 12731 of this title, or section 1206b, 1206c, 1206d, or 1206e of this title for nonregular service)";

(ii) in paragraph (2), by inserting ", or under section 1206b, 1206c, 1206d, or 1206e of this title for regular service," after "section 1201 or 1202 of this title"; and

(iii) in paragraph (3)—

(I) by striking "section 1201 or 1202" and inserting "section 1201, 1202, 1206b, 1206c, 1206d, or 1206e"; and

(II) by inserting "or under section 1206b, 1206c, 1206d, or 1206e of this title for nonregular service" before the period; and

(B) in subsection (d)—

(i) in paragraph (2), by inserting ", or under section 1206b, 1206c, 1206d, or 1206e of this title for nonregular service," after "section 1204 or 1205 of this title"; and

(ii) in paragraph (3), inserting ", or under section 1206, 1206c, 1206d, or 1206e of this title for nonregular service," after "section 1204 or 1205 of this title".

(4) **GRADE ON RETIREMENT FOR PHYSICAL DISABILITY.**—Section 1372 of such title is amended—

(A) by striking "section 1201 or 1204" and inserting "section 1201, 1204, 1206b, 1206c, or 1206d"; and

(B) by striking "section 1202 or 1205" and inserting "section 1202, 1205, or 1206e".

(f) **EFFECTIVE DATE.**—This section and the amendments made by this section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 1702. ELIGIBILITY FOR MEDICAL AND DENTAL CARE OF MEMBERS OF THE ARMED FORCES RETIRED AFTER IMPLEMENTATION OF REFORM OF DISABILITY RETIREMENT SYSTEM.

(a) **ELIGIBILITY.**—Section 1074(b) of title 10, United States Code, is amended—

(1) in paragraph (1) by striking "Under joint regulations" and inserting "Subject to paragraphs (2) through (5), under joint regulations"; and

(2) by adding at the end the following new paragraphs:

"(3) A member or former member of the armed forces entitled to retired pay under subchapter II of chapter 61 of this title shall be given medical and dental care in accordance with paragraph (1), subject to the limitations and conditions specified in that paragraph, for a period of three years commencing on the date the member is retired under section 1206d of this title or elects under section 1206b of this title to be retired under that subchapter, as applicable.

"(4)(A) A member or former member of the armed forces described in subparagraph (B) shall be given medical and dental care in accordance with paragraph (1), subject to the limitations and conditions specified in that paragraph.

"(B) A member or former member of the armed forces described in this subparagraph is any member or former member of the armed forces entitled to retired pay under subchapter II of chapter 61 of this title who—

"(i) has at least eight years of service computed under section 1208 of this title;

"(ii) during the three-year period commencing on the date the member is retired under section 1206d of this title, is determined by the Secretary of Veterans Affairs to have a service-connected disability or disabilities rated at 100 percent under the standard schedule of rating disabilities in use by the Department of Veterans Affairs; or

"(iii) during service in the armed forces—

"(I) suffered a qualifying loss insured under section 1980A of title 38;

"(II) otherwise suffered the permanent loss of use of a hand or foot; or

"(III) received a total replacement of a joint.

"(5)(A) Medical and dental care may also be given in accordance with paragraph (1) to such other members or former members of the armed forces entitled to retired pay under subchapter II of chapter 61 of this title as the Secretary of Defense shall specify in regulations prescribed under this paragraph.

"(B) The provision of medical and dental care under this paragraph shall be subject to the limitations and conditions specified in paragraph (1), except that such charges and fees may be collected in connection with the provision of such care as the Secretary of Defense shall prescribe. In prescribing such charges and fees, the Secretary may specify a range of charges and fees that take into account length of service in the armed forces, nature and degree of severity of service-connected disability, and other factors in such manner as the Secretary considers appropriate for purposes of this paragraph."

(b) **REPORT ON ELIGIBILITY OF ADDITIONAL RETIRED MEMBERS.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the following:

(1) The recommendations of the Secretary as to which members and former members of the Armed Forces retired under subchapter II of chapter 61 of title 10, United States Code (as added by section 1701(a) of this Act), and not eligible for medical and dental care under section 1074(b) of title 10, United States Code (as amended by subsection (a)), on a life-time basis should be eligible for such care on a life-time basis.

(2) An assessment by the Secretary of the feasibility and advisability of providing eligibility for medical and dental care under section 1704(b) of title 10 United States Code, on a life-time basis to all members and former members of the Armed Forces retired under subchapter II of chapter 61 of title 10, United States Code (as so added).

