

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 133  
OFFERED BY MS. BARRAGÁN OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Mandating Exclusive  
3 Review of Individual Treatments (MERIT) Act”.

**4 SEC. 2. CLARIFICATION ON MEDICARE NATIONAL COV-  
5 ERAGE DETERMINATION PROCESS.**

6 Section 1862(a) of the Social Security Act (42 U.S.C.  
7 1395y(a)) is amended by adding at the end the following  
8 new sentence: “For purposes of paragraph (1)(E), in the  
9 case of research conducted pursuant to section 1142 and  
10 with respect to a determination made on or after the date  
11 of the enactment of this sentence of whether a drug or  
12 biological is reasonable and necessary to carry out the pur-  
13 poses such section, such determination shall be made with  
14 respect to each drug or biological involved and not with  
15 respect to a class of drugs or biologicals.”.

