

AMENDMENT TO THE DISCUSSION DRAFT

OFFERED BY Mr. Kennedy

[Page and line numbers refer to SLW_126, dated March 20]

Beginning on page 3, strike line 23 and all that follows through page 4, line 5, and insert the following:

1 (3) NOTIFICATION TO LAW ENFORCEMENT.—A
2 covered entity shall, as expeditiously as practicable
3 and without unreasonable delay, but not later than
4 10 days following the discovery of a breach of secu-
5 rity, provide notice of the breach to—

6 (A) the Commission;

7 (B) the Federal Bureau of Investigation;

8 (C) the Secret Service; and

9 (D) the attorney general of each State in
10 which resides an individual whose personal in-
11 formation was acquired or accessed by an unau-
12 thorized person, or used for an unauthorized
13 purpose.

Beginning on page 23, strike line 23 and all that follows through page 24, line 10, and insert the following:

14 (a) EFFECT ON STATE BREACH NOTIFICATION
15 LAWS.—A covered entity that is in compliance with sec-

1 tion 3 shall be deemed to have provided appropriate notice
2 as required by any State law that requires notification to
3 individuals in the event of a breach of security of personal
4 information.

5 (b) EFFECT ON OTHER STATE LAWS.—Nothing in
6 this Act shall be construed to—

7 (1) preempt or limit any provision of any other
8 law, rule, regulation, requirement, standard, or other
9 provision having the force and effect of law of any
10 State, including any State consumer protection law,
11 any State law relating to acts of fraud or deception,
12 and any State trespass, contract, or tort law; or

13 (2) prevent or limit the attorney general of a
14 State from exercising the powers conferred upon the
15 attorney general by the laws of the State, including
16 conducting investigations, administering oaths or af-
17 firmations, or compelling the attendance of witnesses
18 or the production of documentary and other evi-
19 dence.

