

**AMENDMENT**

**OFFERED BY MR. GUTHRIE OF KENTUCKY**

In the section 1860D–14B(g)(4)(A) of the Social Security Act proposed to be inserted by section 301, strike clauses (i) and (ii) and insert the following:

1                   “(i) who has not incurred costs for  
2                   covered part D drugs in the year that are  
3                   equal to or exceed the annual out-of-pocket  
4                   threshold specified in section 1860D–  
5                   2(b)(4)(B)(i) for the year and—

6                   “(I) who is a subsidy eligible in-  
7                   dividual (as defined in section 1860D–  
8                   14(a)(3)), in the case of such a drug  
9                   with a revenue under this part for the  
10                  previous year that—

11                  “(aa) is less than or equal to  
12                  \$500,000,000, 95 percent of the  
13                  negotiated price of such drug;

14                  “(bb) is greater than  
15                  \$500,000,000 and less than or  
16                  equal to \$750,000,000, 92 per-  
17                  cent of the negotiated price of  
18                  such drug; or

1                   “(cc) is greater than  
2                   \$750,000,000, 90 percent of the  
3                   negotiated price of such drug; or

4                   “(II) who is not such a subsidy  
5                   eligible individual, 90 percent of the  
6                   negotiated price of such drug; or

7                   “(ii) who has incurred such costs in  
8                   the year that equal or exceed such thresh-  
9                   old for the year and—

10                   “(I) who is a subsidy eligible in-  
11                   dividual (as defined in section 1860D-  
12                   14(a)(3)), in the case of such a drug  
13                   with a revenue under this part for the  
14                   previous year that—

15                   “(aa) is less than or equal to  
16                   \$500,000,000, 95 percent of the  
17                   negotiated price of such drug;

18                   “(bb) is greater than  
19                   \$500,000,000 and less than or  
20                   equal to \$750,000,000, 92 per-  
21                   cent of the negotiated price of  
22                   such drug; or

23                   “(cc) is greater than  
24                   \$750,000,000, 70 percent of the  
25                   negotiated price of such drug; or

1                   “(II) who is not such a subsidy  
2                   eligible individual, 70 percent of the  
3                   negotiated price of such drug.”.

