

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 1165
OFFERED BY MR. GREEN OF TEXAS**

Page 2, line 12, strike “Unless otherwise permitted under section 502(e), it” and insert the following:

1 “(1) OPT IN.—It”.

Page 2, line 14, strike “without the consent”.

Page 2, line 16, insert before the first period the following: “, unless the financial institution obtains, from such individual, evidence of such individual’s authorization for such use”.

Page 2, line 16, insert before the period at the end the following:

2 “(2) ANNUAL RENEWAL REQUIRED.—Evidence
3 of an individual’s authorization obtained under para-
4 graph (1) shall terminate after 1 year, but may be
5 renewed in the same manner as described under
6 paragraph (1).

7 “(3) APPLICATION OF EXCEPTIONS.—The ex-
8 ceptions described under section 502(e) with respect
9 to the collection of nonpublic personal information

1 from an individual with whom a financial institution
2 has a customer or consumer relationship shall apply
3 to the same extent to the use of nonpublic personal
4 information from an individual with whom a finan-
5 cial institution has a customer or consumer relation-
6 ship.”.

Page 3, strike lines 9 through 21 and insert the fol-
lowing:

7 (3) by amending subsection (b) to read as fol-
8 lows:

9 “(b) OPT IN.—

10 “(1) IN GENERAL.—A financial institution may
11 not collect nonpublic personal information from an
12 individual with whom such financial institution has
13 a customer or consumer relationship or disclose non-
14 public personal information of such an individual to
15 a nonaffiliated third party, unless the financial insti-
16 tution obtains, from such individual, evidence of
17 such individual’s authorization for such collection or
18 disclosure.

19 “(2) ANNUAL RENEWAL REQUIRED.—Evidence
20 of an individual’s authorization obtained under para-
21 graph (1) shall terminate after 1 year, but may be
22 renewed in the same manner as described under
23 paragraph (1).”.

Page 4, after line 6, insert the following (and redesignate subsequent provisions accordingly):

1 (4) in subsection (e)—
2 (A) by striking “Except” and inserting the
3 following:
4 “(1) IN GENERAL.—Except”; and
5 (B) by adding at the end the following:
6 “(2) MAINTAINING THIRD PARTY CONFIDEN-
7 TIALITY.—A financial institution may not disclose
8 nonpublic personal information of an individual with
9 whom such financial institution has a customer or
10 consumer relationship to a nonaffiliated third party
11 pursuant to the exception under subparagraph (A)
12 or (B) of subsection (e)(1), unless the financial insti-
13 tution enters into a contractual agreement with the
14 third party that requires the third party to maintain
15 the confidentiality of such information.”.

Page 6, strike lines 1 through 13 (and redesignate subsequent provisions accordingly).

Page 13, strike lines 11 through 15 and insert the following:

16 “(C) the prohibition, subject to the excep-
17 tions under section 502(e), on a financial insti-
18 tution collecting or disclosing to a nonaffiliated

1 third party any nonpublic personal information
2 of such individual unless the individual has
3 opted in to such collection or disclosure, and
4 the manner in which such individual may make
5 such opt in election;”.

