

**AMENDMENT TO H.R. \_\_\_\_\_**

**OFFERED BY M. \_\_\_\_\_**

**[Page and line numbers refer to BURGESS\_022 April 13, 2015]**

Page 2, strike lines 4 through 12, and insert the following:

1 Not later than 1 year after the date of enactment  
2 of this Act, the Commission shall promulgate regulations  
3 under section 553 of title 5, United States Code, that pro-  
4 hibit unfair or deceptive acts or practices in sending a pat-  
5 ent demand letter, including if—

Page 2, beginning on line 13, strike “, in bad faith, states or represents” and insert “falsely states or misrepresents”.

Page 2, beginning on line 18, strike “and the sender is not a person with such a right”.

Page 3, beginning on line 22, strike “, in bad faith,”.

Page 4, beginning on line 11, strike “, in bad faith,”.

Page 5, strike line 11 and all that follows through page 6, line 3.

Page 6, line 5, strike “section 2” and insert “this Act, or any regulation promulgated under this Act,”.

Page 6, line 16, strike “section 2” and insert “this Act, or any regulation promulgated under this Act,”.

Page 6, strike line 25 and all that follows through page 7, line 12, and insert the following:

1        Nothing in this Act, or any regulation promulgated  
2 under this Act, shall be construed to preempt any provi-  
3 sion of any law, rule, regulation, requirement, standard,  
4 or other provision having the force and effect of law of  
5 any State, or political subdivision of a State, except to the  
6 extent that the provision of law is inconsistent with any  
7 provision of this Act, or any regulation promulgated under  
8 this Act, and then only to the extent of the inconsistency.

Page 7, strike line 15 and all that follows through page 8, line 6 (and redesignate subsequent paragraphs accordingly) and insert the following:

9            (1) IN GENERAL.—The attorney general of a  
10 State, or other authorized State officer, alleging a  
11 violation of this Act, or any regulation promulgated  
12 under this Act, may bring a civil action in any ap-  
13 propriate United States district court or in any  
14 other court of competent jurisdiction, including a  
15 State court, to—

- 1 (A) enjoin further such violation by the de-  
2 fendant;
- 3 (B) enforce compliance with this Act;
- 4 (C) obtain civil penalties;
- 5 (D) obtain damages, restitution, or other  
6 compensation on behalf of residents of the  
7 State; or
- 8 (E) obtain such other relief as the court  
9 may determine to be appropriate.

Page 8, line 25, strike “section 2” and insert “this Act, or any regulation promulgated under this Act,”.

Page 9, insert after line 16 the following:

- 10 (4) RELATIONSHIP WITH STATE-LAW CLAIMS.—  
11 If the attorney general of a State, or other author-  
12 ized State officer, has authority to bring an action  
13 under State law directed at acts or practices that  
14 also violate this Act, or a regulation promulgated  
15 under this Act, the attorney general, or other au-  
16 thorized State officer, may assert the State-law  
17 claim and a claim under this Act in the same civil  
18 action.

Page 9, strike line 19 and all that follows through page 10, line 7 (and redesignate subsequent paragraphs accordingly).

