

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on November 15, 2007, at 9:30 a.m., in open session, to receive testimony on the state of the United States Army.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, November 15, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building, in order to conduct a hearing.

The hearing will address issues related to the retirement of the Space Shuttle, its remaining missions, the National Aeronautics and Space Administration's, NASA, plans to compensate should they not fulfill all mission requirements on schedule, and other issues facing NASA when the Space Shuttle is retired.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, November 15, 2007, at 10 a.m., in room SD 366 of the Dirksen Senate Office Building, in order to conduct a hearing.

The purpose of the hearing is to receive testimony on S. 2203, a bill to reauthorize the Uranium Enrichment Decontamination and Decommissioning Fund, and for other purposes.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, November 15, 2007, at 10 a.m., in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, "Legislative Hearing on America's Climate Security Act of 2007, S. 2191."

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

COMMITTEE ON FOREIGN RELATIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, November 15, 2007, at 2:30 p.m. in order to conduct a hearing on the anti-drug foreign assistance package for Mexico and Central America.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate in order to conduct a hearing entitled "Restoring Congressional Intent and Protections under the Americans with Disabilities Act" November 15, 2007, at 2 p.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct an executive business meeting on Thursday, November 15, 2007, at 10 a.m. in room 226 of the Dirksen Senate Office Building.

Agenda:

I. Bills

S. 2248, Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2007;

S. 352, Sunshine in the Courtroom Act of 2007, (Grassley, Schumer, Leahy, Specter, Graham, Feingold, Cornyn, Durbin);

S. 344, A bill to permit the televising of Supreme Court proceedings, (Specter, Grassley, Durbin, Schumer, Feingold, Cornyn);

S. 1638, Federal Judicial Salary Restoration Act of 2007, (Leahy, Hatch, Feinstein, Graham, Kennedy).

II. Resolutions

S. Res. 366, designating November 2007 as "National Methamphetamine Awareness Month," to increase awareness of methamphetamine abuse, (Baucus, Grassley, Biden, Graham, Schumer);

S. Res. 367, commemorating the 40th anniversary of the mass movement for Soviet Jewish freedom and the 20th anniversary of the Freedom Sunday rally for Soviet Jewry on the National Mall, (Lieberman, Specter, Biden, Brownback, Cardin, Feinstein)

III. Nominations

Joseph N. Laplante to be United States District Judge for the District of New Hampshire; Reed Charles O'Connor to be United States District Judge for the Northern District of Texas, Dallas Division; Thomas D. Schroeder to be United States District Judge for the Middle District of North Carolina; Amul R. Thapar to be United States District Judge for the Eastern District of Kentucky.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Thursday, November 15, 2007, off the Senate Floor in the Reception Room, immediately after the first rollcall vote occurring after 10 a.m. to consider the nomination of Michael W. Hager to be an Assistant Sec-

retary of Veterans Affairs for Human Resources and Management.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 15, 2007, at 2:30 p.m. in order to conduct a business meeting.

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

SPECIAL COMMITTEE ON AGING

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Thursday, November 15, 2007, from 1:30 p.m.-4 p.m. in room SD-G50 of the Dirksen Senate Office Building for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA AND THE SUBCOMMITTEE ON STATE, LOCAL, AND PRIVATE SECTOR PREPAREDNESS AND INTEGRATION

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia and the Subcommittee on State, Local, and Private Sector Preparedness and Integration be authorized to meet during the session of the Senate on Thursday, November 15, 2007, at 10 a.m. in order to conduct a hearing entitled, "Not a Matter 'If,' But of 'When': The Status of U.S. Response Following an RDD Attack."

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

TO AMEND THE HIGHER EDUCATION ACT OF 1965

Mr. MENENDEZ. I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2371, introduced earlier today.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2371) to amend the Higher Education Act of 1965 to make technical corrections.

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

Mr. MENENDEZ. I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 2371) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2371

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

SECTION 1. DEFINITION OF UNTAXED INCOME AND BENEFITS.

(a) AMENDMENT.—Section 480(b) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(b)) is amended by striking paragraph (2) and inserting the following:

“(2) The term ‘untaxed income and benefits’ shall not include—

“(A) the amount of additional child tax credit claimed for Federal income tax purposes;

“(B) welfare benefits, including assistance under a State program funded under part A of title IV of the Social Security Act and aid to dependent children;

“(C) the amount of earned income credit claimed for Federal income tax purposes;

“(D) the amount of credit for Federal tax on special fuels claimed for Federal income tax purposes;

“(E) the amount of foreign income excluded for purposes of Federal income taxes; or

“(F) untaxed social security benefits.”.

(b) EFFECTIVE DATE.—This section and the amendment made by this section shall take effect on July 1, 2009.

SEC. 2. INCOME-BASED REPAYMENT FOR MARRIED BORROWERS FILING SEPARATELY.