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, September 18 at 9:30 a.m. in room 562 of the Dirksen Senate Office Building to conduct a hearing to examine Federal declinations to prosecute crimes in Indian Country.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

ORDERS FOR TUESDAY, SEPTEMBER 16, 2008

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it

stand adjourned until 10 a.m. tomorrow, Tuesday, September 16; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half; that following morning business, the Senate resume consideration of S. 3001, the National Defense Authorization Act, with no motions to proceed in order prior to the cloture vote; that the cloture vote on the bill occur at 3 p.m., with 30 minutes prior to the vote equally divided and controlled between the two leaders, with the majority leader controlling the final 15 minutes and the filing deadline for second-degree amendments be at noon.

I further ask that the Senate recess from 12:30 until 2:15 to allow for the weekly caucus luncheons to meet.

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

PROGRAM

Mr. LEVIN. Mr. President, the managers of the bill continue to work, as I and Senator WARNER have mentioned, through our filed amendments. We are trying to reach agreement. Rollcall votes on amendments are possible prior to the cloture vote, if we reach an agreement tomorrow morning.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

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

There being no objection, the Senate, at 7:07 p.m., adjourned until Tuesday, September 16, 2008, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF THE TREASURY

EDWIN ECK, OF MONTANA, TO BE A MEMBER OF THE NATIONAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2013. (REAPPOINTMENT)
WILLIAM E. GRAYSON, OF CALIFORNIA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2010, VICE NANCY KILLEFER, TERM EXPIRED.

NATIONAL SCIENCE FOUNDATION

DOUGLAS D. RANDALL, OF MISSOURI, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2014. (REAPPOINTMENT)
RAY M. BOWEN, OF TEXAS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2014. (REAPPOINTMENT)
BARRY C. BARISH, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2014. (REAPPOINTMENT)
FRANCE A. CORDOVA, OF INDIANA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE

FOUNDATION, FOR A TERM EXPIRING MAY 10, 2014, VICE JO ANNE VASQUEZ, TERM EXPIRED.
ESIN GULARI, OF SOUTH CAROLINA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2014, VICE DANIEL E. HASTINGS, TERM EXPIRED.
G. P. PETERSON, OF COLORADO, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2014, VICE KARL HESS, TERM EXPIRED.
DIANE L. SOUVAIN, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2014, VICE KENNETH M. FORD, TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS OF THE COAST GUARD PERMANENT COMMISSIONED TEACHING STAFF FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 189:

To be captain

KURT A. SEBASTIAN
GLENN M. SULMASY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

CDR. JOHN J. ARENSTAM
COMMANDER ALAN Y. ARSENAULT
COMMANDER CHRISTOPHER E. AUSTIN
COMMANDER STEVEN A. BAKES
COMMANDER BYRON L. BACK
COMMANDER SCOTT W. BORNEMANN
COMMANDER JOHN L. BRAGAW
COMMANDER GARY L. BRUCE
COMMANDER KEVIN C. BURKE
COMMANDER SEAN M. BURKE
COMMANDER JONATHAN C. BURTON
COMMANDER CHRISTOPHER P. CALHOUN
COMMANDER CHARLES S. CAMP
COMMANDER JAMES CARLSON
COMMANDER MICHAEL P. CAROSOTTO
COMMANDER CHARLES L. CASHIN
COMMANDER WILLIAM L. CHANEY
COMMANDER ERIC P. CHRISTENSEN
COMMANDER CALEB CORSON
COMMANDER DONNA L. COTTRELL
COMMANDER DAVID P. CROWLEY
COMMANDER EDWARD J. CUBENSKI
COMMANDER DONALD E. CULKIN
COMMANDER STEPHEN P. CZERWONKA
COMMANDER PETER N. DECOLA
COMMANDER PAT DEQUATTRO
COMMANDER DAVID M. DERMANELIAN
COMMANDER DAVID D. DOLBECK
COMMANDER WILLIAM M. DRELLING
COMMANDER DAVID S. FISHER
COMMANDER JANET R. FLOREY
COMMANDER RICHARD D. FONTANA
COMMANDER JASON A. FOSDICK
COMMANDER RICHARD T. GATLIN
COMMANDER ERIC M. GIBSE
COMMANDER AUSTIN J. GOULD
COMMANDER CHARLES M. GREENE
COMMANDER JAMES E. HANZALIK
COMMANDER ROBERT P. HAYES
COMMANDER DAVID C. HAYNES
COMMANDER JOHN A. HEILY
COMMANDER TIMOTHY J. HEITSCH
COMMANDER JOSEPH F. HESTER
COMMANDER GREGORY P. HITCHEN
COMMANDER JAMES D. JENKINS
COMMANDER KELLY L. KACHELE
COMMANDER JOSEPH P. KELLY
COMMANDER WILLIAM R. KELLY
COMMANDER LARRY R. KENNEDY II
COMMANDER MARC P. LEBEAU
COMMANDER ANTHONY S. LLOYD
COMMANDER MICHAEL J. LLOYD
COMMANDER DAVID W. LUNT
COMMANDER JASON LYUKE
COMMANDER THURMAN T. MAINE
COMMANDER ROBERT T. MCCARTY
COMMANDER PATRICK J. MCGUIRE
COMMANDER BRIAN T. MCTAGUE
COMMANDER CHRISTOPHER J. MEADE
COMMANDER WILLIAM R. MEGE
COMMANDER MICHAEL A. MEGAN
COMMANDER JONATHAN P. MILKEY
COMMANDER JESSE K. MOORE
COMMANDER CAMERON T. NARON
COMMANDER THOMAS G. NELSON
COMMANDER DAVID L. NICHOLS
COMMANDER JOSE A. NIEVES
COMMANDER FRANK R. PARKER
COMMANDER GEORGE E. PELLISSIER
COMMANDER ROBERT D. PHILLIPS
COMMANDER HAL R. PITTS
COMMANDER RUSSELL C. PROCTOR
COMMANDER MARK E. REYNOLDS
COMMANDER CHARLES A. RICHARDS
COMMANDER RICARDO R. RODRIGUEZ
COMMANDER MICHAEL P. RYAN
COMMANDER STEPHEN M. SABELLICO
COMMANDER GREGORY J. SANJAL
COMMANDER JANET E. STEVENS
COMMANDER CYNTHIA L. STOWE
COMMANDER CRAIG S. SWIRBLISS
COMMANDER STEPHEN H. TORPEY
COMMANDER DAVID A. WALKER
COMMANDER MICHAEL F. WHITE
COMMANDER JAMES H. WHITEHEAD

