

AMENDMENT TO H.R. 3755
OFFERED BY M__ . _____

Page 16, beginning on line 15, strike “(and other person acting under color of law)”.

Page 17, line 21, insert before the period at the end the following; “, including any unit of local government, such as a county, city, town, village, or other general purpose political subdivision of a State”.

Page 20, line 20, strike “A” and all that follows through “requirement that” on line 24, and insert the following: “The statutory right specified in subsection (a) shall not be limited or otherwise infringed through, in addition to the limitations and requirements specified in paragraphs (1) through (11) of subsection (a), any limitation or requirement that”.

Page 23, line 16, strike “enact” and insert “administer, implement,”.

Page 24, after line 9, add the following:

- 1 (c) DEFENSE.—In any cause of action against an in-
- 2 dividual or entity who is subject to a limitation or require-
- 3 ment that violates this Act, in addition to the remedies

1 specified in section 8, this Act shall also apply to, and
2 may be raised as a defense by, such an individual or entity.

Page 24, line 17, strike **“LIBERAL”** and insert
“RULES OF”.

Page 24, line 18, strike “LIBERAL CONSTRUCTION”
and insert the following: “IN GENERAL”.

Page 25, after line 2, add the following:

3 (c) OTHER INDIVIDUALS CONSIDERED AS GOVERN-
4 MENT OFFICIALS.—Any person who, by operation of a
5 provision of Federal or State law, is permitted to imple-
6 ment or enforce a limitation or requirement that violates
7 section 4 of this Act shall be considered a government offi-
8 cial for purposes of this Act.

Page 25, line 5, strike “for prospective” and all that
follows through “this Act” on line 9, and insert the fol-
lowing: “on behalf of the United States against any State
that violates, or against any government official (includ-
ing a person described in section 7(c)) that implements
or enforces a limitation or requirement that violates, sec-
tion 4”.

Page 25, line 13, strike “Any individual” and all
that follows through “this Act.” on line 20, and insert
the following: “Any individual or entity, including any

health care provider or patient, adversely affected by an alleged violation of this Act, may commence a civil action against any State that violates, or against any government official (including a person described in section 7(c)) that implements or enforces a limitation or requirement that violates, section 4”.

Page 25, line 24, strike “for prospective” and all that follows through “on behalf of” on line 25, and insert the following: “for relief on its own behalf, on behalf of the provider’s staff, and on behalf of”.

Page 26, line 9, strike “attorney” and insert “attorney’s”.

Page 26, line 10, insert “or attorney’s fees” after “costs”.

Page 26, strike line 17, and all that follows through page 27, line 2, and insert the following:

1 (f) ABROGATION OF STATE IMMUNITY.—Neither a
2 State that enforces or maintains, nor a government official
3 (including a person described in section 7(c)) who is per-
4 mitted to implement or enforce any limitation or require-
5 ment that violates section 4 shall be immune under the
6 Tenth Amendment to the Constitution of the United
7 States, the Eleventh Amendment to the Constitution of
8 the United States, or any other source of law, from an

- 1 action in a Federal or State court of competent jurisdic-
- 2 tion challenging that limitation or requirement.

