

Policy and Conservation Act (42 U.S.C. 6343(f)(1)) is amended—

- (1) by redesignating subparagraph (B) as subparagraph (D); and
- (2) by striking subparagraph (A) and inserting the following:
  - “(A) \$100,000,000 for fiscal year 2008;
  - “(B) \$200,000,000 for each of fiscal years 2009 and 2010;
  - “(C) \$100,000,000 for each of fiscal years 2011 and 2012; and”.

(d) ENERGY-INTENSIVE INDUSTRIES PROGRAM.—Section 452(f)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(f)(1)) is amended—

- (1) in subparagraph (D), by striking “\$202,000,000” and inserting “\$102,000,000”; and
- (2) in subparagraph (E), by striking “\$208,000,000” and inserting “\$108,000,000”.

**SEC. 892. ADVANCE APPROPRIATIONS REQUIRED.**

The authorization of amounts under this title and the amendments made by this title shall be effective for any fiscal year only to the extent and in the amount provided in advance in appropriations Acts.

**SA 2617.** Mr. COONS (for himself, Mr. WYDEN, Mr. AKAKA, Mr. FRANKEN, Mr. UDALL of New Mexico, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

**SEC. 709. SUNSET.**

(a) IN GENERAL.—Except as provided in subsection (b), this title shall cease to have effect five years after the date of enactment of this Act.

(b) EXCEPTION.—With respect to any particular disclosure or sharing that occurred before the date on which the provisions referred to in subsection (a) cease to have effect, such provisions shall continue in effect.

**SA 2618.** Mr. AKAKA (for himself, Mr. BLUMENTHAL, Mr. COONS, Mr. FRANKEN, Mr. SANDERS, Mr. UDALL of New Mexico, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 105, after the end of the matter between lines 11 and 12, insert the following:

**SEC. 205. PRIVACY BREACH REQUIREMENTS.**

(a) IN GENERAL.—Subchapter II of chapter 35 of title 44, United States Code, as amended by section 201 of this Act, is amended by adding at the end the following:

**“§ 3559. Privacy breach requirements**

“(a) POLICIES AND PROCEDURES.—The Secretary shall establish and oversee policies and procedures for agencies to follow in the event of a breach of information security involving the disclosure of personally identifiable information, including requirements for—

“(1) timely notice to the individuals whose personally identifiable information could be compromised as a result of such breach;

“(2) timely reporting to a Federal cybersecurity center (as defined in section 708 of the Cybersecurity Act of 2012), as designated by the Secretary; and

“(3) additional actions as necessary and appropriate, including data breach analysis, fraud resolution services, identity theft in-

surance, and credit protection or monitoring services.

“(b) REQUIRED AGENCY ACTION.—The head of each agency shall ensure that actions taken in response to a breach of information security involving the disclosure of personally identifiable information under the authority or control of the agency comply with policies and procedures established by the Secretary under subsection (a).

“(c) REPORT.—Not later than March 1 of each year, the Secretary shall report to Congress on agency compliance with the policies and procedures established under subsection (a).’’

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subtitle II for chapter 35 of title 44, United States Code, as amended by section 201 of this Act, is amended by adding at the end the following: “3559. Privacy breach requirements.”

**SEC. 206. AMENDMENTS TO THE E-GOVERNMENT ACT OF 2002.**

Section 208(b)(1)(A) of the E-Government Act of 2002 (44 U.S.C. 3501 note; Public Law 107-347) is amended—

(1) in clause (i), by striking “or” at the end;

(2) in clause (ii), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(iii) using information in an identifiable form purchased, or subscribed to for a fee, from a commercial data source.”

**SEC. 207. AUTHORITY OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET WITH RESPECT TO FEDERAL INFORMATION POLICY.**

Section 3504(g) of title 44, United States Code, is amended—

(1) paragraph (1), by striking “and” at the end;

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

(3) by adding at the end the following:

“(3) designate a Federal Chief Privacy Officer within the Office of Management and Budget who is a noncareer appointee in a Senior Executive Service position and who is a trained and experienced privacy professional to carry out the responsibilities of the Director with regard to privacy.”.

**SEC. 208. CIVIL REMEDIES UNDER THE PRIVACY ACT.**

Section 552a(g)(4)(A) of title 5, United States Code, is amended—

(1) by striking “actual damages” and inserting “provable damages, including damages that are not pecuniary damages.”; and

(2) by striking “, but in no case shall a person entitled to recovery receive less than the sum of \$1,000” and inserting “or the sum of \$1,000, whichever is greater.”.

