

**SEC. 9. CONSERVATION FUND.**

(a) IN GENERAL.—Section 810 of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431h), as renamed by section 2(a), is amended—

(1) in the section heading, by striking “TROPICAL FOREST FUND” and inserting “CONSERVATION FUND”; and

(2) in subsection (a)—

(A) by striking “Tropical Forest Agreement” and inserting “Conservation Agreement”; and

(B) by striking “Tropical Forest Fund” and inserting “Conservation Fund”.

(b) CONFORMING AMENDMENTS TO DEFINITIONS.—Such Act is further amended—

(1) in section 803(9) (22 U.S.C. 2431a(9))—

(A) in the heading, by striking “TROPICAL FOREST FUND” and inserting “CONSERVATION FUND”; and

(B) by striking “Tropical Forest Fund” both places it appears and inserting “Conservation Fund”;

(2) in section 806(c)(2) (22 U.S.C. 2431d(c)(2)), by striking “Tropical Forest Fund” and inserting “Conservation Fund”; and

(3) in section 807(c)(2) (22 U.S.C. 2431e(c)(2)), by striking “Tropical Forest Fund” and inserting “Conservation Fund”.

**SEC. 10. CHANGES TO DUE DATES OF ANNUAL REPORTS TO CONGRESS.**

Section 813 of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431k), as renamed by section 2(a), is amended—

(1) in subsection (a)—

(A) by striking “(a) IN GENERAL.—Not later than December 31” and inserting “Not later than April 15”; and

(B) by striking “fiscal year” both places it appears and inserting “calendar year”; and

(2) by striking subsection (b).

**SEC. 11. NEW AUTHORIZATION OF APPROPRIATIONS FOR THE REDUCTION OF DEBT AND AUTHORIZATION FOR AUDIT, EVALUATION, MONITORING, AND ADMINISTRATION EXPENSES.**

Section 806 of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431d), as renamed by section 2(a), is amended—

(1) in subsection (d), by adding at the end the following new paragraphs:

“(7) \$20,000,000 for fiscal year 2019.

“(8) \$20,000,000 for fiscal year 2020.”; and

(2) by amending subsection (e) to read as follows:

“(e) USE OF FUNDS TO CONDUCT PROGRAM AUDITS, EVALUATIONS, MONITORING, AND ADMINISTRATION.—Of the amounts made available to carry out this part for a fiscal year, \$300,000 is authorized to be made available to carry out audits, evaluations, monitoring, and administration of programs under this part, including personnel costs associated with such audits, evaluations, monitoring and administration.”.

Mr. BOOZMAN. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

## SECURING ENERGY INFRASTRUCTURE ACT

Mr. BOOZMAN. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 410, S. 79.

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

The senior assistant legislative clerk read as follows:

A bill (S. 79) to provide for the establishment of a pilot program to identify security vulnerabilities of certain entities in the energy sector.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, 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 “Securing Energy Infrastructure Act”.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) APPROPRIATE COMMITTEE OF CONGRESS.—The term “appropriate committee of Congress” means—

(A) the Select Committee on Intelligence, the Committee on Homeland Security and Governmental Affairs, and the Committee on Energy and Natural Resources of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Homeland Security, and the Committee on Energy and Commerce of the House of Representatives.

(2) COVERED ENTITY.—The term “covered entity” means an entity identified pursuant to section 9(a) of Executive Order 13636 of February 12, 2013 (78 Fed. Reg. 11742), relating to identification of critical infrastructure where a cybersecurity incident could reasonably result in catastrophic regional or national effects on public health or safety, economic security, or national security.

(3) EXPLOIT.—The term “exploit” means a software tool designed to take advantage of a security vulnerability.

(4) INDUSTRIAL CONTROL SYSTEM.—

(A) IN GENERAL.—The term “industrial control system” means an operational technology used to measure, control, or manage industrial functions.

(B) INCLUSIONS.—The term “industrial control system” includes supervisory control and data acquisition systems, distributed control systems, and programmable logic or embedded controllers.

(5) NATIONAL LABORATORY.—The term “National Laboratory” has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(6) PROGRAM.—The term “Program” means the pilot program established under section 3.

