

**PROPOSED CHANGES TO S.386 SUBSTITUTE AMENDMENT (Calendar No. 28):**

Page 16, strike the word “and” on line 6, and replace the period on line 10 with

“...; and”. Insert the following after line 10:

*“(3) inserting the following after “not more than 10 years, or both.”: “This section shall not apply to public entities, or to officers and employees of public entities acting in furtherance of their duties on behalf of such entities.”*

Page 26, strike the word “and” on line 10, and replace the period on line 13 with

“...; and”. Insert the following after line 13:

*“(5) by inserting the following new subsection:*

*“(e) UNITS OF LOCAL GOVERNMENT. –*

*“(1) Notwithstanding any inconsistent provision of law, a unit of local government shall be liable for penalties and multiples of damages sustained under this section only to the same extent as a State may be so liable, and no court shall have jurisdiction over an action brought against a unit of local government under subsection (b) of section 3730. The preceding sentence shall not be construed to create or eliminate any liability of a State under this section.*

*“(2) DEFINITIONS. – For purposes of this subsection –*

*“(A) the term ‘unit of local government’ means a county, municipality, city, town, township, village, school district, special district, or*

*public authority or public corporation or other public entity that performs functions in a geographic area other than an entire state, or any agency or instrumentality of an entity otherwise described in this clause; and*

*“(B) the term ‘State’ means any State of the United States, the District of Columbia, and any commonwealth, territory or possession of the United States.”*

Page 26, line 22, insert the following after “pending on or after that date” and before the period:

*“..., and subsection (e) of section 3729, as added by subsection (a)(5), shall apply to all actions that are brought or are attempted to be brought after the date of enactment of this Act”*