

**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.

