

AMENDMENT TO H.R.

OFFERED BY MR. CÁRDENAS OF CALIFORNIA

Page and line numbers refer to BLACKB_028 April 10, 2015

Page 7, beginning on line 8, strike “the Commission” and insert “affected State Attorney Generals”.

Page 7, line 14, strike “10,000” and insert “5,000”.



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Page 7, after line 19, insert the following new paragraph:

1 (6) ELECTRONIC NOTIFICATION OF BREACH.—
2 A covered entity required to issue a notification to
3 more than 2,500 residents of the United States
4 under paragraph (3) due to a single breach of secu-
5 rity shall, as expeditiously as possible, electronically
6 submit a copy of such notification, excluding any
7 personally identifiable information, to the Attorney
8 General of any affected State and the Commission.



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Page 14, insert after line 16 the following new paragraph:

1 (4) NOTIFICATION IN OTHER LANGUAGES RE-
2 QUIRED.—A covered entity required to provided no-
3 tification to an individual under subsection (a) shall,
4 if requested by the individual, provide the notifica-
5 tion to the individual in a language other than
6 English.



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Page 5, line 11, strike “that is a party to a” and all that follows through page 5, line 13.

Page 11, line 24, insert “, if any,” after “relationship”.

Page 14, strike line 17 and all that follows through page 15, line 12.

Page 21, line 13, strike “that has directly con-” and all that follows through page 21, line 19, and insert the following: “maintains, stores, or processes data in electronic form containing personal information of such non-breached entity.”

Page 25, line 1, strike “it directly contracts to” and all that follows through page 25, line 4, and insert the following: “that maintains, stores, or processes data in electronic form containing personal information of the non-breached entity.”

Page 27, strike line 20 and all that follows through
page 28, line 10.



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Page 8, after line 14, insert the following new paragraph:

1 (3) THEFT PREVENTION AND MITIGATION
2 SERVICES.—If a covered entity is required to provide
3 notification under subsection (a)(3) and such entity
4 was the source of the breach of security, the notifi-
5 cation shall include an offer to provide appropriate
6 identity theft prevention and mitigation services at
7 no cost to the individual notified for not less than
8 12 months and any information necessary to accept
9 the offer.



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Page 28, line 24, strike “No” and insert “Except as provided for in subsection (e), no”.

Page 30, insert after line 6 the following new subsection:

1 (e) WAIVER GRANTED BY THE COMMISSION.—The
2 Commission may grant a State an exemption from the
3 preemption described in subsection (a) if the State, polit-
4 ical subdivision of the State, or the attorney general of
5 the State files a petition that certifies that—

6 (1) the State (through law, rule, regulation,
7 duty, requirement, standard, or other provision hav-
8 ing the force and effect of law) provides greater pro-
9 tection for the residents of the State with respect to
10 the security of data in electronic form and notifica-
11 tion following a security breach of such data; and

12 (2) there is significant harm to the residents of
13 the State if the exemption is not granted.

