

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY

Mr. REID. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, July 30, 2008, at 12 p.m. to conduct a hearing entitled "Planning for Post-Catastrophe Housing Needs: Has FEMA Developed an Effective Strategy for Housing Large Numbers of Citizens Displaced by Disaster?"

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. 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 Wednesday, July 30, 2008, at 10 a.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. 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 Wednesday, July 30, 2008, at 3:15 p.m., in room 406 of the Dirksen Senate Office Building to hold a hearing entitled "Hearing on the Nomination of Thomas J. Madison, Jr. to be Administrator of the Federal Highway Administration for the Department of Transportation."

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 30, 2008, at 10:30 a.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, July 30, 2008, at 10 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, conduct a hearing entitled "Politicizing Hiring at the Department of Justice" on Wednesday, July 30, 2008, at 10, in room SD-226 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate Com-

mittee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "S.1. Res. 45, A Resolution Consenting To and Approving the Great Lakes-St. Lawrence River Basin Water Resources Compact" on Wednesday, July 30, 2008, at 1 p.m. in room SD-226 of the Dirksen Senate Office Building.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, July 30, 2008, at 10 a.m.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on Wednesday, July 30, 2008, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 30, 2008, at 2:30 p.m.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate in order to conduct a hearing on Wednesday, July 30, 2008, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Byron Hurlbut, Matt Padilla, and Michele Mazzocco of Senator BINGAMAN's office be granted privileges of the floor for today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I ask unanimous consent a member of my staff, Caryn Long, be granted the privilege of the floor for purposes of this speech.

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

Mr. MENENDEZ. Mr. President, I ask unanimous consent that Jillian Curtis from my office be granted floor privileges for the duration of today's session.

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

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2008

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 897, S. 2617.

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

The assistant legislative clerk read as follows:

A bill (S. 2617) to increase, effective December 1, 2008, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 2008".

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) **RATE ADJUSTMENT.**—Effective on December 1, 2008, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2008, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) **AMOUNTS TO BE INCREASED.**—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) **WARTIME DISABILITY COMPENSATION.**—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) **ADDITIONAL COMPENSATION FOR DEPENDENTS.**—Each of the dollar amounts under section 1115(1) of such title.

(3) **CLOTHING ALLOWANCE.**—The dollar amount under section 1162 of such title.

(4) **DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.**—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) **DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.**—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) **DETERMINATION OF INCREASE.**—

(1) **PERCENTAGE.**—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2008, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) **ROUNDING.**—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

(d) **SPECIAL RULE.**—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85-857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

(e) **PUBLICATION OF ADJUSTED RATES.**—The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased under that subsection, not later than the date on which the matters specified in section 215(i)(2)(D) of the

Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2009.

SEC. 3. CODIFICATION OF 2007 COST-OF-LIVING ADJUSTMENT IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) **VETERANS' DISABILITY COMPENSATION.**—Section 1114 of title 38, United States Code, is amended—

- (1) in subsection (a), by striking “\$115” and inserting “\$117”;
- (2) in subsection (b), by striking “\$225” and inserting “\$230”;
- (3) in subsection (c), by striking “\$348” and inserting “\$356”;
- (4) in subsection (d), by striking “\$501” and inserting “\$512”;
- (5) in subsection (e), by striking “\$712” and inserting “\$728”;
- (6) in subsection (f), by striking “\$901” and inserting “\$921”;
- (7) in subsection (g), by striking “\$1,135” and inserting “\$1,161”;
- (8) in subsection (h), by striking “\$1,319” and inserting “\$1,349”;

(9) in subsection (i), by striking “\$1,483” and inserting “\$1,517”;

(10) in subsection (j), by striking “\$2,471” and inserting “\$2,527”;

(11) in subsection (k)—

(A) by striking “\$89” both places it appears and inserting “\$91”;

(B) by striking “\$3,075” and “\$4,313” and inserting “\$3,145” and “\$4,412”, respectively;

(12) in subsection (l), by striking “\$3,075” and inserting “\$3,145”;

(13) in subsection (m), by striking “\$3,392” and inserting “\$3,470”;

(14) in subsection (n), by striking “\$3,860” and inserting “\$3,948”;

(15) in subsections (o) and (p), by striking “\$4,313” each place it appears and inserting “\$4,412”;

(16) in subsection (r), by striking “\$1,851” and “\$2,757” and inserting “\$1,893” and “\$2,820”, respectively; and

(17) in subsection (s), by striking “\$2,766” and inserting “\$2,829”.

(b) **ADDITIONAL COMPENSATION FOR DEPENDENTS.**—Section 1115(1) of such title is amended—

(1) in subparagraph (A), by striking “\$139” and inserting “\$142”;

(2) in subparagraph (B), by striking “\$240” and “\$70” and inserting “\$245” and “\$71”, respectively;

(3) in subparagraph (C), by striking “\$94” and “\$70” and inserting “\$96” and “\$71”, respectively;

(4) in subparagraph (D), by striking “\$112” and inserting “\$114”;

(5) in subparagraph (E), by striking “\$265” and inserting “\$271”;

(6) in subparagraph (F), by striking “\$222” and inserting “\$227”.

