

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 8152**

OFFERED BY Mr. Carter and Ms. Craig

Page 90, strike lines 24 through 25 and insert the following: “203(a)(4), paragraphs (1) through (3) and (5) through (7) of section 208(b), and section 301(c); and”.

Page 95, after line 6, insert the following new section:

1 (c) DESIGNATION OF PRIVACY AND DATA SECURITY

2 OFFICER.—

3 (1) IN GENERAL.—A covered entity or service
4 provider that have more than 15 employees, shall
5 designate—

6 (A) 1 or more qualified employees as pri-
7 vacy officers; and

8 (B) 1 or more qualified employees (in addi-
9 tion to any employee designated under subpara-
10 graph (A)) as data security officers.

11 (2) REQUIREMENTS FOR OFFICERS.—An em-
12 ployee who is designated by a covered entity or a
13 service provider as a privacy officer or a data secu-

1 rity officer pursuant to paragraph (1) shall, at a
2 minimum—

3 (A) implement a data privacy program and
4 data security program to safeguard the privacy
5 and security of covered data in compliance with
6 the requirements of this Act; and

7 (B) facilitate the covered entity or service
8 provider's ongoing compliance with this Act.

9 (3) ADDITIONAL REQUIREMENTS FOR LARGE
10 DATA HOLDERS.—A large data holder shall des-
11 ignate at least 1 of the officers described in para-
12 graph (1) to report directly to the highest official at
13 the large data holder as a privacy protection officer
14 who shall, in addition to the requirements in para-
15 graph (2), either directly or through a supervised
16 designee or designees—

17 (A) establish processes to periodically re-
18 view and update the privacy and security poli-
19 cies, practices, and procedures of the large data
20 holder, as necessary;

21 (B) conduct biennial and comprehensive
22 audits to ensure the policies, practices, and pro-
23 cedures of the large data holder ensure the
24 large data holder is in compliance with this Act

1 and ensure such audits are accessible to the
2 Commission upon request;

3 (C) develop a program to educate and
4 train employees about compliance requirements
5 of this Act;

6 (D) maintain updated, accurate, clear, and
7 understandable records of all material privacy
8 and data security practices undertaken by the
9 large data holder; and

10 (E) serve as the point of contact between
11 the large data holder and enforcement authori-
12 ties.

Page 95, line 7, strike “(c)” and insert “(d)”.

Page 96, line 10, strike “and”.

Page 96, line 14, strike the period and insert “;
and”.

Page 96, after line 14, insert the following new sub-
paragraph:

13 (C) approved by the privacy protection offi-
14 cer designated in subsection (c)(3) of the large
15 data holder, as applicable.

Page 96, line 22, strike “(d)” and insert “(e)”.



