

1 (d) CRIMINAL AND CIVIL PENALTIES FOR CEO AND
2 BOARD OF DIRECTORS.—

3 (1) CRIMINAL PENALTY.—

4 (A) IN GENERAL.—Whoever knowingly and
5 intentionally violates, or knowingly and inten-
6 tionally attempts to violate, this section shall be
7 fined in accordance with title 18, United States
8 Code, or imprisoned for not more than 5 years,
9 or both.

10 (B) ENHANCED PENALTY FOR AGGRA-
11 VATED CASES.—Whoever violates, or attempts
12 to violate, this section while violating another
13 law of the United States or as part of a pattern
14 of any illegal activity involving more than
15 \$100,000 in a 12-month period shall be fined
16 twice the amount provided in subsection (b)(3)
17 or (c)(3) (as the case may be) of section 3571
18 of title 18, United States Code, imprisoned for
19 not more than 10 years, or both.

20 (2) CIVIL FINE.—Whoever violates this section
21 shall be liable to the United States for a civil fine
22 of not more than \$10,000,000.

23 **SEC. 502. WHISTLEBLOWER PROTECTIONS.**

24 (a) IN GENERAL.—A data aggregator may not, di-
25 rectly or indirectly, discharge, threaten, harass, suspend,

1 demote, terminate, or in any other manner discriminate
2 against a covered individual because—

3 (1) the covered individual, or anyone perceived
4 as assisting the covered individual, takes (or the
5 data aggregator suspects that the covered individual
6 has taken or will take) a lawful action in providing
7 to the Federal Government or the attorney general
8 of a State information relating to any act or omis-
9 sion that the covered individual reasonably believes
10 to be a violation of this Act or any regulation pro-
11 mulgated under this Act;

12 (2) the covered individual provides information
13 that the covered individual reasonably believes evi-
14 dences such a violation to—

15 (A) a person with supervisory authority
16 over the covered individual at the covered enti-
17 ty; or

18 (B) another individual working for the cov-
19 ered entity who the covered individual reason-
20 ably believes has the authority to investigate,
21 discover, or terminate the violation or to take
22 any other action to address the violation;

23 (3) the covered individual testifies (or the cov-
24 ered entity expects that the covered individual will

1 testify) in an investigation or judicial or administra-
2 tive proceeding concerning such a violation;

3 (4) the covered individual assists or participates
4 (or the covered entity expects that the covered indi-
5 vidual will assist or participate) in such an investiga-
6 tion or judicial or administrative proceeding; or

7 (5) takes any other action to assist in carrying
8 out the purposes of this section.

9 (b) ENFORCEMENT.—An individual who alleges dis-
10 charge or other discrimination in violation of subsection
11 (a) may bring an action governed by the rules, procedures,
12 statute of limitations, and legal burdens of proof in section
13 42121(b) of title 49, United States Code. If the individual
14 has not received a decision within 180 days and there is
15 no showing that such delay is due to the bad faith of the
16 claimant, the individual may bring an action for a jury
17 trial, governed by the burden of proof in section 42121(b)
18 of title 49, United States Code, in the appropriate district
19 court of the United States for the following relief:

20 (1) Temporary relief while the case is pending.

21 (2) Reinstatement with the same seniority sta-
22 tus that the individual would have had, but for the
23 discharge or discrimination.

24 (3) Three times the amount of back pay other-
25 wise owed to the individual, with interest.

1 (4) Consequential and compensatory damages,
2 and compensation for litigation costs, expert witness
3 fees, and reasonable attorneys' fees.

4 (c) WAIVER OF RIGHTS AND REMEDIES.—The rights
5 and remedies provided for in this section shall not be
6 waived by any policy form or condition of employment, in-
7 cluding by a predispute arbitration agreement.

8 (d) PREDISPUTE ARBITRATION AGREEMENTS.—No
9 predispute arbitration agreement shall be valid or enforce-
10 able if the agreement requires arbitration of a dispute
11 arising under this section.

12 (e) DEFINITION.—In this section, the term “covered
13 individual” means an applicant, current or former em-
14 ployee, contractor, subcontractor, grantee, or agent of a
15 data aggregator or service provider.

16 **TITLE VI—RELATION TO** 17 **FEDERAL AND STATE LAW**

18 **SEC. 601. RELATION TO FEDERAL LAW.**

19 The Agency shall have concurrent enforcement au-
20 thority with other Federal agencies to enforce Federal pri-
21 vacy laws.

22 **SEC. 602. RELATION TO STATE LAW.**

23 (a) IN GENERAL.—Nothing in this Act, nor any
24 amendment, standard, rule, requirement, or standard of
25 performance, shall be construed to preempt, displace, or