(c) **CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.**—Section 1162 of such title is amended by striking “\$662” and inserting “\$677”.

(d) **DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.**—

(1) **NEW LAW DIC.**—Section 1311(a) of such title is amended—

(A) in paragraph (1), by striking “\$1,067” and inserting “\$1,091”;

(B) in paragraph (2), by striking “\$228” and inserting “\$233”.

(2) **OLD LAW DIC.**—The table in paragraph (3) of such section is amended to read as follows:

“Pay grade	Monthly rate	Pay grade	Monthly rate
E-1	\$1,091	W-4	\$1,305
E-2	\$1,091	O-1	\$1,153
E-3	\$1,091	O-2	\$1,191
E-4	\$1,091	O-3	\$1,274
E-5	\$1,091	O-4	\$1,349
E-6	\$1,091	O-5	\$1,485
E-7	\$1,129	O-6	\$1,674
E-8	\$1,191	O-7	\$1,808
E-9	\$1,242	O-8	\$1,985
W-1	\$1,153	O-9	\$2,123
W-2	\$1,198	O-10	\$2,328
W-3	\$1,234		

¹ If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be \$1,342.

² If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be \$2,499.”

(3) **ADDITIONAL DIC FOR CHILDREN OR DISABILITY.**—Section 1311 of such title is amended—

(A) in subsection (b), by striking “\$265” and inserting “\$271”;

(B) in subsection (c), by striking “\$265” and inserting “\$271”;

(C) in subsection (d), by striking “\$126” and inserting “\$128”.

(e) **DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.**—

(1) **DIC WHEN NO SURVIVING SPOUSE.**—Section 1313(a) of such title is amended—

(A) in paragraph (1), by striking “\$452” and inserting “\$462”;

(B) in paragraph (2), by striking “\$649” and inserting “\$663”;

(C) in paragraph (3), by striking “\$846” and inserting “\$865”;

(D) in paragraph (4), by striking “\$846” and “\$162” and inserting “\$865” and “\$165”, respectively.

(2) **SUPPLEMENTAL DIC FOR CERTAIN CHILDREN.**—Section 1314 of such title is amended—

(A) in subsection (a), by striking “\$265” and inserting “\$271”;

(B) in subsection (b), by striking “\$452” and inserting “\$462”;

(C) in subsection (c), by striking “\$225” and inserting “\$230”.

(f) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on December 1, 2007.

Amend the title so as to read: “A Bill to amend title 38, United States Code, to codify increases in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans that

were effective as of December 1, 2007, to provide for an increase in the rates of such compensation effective December 1, 2008, and for other purposes.”.

Mr. AKAKA. As chairman of the Senate Committee on Veterans' Affairs, I note my strong support for Senate passage of S. 2617, the proposed Veterans' Compensation Cost-of-Living Adjustment Act of 2008. This measure, which I introduced earlier this year and which the Committee on Veterans' Affairs reported on July 24, would direct the Secretary of Veterans' Affairs to increase, effective December 1, 2008, the rates of veterans' disability compensation to keep pace with the rising cost of living. The rate adjustment would be equal to that provided to Social Security recipients, based on the Bureau of Labor Statistics' Consumer Price Index.

Congress regularly enacts an annual cost-of-living adjustment, COLA, for veterans' compensation in order to ensure that inflation does not erode the purchasing power of the veterans and their families who depend upon this income to meet their needs. This past year Congress passed, and the President signed into law, Public Law 110-111, which resulted in a COLA increase of 2.3 percent for 2008. At this time, the Congressional Budget Office estimates

that the cost-of-living adjustment for 2009 will be 2.8 percent.

The COLA affects, among other benefits, veterans' disability compensation and dependency and indemnity compensation for surviving spouses and children. According to the latest figures from VA, there are 2.8 million veterans currently receiving compensation for disabilities incurred in the line of duty, as well as over 316,000 surviving spouses of veterans receiving dependency and indemnity compensation. Current U.S. military deployments in Iraq and Afghanistan will ensure that there will be new recipients of these benefits in the coming years. The brave men and women who voluntarily put themselves in harm's way to keep our country safe need to be certain that we will fulfill our responsibility to ensure that those who are injured during service are provided with the help they need to provide for their families' economic security.

Many of the more than 3 million recipients of these VA benefits depend upon these tax-free payments not only to provide for their own basic needs but those of their spouses, children and parents as well. Without an annual COLA increase, these veterans and their families would see the value of

their hard-earned benefits slowly dwindle, and we, as a Congress, would have neglected our duty to ensure that those who sacrificed so much for this country receive the benefits and services to which they are entitled.

I urge all of our colleagues to support passage of this COLA increase and for their continued support for our Nation's veterans.

Mr. PRYOR. Mr. President, I ask unanimous consent that the committee substitute amendment be agreed to, the bill, as amended, be read the third time and passed, the committee-reported title amendment be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2617), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The title amendment was agreed to.

