

AMENDMENT NO. _____ Calendar No. _____

Purpose: To prohibit the discovery and use of incident and ransom payment reports in any regulatory or legal action and to exempt religious institutions from reporting ransom payments.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

S. 2875

To amend the Homeland Security Act of 2002 to establish the Cyber Incident Review Office in the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. PORTMAN

Viz:

1 On page 15, lines 15 and 16, strike “individual or
2 small organization” and insert “individual, small organiza-
3 tion, or religious institution”.

4 On page 42, lines 2 through 6, strike “, and nothing
5 in this subtitle shall create a defense to a discovery re-
6 quest, or otherwise limit or affect the discovery of informa-
7 tion from a cause of action authorized under any Federal,
8 State, local, or Tribal law”.

1 On page 42, between lines 6 and 7, insert the fol-
2 lowing:

3 “(3) RESTRICTIONS.—Notwithstanding para-
4 graph (2), no report submitted to the Agency pursu-
5 ant to this subtitle or any communication, document,
6 material, or other record, created for the sole pur-
7 pose of preparing, drafting, or submitting such re-
8 port, may be received in evidence, subject to dis-
9 covery, or otherwise used in any trial, hearing, or
10 other proceeding in or before any court, regulatory
11 body, or other authority of the United States, a
12 State, or a political subdivision thereof, provided
13 that nothing in this subtitle shall create a defense to
14 discovery or otherwise affect the discovery of any
15 communication, document, material, or other record
16 not created for the sole purpose of preparing, draft-
17 ing, or submitting such report.