COMMANDER KEITH T. WHITEMAN
COMMANDER MARK J. WILBERT
COMMANDER WILLIAM J. WOLTER
COMMANDER JOHN D. WOOD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be commander

LIEUTENANT COMMANDER LARA A. ANDERSON
LIEUTENANT COMMANDER SCOTT ANDERSON
LIEUTENANT COMMANDER CHRISTOPHER J. ANDRES
LIEUTENANT COMMANDER ALBERT F. ANTARAN
LIEUTENANT COMMANDER CARISSA C. APRIL
LIEUTENANT COMMANDER PAUL D. ARNETT
LIEUTENANT COMMANDER AREX B. AVANNI
LIEUTENANT COMMANDER DONALD E. BADER
LIEUTENANT COMMANDER PAUL E. BAKER
LIEUTENANT COMMANDER MICHAEL M. BALDING
LIEUTENANT COMMANDER DAVID C. BARATA
LIEUTENANT COMMANDER MICHAEL D. BARNER
LIEUTENANT COMMANDER JERRY R. BARNES
LIEUTENANT COMMANDER RICHARD L. BATES
LIEUTENANT COMMANDER RICHARD E. BATSON
LIEUTENANT COMMANDER LANCE C. BELBEN
LIEUTENANT COMMANDER CHARLES M. BELL
LIEUTENANT COMMANDER MICHAEL A. BILLEAUDEAUX
LIEUTENANT COMMANDER GARY R. BOWEN
LIEUTENANT COMMANDER PETER F. BRADY
LIEUTENANT COMMANDER RONALD E. BRAHM
LIEUTENANT COMMANDER MICHAEL J. BRANDHUBER
LIEUTENANT COMMANDER JOHN A. BRENNER
LIEUTENANT COMMANDER DONALD L. BROWN
LIEUTENANT COMMANDER MARKO BROZ
LIEUTENANT COMMANDER KENNETH R. BRYAN
LIEUTENANT COMMANDER TIMOTHY J. BUCHANAN
LIEUTENANT COMMANDER STEPHEN BURDLAN
LIEUTENANT COMMANDER JAMES D. BURNS
LIEUTENANT COMMANDER MICHAEL E. CAMPBELL
LIEUTENANT COMMANDER SEAN M. CARROLL
LIEUTENANT COMMANDER WILLIAM C. RTER
LIEUTENANT COMMANDER ANTHONY J. CERAOLO
LIEUTENANT COMMANDER CHRISTOPHER M. CHASE
LIEUTENANT COMMANDER KURT A. CLARKE
LIEUTENANT COMMANDER LAURA D. COLLINS
LIEUTENANT COMMANDER CHRISTOPHER J. CONLEY
LIEUTENANT COMMANDER DAVID COOPER
LIEUTENANT COMMANDER THOMAS F. COOPER
LIEUTENANT COMMANDER VERNON E. CRAIG
LIEUTENANT COMMANDER SCOTT W. CRAWLEY
LIEUTENANT COMMANDER MICHAEL W. CHIBBS
LIEUTENANT COMMANDER SEAN W. CROSS
LIEUTENANT COMMANDER LUCINDA CUNNINGHAM
LIEUTENANT COMMANDER GREGORY J. CZERWONKA
LIEUTENANT COMMANDER CHRISTEL A. DAHL
LIEUTENANT COMMANDER RUSSELL E. DASH
LIEUTENANT COMMANDER JERRY W. DAVENPORT
LIEUTENANT COMMANDER CHRISTINA M. DAVIDSON
LIEUTENANT COMMANDER MARY M. DEAN
LIEUTENANT COMMANDER DIMITRI A. DELGADO
