

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 6743
OFFERED BY MR. LUETKEMEYER OF MISSOURI**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Consumer Information
3 Notification Requirement Act”.

4 SEC. 2. BREACH NOTIFICATION STANDARDS.

5 Section 501 of the Gramm-Leach-Bliley Act (15
6 U.S.C. 6801) is amended—

7 (1) in subsection (b)(3) by striking the period
8 at the end and inserting “, including through the
9 provision of a breach notice in the event of unau-
10 thorized access that is reasonably likely to result in
11 identity theft, fraud, or economic loss.”; and

12 (2) by adding at the end the following:

13 “(c) STANDARDS WITH RESPECT TO BREACH NOTI-
14 FICATION.—Subject to section 504(a)(2) and sections
15 505(b) and 505(c), within 6 months after the date of en-
16 actment of this subsection, each agency or authority re-
17 quired to establish standards described under subsection
18 (b)(3) with respect to the provision of a breach notice shall

1 ensure that such standards are in compliance with sub-
2 section (b).

3 “(d) INSURANCE.—

4 “(1) ENFORCEMENT.—Notwithstanding section
5 505(a)(6), with respect to an entity engaged in pro-
6 viding insurance, the standards under subsection (b)
7 shall be enforced—

8 “(A) with respect to any such standards
9 related to data security safeguards, by—

10 “(i) the State insurance authority of
11 the State in which the entity is domiciled;

12 or

13 “(ii) in the case of an insurance agen-
14 cy or brokerage, the State insurance au-
15 thority of the State in which such agency
16 or brokerage has its principal place of
17 business; and

18 “(B) with respect to any such standards
19 related to notification of the breach of data se-
20 curity, by the State insurance authority of any
21 State in which customers of the entity are af-
22 fected by such a breach of data security.

23 “(2) NOTIFICATION BY ASSUMING INSURER.—

24 “(A) IN GENERAL.—Notwithstanding sub-
25 section (b), an assuming insurer that experi-

1 ences a breach of data security shall only be re-
2 quired to notify the State insurance authority
3 of the State in which the assuming insurer is
4 domiciled.

5 “(B) ASSUMING INSURER DEFINED.—For
6 purposes of this paragraph, the term ‘assuming
7 insurer’ means an entity engaged in providing
8 insurance that acquires an insurance obligation
9 or risk from another entity engaged in pro-
10 viding insurance pursuant to a reinsurance
11 agreement.

12 “(3) SAFEGUARDS FOR INSURANCE CUS-
13 TOMERS.—In carrying out subsection (b) with re-
14 spect to an entity engaged in providing insurance, a
15 State insurance authority shall establish the stand-
16 ards for safeguarding customer information main-
17 tained by entities engaged in activities described in
18 section 4(k)(4)(B) of the Bank Holding Company
19 Act of 1956 (12 U.S.C. 1843(4)(k)(4)(B)) that are
20 the same as the standards contained in the inter-
21 agency guidelines issued by the Comptroller of the
22 Currency, the Board of Governors of the Federal
23 Reserve Board, the Federal Deposit Insurance Cor-
24 poration, and the Office of Thrift Supervision titled
25 ‘Interagency Guidelines Establishing Standards for

- 1 different from those standards, except where necessary to
- 2 effectuate the purposes of this subtitle.”.