FORMER VICE PRESIDENT PROTECTION ACT

Mr. PRYOR. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 5938, and the Senate proceed to its immediate consideration.

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

The assistant legislative clerk read as follows:

A bill (H.R. 5938) to amend Title 18 United States Code to provide Secret Service protection to former Vice Presidents, and for other purposes.

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

Mr. PRYOR. Mr. President, I ask unanimous consent that a Leahy-Specter amendment, which is at the desk, be agreed to, the bill, as amended, be read the third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

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

The amendment (No. 5257) was agreed to, as follows:

(Purpose: To amend title 18, United States Code, to enable increased federal prosecution of identity theft crimes and to allow for restitution to victims of identity theft)

On page 2, strike lines 1 through 5, and insert the following:

TITLE I—FORMER VICE PRESIDENT PROTECTION ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Former Vice President Protection Act of 2008".

SEC. 102. SECRET SERVICE PROTECTION FOR FORMER VICE PRESIDENTS AND THEIR FAMILIES.

On page 3, strike line 1 and insert the following:

SEC. 103. EFFECTIVE DATE.

On page 3, after line 4, insert the following:

TITLE II—IDENTITY THEFT ENFORCEMENT AND RESTITUTION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Identity Theft Enforcement and Restitution Act of 2008".

SEC. 202. CRIMINAL RESTITUTION.

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

(1) in paragraph (4), by striking ";" 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. 203. 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. 204. 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—

(I) by inserting "and loss" after "damage"; and

(II) by striking ";" and inserting a period;

(2) in subsection (c)—

(A) in paragraph (2)(A), by striking "(a)(5)(A)(iii).";

(B) in paragraph (3)(B), by striking "(a)(5)(A)(iii).";

(C) by amending paragraph (4) to read as follows:

"(4)(A) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 5 years, or both, in the case of—

"(i) an offense under subsection (a)(5)(B), which does not occur after a conviction for another offense under this section, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused)—

"(I) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least \$5,000 in value;

"(II) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

"(III) physical injury to any person;

"(IV) a threat to public health or safety;

"(V) damage affecting a computer used by or for an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

"(VI) damage affecting 10 or more protected computers during any 1-year period; or

"(ii) an attempt to commit an offense punishable under this subparagraph;

"(B) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 10 years, or both, in the case of—

"(i) an offense under subsection (a)(5)(A), which does not occur after a conviction for another offense under this section, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused) a harm provided in subclauses (I) through (VI) of subparagraph (A)(i); or

"(ii) an attempt to commit an offense punishable under this subparagraph;

"(C) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 20 years, or both, in the case of—

"(i) an offense or an attempt to commit an offense under subparagraphs (A) or (B) of subsection (a)(5) that occurs after a conviction for another offense under this section; or

"(ii) an attempt to commit an offense punishable under this subparagraph;

"(D) a fine under this title, imprisonment for not more than 10 years, or both, in the case of—

"(i) an offense or an attempt to commit an offense under subsection (a)(5)(C) that occurs after a conviction for another offense under this section; or

"(ii) an attempt to commit an offense punishable under this subparagraph;

"(E) if the offender attempts to cause or knowingly or recklessly causes serious bodily injury from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for not more than 20 years, or both;

"(F) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both; or

"(G) a fine under this title, imprisonment for not more than 1 year, or both, for—

"(i) any other offense under subsection (a)(5); or

"(ii) an attempt to commit an offense punishable under this subparagraph."; and

(D) by striking paragraph (5); and

(3) in subsection (g)—

(A) in the second sentence, by striking "in clauses (i), (ii), (iii), (iv), or (v) of subsection (a)(5)(B)" and inserting "in subclauses (I), (II), (III), (IV), or (V) of subsection (c)(4)(A)(i)"; and

(B) in the third sentence, by striking "subsection (a)(5)(B)(i)" and inserting "subsection (c)(4)(A)(i)(I)".

(b) CONFORMING CHANGES.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by striking "1030(a)(5)(A)(i) resulting in damage as defined in 1030(a)(5)(B)(ii) through (v)" and inserting "1030(a)(5)(A) resulting in damage as defined in 1030(c)(4)(A)(i)(II) through (VI)".

SEC. 205. CYBER-EXTORTION.

Section 1030(a)(7) of title 18, United States Code, is amended to read as follows:

"(7) with intent to extort from any person any money or other thing of value, transmits in interstate or foreign commerce any communication containing any—

"(A) threat to cause damage to a protected computer;

"(B) threat to obtain information from a protected computer without authorization or in excess of authorization or to impair the confidentiality of information obtained from a protected computer without authorization or by exceeding authorized access; or

"(C) demand or request for money or other thing of value in relation to damage to a protected computer, where such damage was caused to facilitate the extortion;"

SEC. 206. CONSPIRACY TO COMMIT CYBER-CRIMES.

Section 1030(b) of title 18, United States Code, is amended by inserting "conspires to commit or" after "Whoever".