

106TH CONGRESS
1ST SESSION

S. 1269

To provide that the Federal Government and States shall be subject to the same procedures and substantive laws that would apply to persons on whose behalf certain civil actions may be brought, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 23, 1999

Mr. McCONNELL (for himself and Mr. HATCH) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To provide that the Federal Government and States shall be subject to the same procedures and substantive laws that would apply to persons on whose behalf certain civil actions may be brought, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Litigation Fairness
5 Act of 1999”.

6 **SEC. 2. DEFINITION.**

7 In this Act, the term “State” means any State of the
8 United States, the District of Columbia, the Common-

1 wealth of Puerto Rico, the Northern Mariana Islands, the
2 Virgin Islands, Guam, American Samoa, and any other
3 territory or possession of the United States, and any de-
4 partment or political division thereof (including any mu-
5 nicipality, town, township, or county).

6 **SEC. 3. GOVERNMENTAL RECOUPMENT ACTIONS.**

7 In any civil action in which the United States, or any
8 State that accepts Federal funds, seeks to recover directly
9 from any defendant, to the extent permitted by applicable
10 Federal or State law, any benefits or services the United
11 States or such State has provided or paid for or is obli-
12 gated directly or indirectly to provide or pay for on behalf
13 of another person, the United States or such State shall
14 be subject to the same procedural rules and substantive
15 law (including notification requirements, limitations, and
16 affirmative defenses) that would apply to a claim brought
17 against such defendant by the person on whose behalf the
18 benefits or services were provided or paid or are obligated
19 to be provided or paid.

20 **SEC. 4. EFFECTIVE DATE.**

21 This Act shall take effect on the date of enactment
22 of this Act and shall apply to any civil action the trial
23 of which has not begun before the date of enactment of
24 this Act.

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