## Amendment to the Amendment in the Nature of a Substitute to Committee Print for Subtitle E Relating to Drug Pricing

Offered by M .

Add at the end of section 30503 the following:

(c) LIMITATION.—Notwithstanding any other provi sion of, or amendment made by, this subtitle—

3 (1) the Secretary may not obligate or expend 4 any funds made available to the Fund established 5 under subsection (a) for any purpose described in such subsection unless the Secretary of Health and 6 Human Services certifies not later than January 1, 7 8 2022, that the provisions of, including amendments 9 made by, this subtitle will not result in fewer new 10 FDA-approved drugs for residents of assisted living 11 facilities or senior congregated homes; and

(2) in the case that the Secretary does not
make such a certification by such date, all funds
made available to the Fund shall instead be made
available to the Public Health and Social Services
Emergency Fund (also known as "Provider Relief
Fund") and the Secretary shall prioritize such funds

1 for eligible health care providers in an assisted living

2 facility (as defined for purposes of the Older Ameri-

3 cans Act) or a senior congregated home provider (as

4 defined by the Secretary).

## $\times$