

**AMENDMENT OFFERED BY Ms. ESHOO TO THE
AMENDMENT IN THE NATURE OF A SUB-
STITUTE FOR H.R. 8**

Page 24, strike lines 11 through 18 and insert the following:

1 “(6) SUBMISSION OF INFORMATION TO CON-
2 GRESS.—Nothing in this section shall permit or au-
3 thorize the withholding of information from Con-
4 gress, any committee or subcommittee thereof, or
5 the Comptroller General.

6 “(7) DISCLOSURE OF NON-PROTECTED INFOR-
7 MATION.—In implementing this section, the Com-
8 mission shall protect from disclosure only the min-
9 imum amount of information necessary to protect
10 the security and reliability of the bulk-power system
11 and distribution facilities. The Commission shall seg-
12 regate critical electric infrastructure information
13 within documents and electronic communications,
14 wherever feasible, to facilitate disclosure of informa-
15 tion that is not designated as critical electric infra-
16 structure information.

17 “(8) DURATION OF DESIGNATION.—Informa-
18 tion may not be designated as critical electric infra-

1 structure information for longer than 5 years, unless
2 specifically re-designated by the Commission.

3 “(9) REMOVAL OF DESIGNATION.—The Com-
4 mission shall remove the designation of critical elec-
5 tric infrastructure information, in whole or in part,
6 from a document or electronic communication if the
7 Commission determines that the unauthorized disclo-
8 sure of such information could no longer be used to
9 impair the security or reliability of the bulk-power
10 system or distribution facilities.

11 “(10) JUDICIAL REVIEW OF DESIGNATIONS.—
12 Notwithstanding section 313(b), any determination
13 by the Commission concerning the designation of
14 critical electric infrastructure information under this
15 subsection shall be subject to review under chapter
16 7 of title 5, United States Code, except that such re-
17 view shall be brought in the district court of the
18 United States in the district in which the complain-
19 ant resides, or has his principal place of business, or
20 in the District of Columbia. In such a case the court
21 shall examine in camera the contents of documents
22 or electronic communications that are the subject of
23 the determination under review to determine wheth-
24 er such documents or any part thereof were improv-

- 1 erly designated or not designated as critical electric
- 2 infrastructure information.

