

**AMENDMENT TO H.R. 2952**

**OFFERED BY MR. KEATING OF MASSACHUSETTS**

Page 6, strike the closing quotation marks and the second period at line 15, and after line 15 insert the following:

1 **“SEC. 320. IDENTIFICATION OF CYBERSECURITY RISKS TO**  
2 **THE NUCLEAR REACTORS, MATERIALS, AND**  
3 **WASTE SECTOR.**

4 “(a) IN GENERAL.—The Secretary shall, on a contin-  
5 uous basis, identify and evaluate cybersecurity risks to  
6 critical infrastructure in the nuclear reactors, materials,  
7 and waste sector for inclusion in annual risk assessments  
8 required under the National Infrastructure Protection  
9 Plan. In carrying out this subsection, the Secretary shall  
10 coordinate, as appropriate, with the following:

11 “(1) The head of the sector specific agency with  
12 responsibility for critical infrastructure.

13 “(2) The head of any agency with responsibil-  
14 ities for regulating the critical infrastructure.

15 “(3) The owners and operators of critical infra-  
16 structure, including as a priority, the relevant Crit-  
17 ical Infrastructure Partnership Advisory Council en-  
18 tities.

1           “(4) Any private sector entity determined ap-  
2           propriate by the Secretary.

3           “(b) EVALUATION OF RISKS.—The Secretary, in co-  
4           ordination with the individuals and entities referred to in  
5           subsection (a), shall evaluate the cybersecurity risks iden-  
6           tified under subsection (a) by taking into account each of  
7           the following:

8           “(1) The actual or assessed threat, including a  
9           consideration of adversary capabilities and intent,  
10          preparedness, target attractiveness, and deterrence  
11          capabilities.

12          “(2) The extent and likelihood of death, injury,  
13          or serious adverse effects to human health and safe-  
14          ty caused by a disruption, destruction, or unauthor-  
15          ized use of critical infrastructure.

16          “(3) The threat to national security caused by  
17          the disruption, destruction or unauthorized use of  
18          critical infrastructure.

19          “(4) The harm to the economy that would re-  
20          sult from the disruption, destruction, or unauthor-  
21          ized use of critical infrastructure.

22          “(5) Other risk-based security factors that the  
23          Secretary, in consultation, as appropriate, with the  
24          head of the sector specific agency with responsibility  
25          for critical infrastructure and the head of any Fed-

1       eral agency that is not a sector specific agency with  
2       responsibilities for regulating critical infrastructure,  
3       and in consultation with any private sector entity de-  
4       termined appropriate by the Secretary to protect  
5       public health and safety, critical infrastructure, or  
6       national and economic security.

7       “(c) AVAILABILITY OF IDENTIFIED RISKS.—The Sec-  
8       retary shall ensure that the risks identified and evaluated  
9       under this section are made available to the owners and  
10      operators of critical infrastructure within the nuclear reac-  
11      tors, materials, and waste sector.

12      “(d) COLLECTION OF RISK-BASED PERFORMANCE  
13      STANDARDS.—

14              “(1) REVIEW AND ESTABLISHMENT.—The Sec-  
15      retary, in coordination with the National Institute of  
16      Standards and Technology and the heads of other  
17      appropriate agencies, shall review existing inter-  
18      nationally recognized consensus-developed risk-based  
19      performance standards, including standards devel-  
20      oped by the National Institute of Standards and  
21      Technology, for inclusion in a common collection.  
22      Such collection shall include, for each such risk-  
23      based performance standard, an analysis, based on  
24      the typical implementation of each performance  
25      standard, of each of the following:

1           “(A) How well the performance standard  
2 addresses the identified risks.

3           “(B) How cost-effective the standard im-  
4 plementation of the performance standard can  
5 be.

6           “(2) USE OF COLLECTION.—The Secretary, in  
7 conjunction with the heads of other appropriate  
8 agencies, shall develop market-based incentives de-  
9 signed to encourage the use of the collection estab-  
10 lished under paragraph (1).

11          “(e) CRITICAL INFRASTRUCTURE DEFINED.—In this  
12 section, the term ‘critical infrastructure’ means any facil-  
13 ity or function of a company or government agency that,  
14 by way of cyber vulnerability, the destruction or disruption  
15 of or unauthorized access to could result in—

16           “(1) a significant loss of life;

17           “(2) a major economic disruption, including—

18           “(A) the immediate failure of, or loss of  
19 confidence in, a major financial market; or

20           “(B) the sustained disruption of financial  
21 systems that would lead to long term cata-  
22 strophic economic damage to the United States;

23           “(3) mass evacuations of a major population  
24 center for an extended length of time; or

1           “(4) severe degradation of national security or  
2           national security capabilities, including intelligence  
3           and defense functions, but excluding military facili-  
4           ties.

5           “(f) LIMITATION OF REGULATORY AUTHORITY.—  
6           Nothing in this section expands the regulatory authority  
7           of sector specific agencies or other agencies with regu-  
8           latory authority over elements of critical infrastructure be-  
9           yond the risk-based performance standards collected under  
10          subsection (d).”.

Page 6, in the matter following line 18, in the item relating to section 319 strike the closing quotation marks and second period, and after such item insert the following:

“Sec. 320. Identification of cybersecurity risks to the nuclear reactors, materials, and waste sector.”.