On page 188, lines 5 through 7, strike “the Chief Privacy and Civil Liberties Officer of the Department of Justice and the Chief Privacy Officer of the Department” and insert “the Federal Chief Privacy Officer”.

On page 191, line 19, strike “actual damages” and insert “provable damages, including damages that are not pecuniary damages.”

**SA 2619.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. RIGHT TO WORK.**

(a) AMENDMENTS TO THE NATIONAL LABOR RELATIONS ACT.—

(1) RIGHTS OF EMPLOYEES.—Section 7 of the National Labor Relations Act (29 U.S.C. 157)

is amended by striking “except to” and all that follows through “authorized in section 8(a)(3)”.

(2) UNFAIR LABOR PRACTICES.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(A) in subsection (a)(3), by striking “: Provided, That” and all that follows through “retaining membership”;

(B) in subsection (b)—

(i) in paragraph (2), by striking “or to discriminate” and all that follows through “retaining membership”; and

(ii) in paragraph (5), by striking “covered by an agreement authorized under subsection (a)(3) of this section”; and

(C) in subsection (f), by striking clause (2) and redesignating clauses (3) and (4) as clauses (2) and (3), respectively.

(b) AMENDMENT TO THE RAILWAY LABOR ACT.—Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleven.

**SA 2620.** Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 109, strike line 17 and all that follows through page 110, line 20, and insert the following:

institutions and to provide funds to the military service academies to establish cybersecurity test beds capable of realistic modeling of real-time cyber attacks and defenses.

(B) REQUIREMENT.—The test beds established under subparagraph (A) shall be sufficiently large in order to model the scale and complexity of real world networks and environments.

(3) PURPOSE.—The purpose of the program established under paragraph (2) shall be to support the rapid development of new cybersecurity defenses, techniques, and processes by improving understanding and assessing the latest technologies in a real-world environment.

(e) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Director shall to the extent practicable, coordinate research and development activities under this section with other ongoing research and development security-related initiatives, including research being conducted by—

(1) the National Institute of Standards and Technology;

(2) the Department;

(3) other Federal agencies;

(4) other Federal and private research laboratories, research entities, the military service academies, and universities and institutions of higher education, and relevant nonprofit organizations; and

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY**

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on July 26, 2012, at 9:30 a.m. in room SR 328A of the Russell Senate Office Building.

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

## COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 26, 2012, at 10 a.m. to conduct a hearing entitled “The Financial Stability Oversight Council Annual Report to Congress.”

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

## COMMITTEE ON FOREIGN RELATIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 26, 2012, at 9:30 a.m.

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

## COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LIEBERMAN. 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, to conduct a hearing entitled “CCDBG Reauthorization: Helping to Meet the Child Care Needs of American Families” on July 26, 2012, at 10 a.m. in room 430 of the Dirksen Senate Office Building.

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

## COMMITTEE ON INDIAN AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on July 26, 2012, in room SD-628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct a hearing entitled “Regulation of Tribal Gaming: From Brick & Mortar to the Internet.”

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

## COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on July 26, 2012 at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

## COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on July 26, 2012 at 1 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Nominations.”

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

## SELECT COMMITTEE ON INTELLIGENCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 26, 2012, at 2:30 p.m.

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

## PRIVILEGES OF THE FLOOR

Mr. CARDIN. Mr. President, I ask unanimous consent that Hala Furst, a Presidential Management Fellow on detail to the Homeland Security and Governmental Affairs Committee, be granted the privileges of the floor for the duration of the debate on S. 3414.

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

RECORD; and that the President be immediately notified of the Senate’s action and the Senate then resume legislative session.

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

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 839, 840, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, and all the nominations placed on the Secretary’s desk in the Army, Air Force, and Navy; that the nominations be confirmed en bloc; the motions to reconsider be made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate’s action, and the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

## IN THE AIR FORCE

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

*To be brigadier general*

Colonel Edward E. Metzgar

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

*To be brigadier general*

Colonel Russ A. Walz

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brig. Gen. Timothy M. Ray

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be general*

Lt. Gen. Paul J. Selva

The following named officer for appointment as the Vice Chief of the National Guard Bureau and for appointment to the grade indicated in the Reserve of the Air Force under title 10, U.S.C., sections 10505 and 601:

*To be lieutenant general*

Maj. Gen. Joseph L. Lengyel

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brig. Gen. Howard D. Stendahl

## IN THE ARMY

The following named officer for appointment in the Reserve of the Army to the