(7) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(8) SECURITY VULNERABILITY.—The term “security vulnerability” means any attribute of hardware, software, process, or procedure that could enable or facilitate the defeat of a security control.

**SEC. 3. PILOT PROGRAM FOR SECURING ENERGY INFRASTRUCTURE.**

Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a 2-year control systems implementation pilot program within the National Laboratories for the purposes of—

(1) partnering with covered entities in the energy sector (including critical component manufacturers in the supply chain) that voluntarily participate in the Program to identify new classes of security vulnerabilities of the covered entities; and

(2) evaluating technology and standards, in partnership with covered entities, to isolate and defend industrial control systems of covered entities from security vulnerabilities and exploits in the most critical systems of the covered entities, including—

(A) analog and nondigital control systems;

(B) purpose-built control systems; and

(C) physical controls.

**SEC. 4. WORKING GROUP TO EVALUATE PROGRAM STANDARDS AND DEVELOP STRATEGY.**

(a) ESTABLISHMENT.—The Secretary shall establish a working group—

(1) to evaluate the technology and standards used in the Program under section 3(2); and

(2) to develop a national cyber-informed engineering strategy to isolate and defend covered entities from security vulnerabilities and exploits in the most critical systems of the covered entities.

(b) MEMBERSHIP.—The working group established under subsection (a) shall be composed of not fewer than 10 members, to be appointed by the Secretary, at least 1 member of which shall represent each of the following:

(1) The Department of Energy.

(2) The energy industry, including electric utilities and manufacturers recommended by the Energy Sector coordinating councils.

(3)(A) The Department of Homeland Security;

or

(B) the Industrial Control Systems Cyber Emergency Response Team.

(4) The North American Electric Reliability Corporation.

(5) The Nuclear Regulatory Commission.

(6)(A) The Office of the Director of National Intelligence; or

(B) the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).

(7)(A) The Department of Defense; or

(B) the Assistant Secretary of Defense for Homeland Security and America's Security Affairs.

(8) A State or regional energy agency.

(9) A national research body or academic institution.

(10) The National Laboratories.

**SEC. 5. REPORTS ON THE PROGRAM.**

(a) INTERIM REPORT.—Not later than 180 days after the date on which funds are first disbursed under the Program, the Secretary shall submit to the appropriate committees of Congress an interim report that—

(1) describes the results of the Program;

(2) includes an analysis of the feasibility of each method studied under the Program; and

(3) describes the results of the evaluations conducted by the working group established under section 4(a).

(b) FINAL REPORT.—Not later than 2 years after the date on which funds are first disbursed under the Program, the Secretary shall submit to the appropriate committees of Congress a final report that—

(1) describes the results of the Program;

(2) includes an analysis of the feasibility of each method studied under the Program; and

(3) describes the results of the evaluations conducted by the working group established under section 4(a).

**SEC. 6. EXEMPTION FROM DISCLOSURE.**

Information shared by or with the Federal Government or a State, Tribal, or local government under this Act shall be—

(1) deemed to be voluntarily shared information;

(2) exempt from disclosure under section 552 of title 5, United States Code, or any provision of any State, Tribal, or local freedom of information law, open government law, open meetings law, open records law, sunshine law, or similar law requiring the disclosure of information or records; and

(3) withheld from the public, without discretion, under section 552(b)(3) of title 5, United States Code, or any provision of a State, Tribal, or local law requiring the disclosure of information or records.

**SEC. 7. PROTECTION FROM LIABILITY.**

(a) IN GENERAL.—A cause of action against a covered entity for engaging in the voluntary activities authorized under section 3—

(1) shall not lie or be maintained in any court; and

(2) shall be promptly dismissed by the applicable court.

(b) **VOLUNTARY ACTIVITIES.**—Nothing in this Act subjects any covered entity to liability for not engaging in the voluntary activities authorized under section 3.

**SEC. 8. NO NEW REGULATORY AUTHORITY FOR FEDERAL AGENCIES.**

Nothing in this Act authorizes the Secretary or the head of any other department or agency of the Federal Government to issue new regulations.

**SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

(a) **PILOT PROGRAM.**—There is authorized to be appropriated \$10,000,000 to carry out section 3.

(b) **WORKING GROUP AND REPORT.**—There is authorized to be appropriated \$1,500,000 to carry out sections 4 and 5.

(c) **AVAILABILITY.**—Amounts made available under subsections (a) and (b) shall remain available until expended.

Mr. BOOZMAN. I ask unanimous consent that the committee-reported substitute amendment be agreed to and that the bill, as amended, be considered read a third time.

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

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

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BOOZMAN. I know of no further debate on the bill.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 79), as amended, was passed.

Mr. BOOZMAN. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

**APPOINTMENTS CORRECTION**

Mr. BOOZMAN. Mr. President, I ask unanimous consent that a correction to an appointment made on December 18, 2018, be printed in the RECORD.

For the information of the Senate, this correction is clerical and does not change membership of the United States-China Economic Security Review Commission made by the appointment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The PRESIDING OFFICER. The Chair announces, on behalf of the Democratic Leader, pursuant to the provisions of Public Law 106-398, as amended by Public Law 108-7, and in consultation with the Ranking Members of the Senate Committee on Armed Services and the Senate Committee on Finance, the appointment of the following individual to serve as a member of the United States-China Economic Security Review Commission: Thea M. Lee of the District of Columbia for a term expiring December 31, 2020.

**ORDERS FOR THURSDAY,  
DECEMBER 21, 2018**

Mr. BOOZMAN. Mr. President, I ask unanimous consent that when the Sen-

ate completes its business today, it adjourn until 11:30 a.m., Thursday, December 20; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; finally, that following leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

**ADJOURNMENT UNTIL 11:30 A.M.  
TOMORROW**

Mr. BOOZMAN. 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 12:07 a.m., adjourned until Thursday, December 21, 2018, at 11:30 a.m.

**NOMINATIONS**

Executive nominations received by the Senate:

**IN THE COAST GUARD**

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

*To be commander*

AUSTIN L. ADCOCK  
ANTONE S. ALONGI  
MATTHEW S. AUSTIN  
SAMUEL H. BABBITT  
MICHAEL W. BAIRD  
JON T. BARTEL  
PATRICIA M. BENNETT  
ROBERT A. BIXLER II  
KELLY C. BLACKBURN  
JULIE E. BLANCHFIELD  
RONALD D. BLEDSOE, JR.  
BRIAN T. BOLAND  
JEFFREY M. BOLLING  
MARY D. BROOKS  
KATHERINE L. BROWN  
STACI K. BROWN  
BRADLEY A. BRUNAUGH  
KENNETH J. BURGESS  
ERIC S. BURLEY  
JASON A. BUSTAMANTE  
WILLIAM R. CAHILL  
JAMES M. CARABIN  
JOEL B. CARSE  
AARON J. CASAVANT  
XOCHITIL L. CASTANEDA  
ACE V. CASTLE  
ERIC W. CHANG  
DAVID K. CHAPMAN  
DARYL C. CLARY  
GREGORY A. CLAYTON  
DAVID M. COBURN  
MUHAMMADALI N. COCHRAN  
ROBERT A. COLE  
BRADLEY D. CONWAY  
JAMES E. COOLEY  
GEORGE H. COTTRELL  
JEREMY A. COURTADE  
MICHAEL T. COURTNEY  
TREVOR C. COWAN  
ALLISON E. COX  
JONATHAN W. COX  
BYRON A. CREECH  
CARLOS M. CRESPO  
DAVID B. CRUZ  
JEFFREY R. DAIGLE  
ALLISON M. DAMERON  
MICHAEL R. DARRAH  
JESSICA S. DAVILA  
KELVIN J. DAVIS  
ARTHUR M. DEHNZ  
PHILLIP A. DELISLE  
JOHN F. DEWEY IV  
JARROD M. DEWITZ  
JENNIFER R. DOHERTY  
PATRICK A. DRAYER  
LAUREN F. DUFRENE  
CHRISTOPHER P. DUFRESNE  
STANLEY P. FIELDS  
BRANDON C. FISHER  
MATTHEW P. FRAZEE  
MICHAEL FRIEND  
MATTHEW A. GANS