Section 493C of the Higher Education Act of 1965 (20 U.S.C. 1098e) is amended by adding at the end the following:

“(d) SPECIAL RULE FOR MARRIED BORROWERS FILING SEPARATELY.—In the case of a married borrower who files a separate Federal income tax return, the Secretary shall calculate the amount of the borrower’s income-based repayment under this section solely on the basis of the borrower’s student loan debt and adjusted gross income.”.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

NOMINATION DISCHARGED

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the National Oceanic and Atmospheric Administration nominations on the Secretary’s desk; that the nominations be confirmed, the motions to reconsider be laid on the table; that the Homeland Security Committee be discharged from further consideration of the nomination of Todd Zinser to be inspector general of the Department of Commerce and that he be placed on the calendar; that the President be immediately notified of the Senate’s action and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

NOMINATIONS PLACED ON THE SECRETARY’S DESK

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN982 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (57) beginning Michael S. Gallagher, and ending Mark K. Frydrych, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2007.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

NAMING OF EMANCIPATION HALL

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. 1679 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the title of the bill.

The assistant legislative clerk read as follows:

A bill (S. 1679) to provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall.

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

Mr. SALAZAR. Mr. President, I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating to the bill be printed in the RECORD, without intervening action or debate.

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

The bill (S. 1679) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:
S. 1679

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

SECTION 1. DESIGNATION OF GREAT HALL OF THE CAPITOL VISITOR CENTER AS EMANCIPATION HALL.

(a) IN GENERAL.—The great hall of the Capitol Visitor Center shall be known and designated as “Emancipation Hall”, and any reference to the great hall in any law, rule, or regulation shall be deemed to be a reference to Emancipation Hall.

(b) EFFECTIVE DATE.—This section shall apply on and after the date of the enactment of this Act.

IDENTITY THEFT ENFORCEMENT AND RESTITUTION ACT OF 2007

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 459, S. 2168.

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

The assistant legislative clerk read as follows:

A bill (S. 2168) to amend title 18 United States Code to enable increased Federal prosecution of identity theft crimes and to allow for restitution for victims of identity theft.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the committee on the Judiciary, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 2168

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Identity Theft Enforcement and Restitution Act of 2007”.

SEC. 2. CRIMINAL RESTITUTION.

Section 3663(b) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking “; and” and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(6) in the case of an offense under sections 1028(a)(7) or 1028A(a) of this title, pay an amount equal to the value of the time reasonably spent by the victim in an attempt to remediate the intended or actual harm incurred by the victim from the offense.”.

SEC. 3. PREDICATE OFFENSES FOR AGGRAVATED IDENTITY THEFT AND MISUSE OF IDENTIFYING INFORMATION OF ORGANIZATIONS.

(a) IDENTITY THEFT.—Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)(7), by inserting “(including an organization as defined in section 18 of this title)” after “person”; and

(2) in subsection (d)(7), by inserting “or other person” after “specific individual”.

(b) AGGRAVATED IDENTITY THEFT.—Section 1028A of title 18, United States Code, is amended—

(1) in subsection (a)(1), by inserting “(including an organization as defined in section 18 of this title)” after “person”; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting “, or a conspiracy to commit such a felony violation,” after “any offense that is a felony violation”;

(B) by redesignating—

(i) paragraph (11) as paragraph (14);

(ii) paragraphs (8) through (10) as paragraphs (10) through (12), respectively; and

(iii) paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

(C) by inserting prior to paragraph (2), as so redesignated, the following:

“(1) section 513 (relating to making, uttering, or possessing counterfeit securities);”;

(D) by inserting after paragraph (8), as so redesignated, the following:

“(9) section 1708 (relating to mail theft);”;

(E) in paragraph (12), as so redesignated, by striking “; or” and inserting a semicolon; and

(F) by inserting after paragraph (12), as so redesignated, the following:

“(13) section 7201, 7206, or 7207 of title 26 (relating to tax fraud);”.

SEC. 4. ENSURING JURISDICTION OVER THE THEFT OF SENSITIVE IDENTITY INFORMATION.

Section 1030(a)(2)(C) of title 18, United States Code, is amended by striking “if the conduct involved an interstate or foreign communication”.

SEC. 5. MALICIOUS SPYWARE, HACKING AND KEYLOGGERS.

(a) IN GENERAL.—Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a)(5)—

(A) by striking subparagraph (B); and

(B) in subparagraph (A)—

(i) by striking “(A)(i) knowingly” and inserting “(A) knowingly”;

(ii) by redesignating clauses (ii) and (iii) as subparagraphs (B) and (C), respectively; and

[(iii) in subparagraph (C), as so redesignated, by striking “; and” and inserting a period;]

(iii) in subparagraph (C), as so redesignated—
(I) by inserting “and loss” after “damage”; and

(II) by striking “; and” and inserting a period;

(2) in subsection (c)—