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

(1) CRIMINAL PENALTY.—

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

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

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

SEC. 502. WHISTLEBLOWER PROTECTIONS.

(a) IN GENERAL.—A data aggregator may not, directly or indirectly, discharge, threaten, harass, suspend,
demote, terminate, or in any other manner discriminate
against a covered individual because—

(1) the covered individual, or anyone perceived
as assisting the covered individual, takes (or the
data aggregator suspects that the covered individual
has taken or will take) a lawful action in providing
to the Federal Government or the attorney general
of a State information relating to any act or omission that the covered individual reasonably believes
to be a violation of this Act or any regulation promulgated under this Act;

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

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

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

(3) the covered individual testifies (or the cov-
ered entity expects that the covered individual will
testify) in an investigation or judicial or administrative proceeding concerning such a violation;

(4) the covered individual assists or participates
(or the covered entity expects that the covered individual will assist or participate) in such an investigation or judicial or administrative proceeding; or

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

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

(1) Temporary relief while the case is pending.

(2) Reinstatement with the same seniority status that the individual would have had, but for the discharge or discrimination.

(3) Three times the amount of back pay otherwise owed to the individual, with interest.
(4) Consequential and compensatory damages, and compensation for litigation costs, expert witness fees, and reasonable attorneys’ fees.

c) Waiver of Rights and Remedies.—The rights and remedies provided for in this section shall not be waived by any policy form or condition of employment, including by a predispute arbitration agreement.

d) Predispute Arbitration Agreements.—No predispute arbitration agreement shall be valid or enforceable if the agreement requires arbitration of a dispute arising under this section.

e) Definition.—In this section, the term “covered individual” means an applicant, current or former employee, contractor, subcontractor, grantee, or agent of a data aggregator or service provider.

TITLE VI—RELATION TO FEDERAL AND STATE LAW

SEC. 601. RELATION TO FEDERAL LAW.

The Agency shall have concurrent enforcement authority with other Federal agencies to enforce Federal privacy laws.

SEC. 602. RELATION TO STATE LAW.

(a) In General.—Nothing in this Act, nor any amendment, standard, rule, requirement, or standard of performance, shall be construed to preempt, displace, or