AMENDMENT NO._____   Calendar No._____

Purpose: To make technical corrections and for other purposes.

IN THE SENATE OF THE UNITED STATES—111th Cong., 1st Sess.

S. 369

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by _____ to the substitute amendment proposed by Mr. KOHL

Viz:

1   On page 9, line 7, strike beginning with "of not"

2 through the period on line 11 and insert the following:

3 "sufficient to deter violations of this section, but in no

4 event greater than 3 times the value received by the party

5 that is reasonably attributable to a violation of this sec-

6 tion. If no such value has been received by the NDA hold-

7 er, the penalty to the NDA holder shall be shall be suffi-

8 cient to deter violations, but in no event greater than 3

1 times the value given to the ANDA filer reasonably attrib-

2 utable to the violation of this section.''.

3   On page 10, strike line 24 through page 11, line 2,

4 and redesignate accordingly.

5   On page 14, line 21, strike beginning with ''Section

6 28'' through the period on page 15, line 1, and insert the

7 following: ''Section 28 of the Federal Trade Commission

8 Act, as added by this section, shall apply to all agreements

9 described in section 28(a)(1) of that Act entered into after

10 November 15, 2009.''.

11   On page 15, line 25, strike ''I'' through ''correct'' on

12 page 16, line 2, and insert the following: ''I declare that

13 the following is true, correct, and complete to the best of

14 my knowledge''.

15   On page 17, line 11, after ''as added by section 3,''

16 insert ''except for an action described in section 28(g)(2)

17 of the Federal Trade Commission Act,''.

18   On page 17, line 13, strike ''and Certification''.