

Date: <u>2/12/2012</u>	Bill: <u>HR 3674</u>
Amendment No: <u>#1 J</u>	
<input checked="" type="checkbox"/> Voice Vote	<input type="checkbox"/> Record Vote No: _____
Disposition: <u>Agreed to by Voice Vote</u>	
<u>Modified</u>	

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3674
OFFERED BY MR. KEATING OF MASSACHUSETTS**

Page 48, after line 6, insert the following (and re-number the subsequent sections and conform the amendment to the table of contents beginning on page 49, line 17, accordingly):

1 **"SEC. 251. PRIVATE RIGHT OF ACTION.**

2 “(a) IN GENERAL.—A person aggrieved by the willful *or intentional*
3 disclosure or use of information in violation of section
4 248(b)(5) shall have a cause of action against any person
5 who committed such violation and shall be entitled to re-
6 cover—

7 “(1) actual damages and any profits made by
8 the violator as a result of the violation, ~~but not less~~

9 ~~the liquidated damages of \$1,000~~

10 “(2) punitive damages, ~~in the case of~~
11 ~~willful or intentional~~ and

12 “(3) reasonable attorney’s fees and other inves-
13 tigation and litigation costs reasonably incurred.

14 “(b) DEFENSE.—A good faith determination that the
15 conduct forming the basis of such action was permitted

- 1 by section 248 shall be a complete defense against a civil
- 2 action brought under this section.”.

