

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To insert provisions related to anticounterfeiting.

**IN THE SENATE OF THE UNITED STATES—109th Cong., 1st Sess.**

**S. 1392**

To reauthorize the Federal Trade Commission.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. VITTER to  
the amendment (No. \_\_\_\_\_) proposed by Mr. DORGAN

Viz:

1 At the end of section \_\_\_\_ 4 of the amendment, add

2 the following:

3 (\_\_\_\_) MISBRANDING.—

4 (1) IN GENERAL.—Section 502 of the Federal

5 Food, Drug, and Cosmetic Act is amended by add-

6 ing at the end the following:

7 “(w) If it is a drug imported under section 804, un-

8 less the packaging of such drug includes anticounterfeiting

9 technologies, as the Secretary determines necessary, tak-

10 ing into account the economic and technical feasibility of

11 those technologies. Such technologies shall include opti-

12 cally variable counterfeit-resistant technologies, as defined

1 by the Secretary, that shall be visible to the naked eye  
2 and provide authenticity without the need for readers, mi-  
3 croscopes, lighting devices, or scanners and shall be simi-  
4 lar to those used by the Bureau of Engraving and printing  
5 to secure United States Currency.”.

6           (2) EFFECTIVE DATE.—The amendment made  
7           by paragraph (1) shall take effect 180 days after the  
8           date of enactment of this title.