

**AMENDMENT TO
RULES COMMITTEE PRINT 112-28
(TEXT OF H.R. 4078)**

OFFERED BY MR. MARKEY OF MASSACHUSETTS

Page 3, line 18, strike “or (d)” and insert “(d), or (e)”.

Page 5, after line 7, insert the following new subsection:

1 (e) ADDITIONAL EXCEPTION TO PROTECT PATIENT
2 PRIVACY.—The prohibition in section 102(a) shall not
3 apply to significant regulatory action if such action
4 would—

5 (1) protect the privacy or security of the pro-
6 tected health information of individuals, including
7 the exchange of electronic protected health informa-
8 tion;

9 (2) protect individuals from discrimination
10 based on the genetic history of such individuals; or

11 (3) provide for enforcement of the privacy and
12 security protections under the provisions of (and
13 regulations promulgated pursuant to) part C of title
14 XI of the Social Security Act, section 264 of the

1 Health Insurance Portability and Accountability Act
2 of 1996, and subtitle D of title XIII of the Health
3 Information Technology for Economic and Clinical
4 Health Act.

Page 10, line 6, strike “or”.

Page 10, line 8, strike the period and insert “; or”.

Page 10, after line 8, insert the following new para-
graph:

5 (5) necessary to protect the privacy or security
6 of the protected health information of individuals,
7 protect individuals from discrimination based on the
8 genetic history of such individuals, or provide for en-
9 forcement of privacy and security protections under
10 the provisions of (and regulations promulgated pur-
11 suant to) part C of title XI of the Social Security
12 Act, section 264 of the Health Insurance Portability
13 and Accountability Act of 1996, and subtitle D of
14 title XIII of the Health Information Technology for
15 Economic and Clinical Health Act.

