

AMENDMENT TO THE COMMITTEE PRINT
OFFERED BY MR. TERRY

[Page and line numbers refer to SLW__107, 070714.171.xml]

Page 5, strike lines 11 through 21 and insert the following:

1 (b) AFFIRMATIVE DEFENSE.—With respect to sub-
2 section (a), there shall be an affirmative defense that
3 statements, representations, or omissions were not made
4 in bad faith (as defined in subparagraphs (B) and (C) of
5 section 5(1)) if the sender can demonstrate that such
6 statements, representations, or omissions were mistakes
7 made in good faith, which may be demonstrated by evi-
8 dence that the sender in the usual course of business sends
9 written communications that do not violate the provisions
10 of this Act. That such statements, representations, or
11 omissions were mistakes made in good faith may also be
12 demonstrated by other evidence.

Page 8, beginning on line 1, strike “on behalf of”
and all that follows through line 3 and insert a period.

