

AMENDMENT

OFFERED BY MR. SCHRADER OF OREGON

Add at the end of the bill the following (and update the table of contents accordingly):

1 **TITLE VI—MISCELLANEOUS**

2 **SEC. 601. TEMPORARY INCREASE IN MEDICARE PART B**
3 **PAYMENT FOR CERTAIN BIOSIMILAR BIO-**
4 **LOGICAL PRODUCTS.**

5 Section 1847A(b)(8) of the Social Security Act (42
6 U.S.C. 1395w-3a(b)(8)) is amended—

7 (1) by redesignating subparagraphs (A) and
8 (B) as clauses (i) and (ii), respectively, and moving
9 the margin of each such redesignated clause 2 ems
10 to the right;

11 (2) by striking “PRODUCT.—The amount” and
12 inserting the following: “PRODUCT.—

13 “(A) IN GENERAL.—Subject to subpara-
14 graph (B), the amount”; and

15 (3) by adding at the end the following new sub-
16 paragraph:

17 “(B) TEMPORARY PAYMENT INCREASE.—

18 “(i) IN GENERAL.—In the case of a
19 qualifying biosimilar biological product

1 that is furnished during the applicable 5-
2 year period for such product, the amount
3 specified in this paragraph for such prod-
4 uct with respect to such period is the sum
5 determined under subparagraph (A), ex-
6 cept that clause (ii) of such subparagraph
7 shall be applied by substituting ‘8 percent’
8 for ‘6 percent’.

9 “(ii) APPLICABLE 5-YEAR PERIOD.—
10 For purposes of clause (i), the applicable
11 5-year period for a biosimilar biological
12 product is—

13 “(I) in the case of such a product
14 for which payment was made under
15 this paragraph as of December 31,
16 2019, the 5-year period beginning on
17 January 1, 2020; and

18 “(II) in the case of such a prod-
19 uct for which payment is first made
20 under this paragraph during a cal-
21 endar quarter during the period be-
22 ginning January 1, 2020, and ending
23 December 31, 2024, the 5-year period
24 beginning on the first day of such cal-

1 endar quarter during which such pay-
2 ment is first made.

3 “(iii) QUALIFYING BIOSIMILAR BIO-
4 LOGICAL PRODUCT DEFINED.—For pur-
5 poses of this subparagraph, the term
6 ‘qualifying biosimilar biological product’
7 means a biosimilar biological product de-
8 scribed in paragraph (1)(C) with respect to
9 which—

10 “(I) in the case of a product de-
11 scribed in clause (ii)(I), the average
12 sales price is not more than the aver-
13 age sales price for the reference bio-
14 logical product; and

15 “(II) in the case of a product de-
16 scribed in clause (ii)(II), the wholesale
17 acquisition cost is not more than the
18 wholesale acquisition cost for the ref-
19 erence biological product”.