KEVIN E. GARCIA  
CHRISTIAN C. GAUDIO  
SARAH J. GEOFFRION  
JAMES A. GIBSON, JR.  
MICHAEL R. GILLHAM  
GERROD C. GLAUNER  
MATTHEW E. GRAY  
MYLES J. GREENWAY  
NAVIN L. GRIFFIN  
MICHAEL C. GRIS II  
JASON D. HAGEN  
IAN A. HALL  
ANDERS J. HAMMERSBORG  
JAMES J. HANNAM  
TODD E. HARTFIEL  
JUAN M. HERNANDEZ  
MARCUS T. HIRSCHBERG  
JASON A. HOPKINS  
NATHAN R. HUDSON  
DANIEL J. HUELSMAN  
MICHAEL J. HUNT  
IAN T. HURST  
RAYMOND D. JACKSON, JR.  
WILL D. JOHNSON  
MARK C. JORGENSEN  
KEVIN L. KAMMETER  
HANNAH K. KAWAMOTO  
MARGARET D. KENNEDY  
JAMES R. KENSHALO  
COREY M. KERNS  
GREGORY J. KNOLL  
RICHARD E. KUZAK  
KARA M. LAVIN  
AMANDA M. LEE  
BRANDON M. LINK  
RICHARD A. MACH  
AMY D. MCELROY  
REYNA E. MCGRATH  
CLAY D. MCKINNEY  
BRADLEY W. MIDDLETON  
DAVID A. MIDDLETON  
BROOKE A. MILLARD  
JESSE M. MILLARD  
JONATHAN D. MILLER  
KENNETH R. MILLSON  
TODD C. MOE  
GREGORY N. MOURITSEN  
GARY C. MURPHY  
SAMUEL R. NASSAR  
BRANDON J. NATTEAL  
JOSHUA B. NELSON  
KELLEE M. NOLAN  
CHARLES S. NOVAK  
DAVID M. OTANI  
NICHOLAS W. PARKER  
THOMAS T. PEQUIGNOT  
ERIC C. PERDUE  
LUKE R. PETERSEN  
MARK A. PIBER  
STEPHEN W. PITTMAN  
JEFFREY R. PLATT  
JASON T. PLUMLEY  
CLAYTON S. PREBLE  
KRISTEN M. PREBLE  
RANDY L. PRESTON  
MILES R. RANDALL, JR.  
KENT R. REINHOLD  
KENNETH H. ROCKHOLD  
THOMAS C. RODZEWICZ  
JOSE M. ROSARIO  
ELIZABETH M. ROSCOE  
ERIC S. RUNYON  
MATTHEW A. SCHIBLER  
DAVID P. SHEPPARD  
BRENDAN C. SHIELDS  
JONATHAN D. SHUMATE  
DANIELLE M. SHUPE  
LUKE M. SLIVINSKI  
SCOTT R. SMITH  
WILLIAM M. SNYDER  
BENJAMIN J. SPECTOR  
CHARLES B. STANLEY  
JEFFREY J. SULLENS  
PHILIP D. THISSE  
KEITH O. THOMAS  
CHAD R. THOMPSON  
JAROD S. TOCZKO  
ROBERTO N. TREVINO  
JORGE L. VALENTE  
PEDRO L. VAZQUEZ  
BRETT R. WALTER  
MATTHEW J. WALTER  
BENJAMIN M. WALTON  
MOLLY K. WATERS  
RYAN A. WATERS  
MICHAEL E. WHITTREDGE  
JAMES E. WILLINGHAM  
CHARLES K. WILSON  
ERIC J. WILSON  
DAVID J. YADRIK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C. SECTION 271(E) AND TITLE 10, U.S.C. SECTION 12203(A):

*To be lieutenant commander*

JUSTIN P. AARONSON  
MARK RYAN ALLEN  
RHENEE K. ALLEN  
JOSEPH P. ANTHONY  
SHANNON M. ANTHONY  
JUAN R. APONTE  
BRANDON J. ATEN  
ANDREW D. BACON  
JACOB D. BALDASSINI  
LEMUEL R. BEAUCHAMP