

**AMENDMENT**

**OFFERED BY M**     .

At the appropriate place, insert the following section:

1 **SEC.     . PROTECTING AND STRENGTHENING THE DRUG**  
2 **SUPPLY CHAIN.**

3 (a) **DIVERTED DRUGS.**—Paragraph (1) of section  
4 801(d) of the Federal Food, Drug, and Cosmetic Act (21  
5 U.S.C. 381(d)) is amended—

6 (1) by striking “(d)(1) Except as” and insert-  
7 ing “(d)(1)(A) Except as”; and

8 (2) by adding at the end the following:

9 “(B) Except as authorized by the Sec-  
10 retary in the case of a drug that appears on the  
11 drug shortage list in effect under section 506E,  
12 no drug that would be subject to section  
13 503(b), and which is manufactured outside the  
14 United States and intended by the manufac-  
15 turer or labeled to be marketed outside the  
16 United States, may be imported into the United  
17 States for sale or commercial use.”.

18 (b) **COUNTERFEIT DRUGS.**—Subsection (b) of section  
19 303 of the Federal Food, Drug, and Cosmetic Act (21

1 U.S.C. 333) is amended by adding at the end the fol-  
2 lowing:

3           “(8) Notwithstanding subsection (a), any per-  
4           son who violates section 301(i)(3) by knowingly sell-  
5           ing or dispensing, or holding for sale or dispensing,  
6           a counterfeit drug shall be imprisoned for not more  
7           than 10 years or fined in accordance with title 18,  
8           United States Code, or both.”.