LIEUTENANT COMMANDER DANIEL DEPTULA
LIEUTENANT COMMANDER JOHN C. DETTLEFF
LIEUTENANT COMMANDER DAVID D. DEUEL
LIEUTENANT COMMANDER PASQUALE DIBARI
LIEUTENANT COMMANDER DEREK M. DOSTIE
LIEUTENANT COMMANDER ERIC J. DOUCETTE
LIEUTENANT COMMANDER CHARLENE L. DOWNEY
LIEUTENANT COMMANDER JOHN I. DRISCOLL
LIEUTENANT COMMANDER JOSEPH S. DUFRESNE
LIEUTENANT COMMANDER JOSEPH A. DUGAN
LIEUTENANT COMMANDER PATRICK J. DUGAN
LIEUTENANT COMMANDER KATHRYN C. DUNBAR
LIEUTENANT COMMANDER AMES E. DUNNE
LIEUTENANT COMMANDER JOHN C. DURBIN
LIEUTENANT COMMANDER LAWRENCE K. ELLIS
LIEUTENANT COMMANDER ANDREW W. ERIKS
LIEUTENANT COMMANDER JAMES P. ESPINO
LIEUTENANT COMMANDER JAMES C. ESTRAMONTE
LIEUTENANT COMMANDER MATTHEW J. FAY
LIEUTENANT COMMANDER SAMUEL D. FORES
LIEUTENANT COMMANDER GREGORY T. FULLER
LIEUTENANT COMMANDER GEORGE D. GANOUNG
LIEUTENANT COMMANDER RICHARD J. GAY
LIEUTENANT COMMANDER DAVID D. GEFELL
LIEUTENANT COMMANDER OWEN L. GIBBONS
LIEUTENANT COMMANDER BRIAN C. GLANDER
LIEUTENANT COMMANDER CHRISTIAN J. GLANDER
LIEUTENANT COMMANDER JEFFREY W. GOOD
LIEUTENANT COMMANDER DOUGLAS D. GOODWIN
LIEUTENANT COMMANDER YURI V. GRAVES
LIEUTENANT COMMANDER JOHN D. GREGG
LIEUTENANT COMMANDER RYAN K. GRIFFIN
LIEUTENANT COMMANDER JOHN HALL
LIEUTENANT COMMANDER RICHARD W. HANCOCK
LIEUTENANT COMMANDER HETHER W. HANSON
LIEUTENANT COMMANDER RANJAN A. HARTNETT
LIEUTENANT COMMANDER TIMOTHY L. HAWES
LIEUTENANT COMMANDER JONATHAN HICKS
LIEUTENANT COMMANDER JOSEPH P. HIGGINS
LIEUTENANT COMMANDER JOHN L. HOLLINGSWORTH
LIEUTENANT COMMANDER RUSSELL E. HOLMES
LIEUTENANT COMMANDER TROY A. HOSMER
LIEUTENANT COMMANDER JAMES P. HOUCH
LIEUTENANT COMMANDER EVAN D. HUDSPETH
LIEUTENANT COMMANDER JOSEPH F. HUMBERT
LIEUTENANT COMMANDER DAVID A. HUSTED
LIEUTENANT COMMANDER WILLIAMSTUART W. IRWIN
LIEUTENANT COMMANDER LAMAR V. JOHNSON
LIEUTENANT COMMANDER KAREN JONES
LIEUTENANT COMMANDER KEVIN M. JONES
LIEUTENANT COMMANDER STEPHEN D. JUTRAS
LIEUTENANT COMMANDER THOMAS J. KAMINSKI
LIEUTENANT COMMANDER CHRISTOPHER R. KAPLAN
LIEUTENANT COMMANDER BRIAN P. KEEFER
LIEUTENANT COMMANDER ELIZABETH F. KEISTER
LIEUTENANT COMMANDER ROBERT S. KEISTER