

**AMENDMENT TO THE AMENDMENT IN THE NA-
TURE OF A SUBSTITUTE TO COMMITTEE
PRINT FOR SUBTITLE E RELATING TO DRUG
PRICING**

OFFERED BY M . _____

Add at the end of part 3 the following new section:

1 **SEC. 30523. REQUIREMENT TO PROVIDE 100 PERCENT OF**
2 **CERTAIN NEGOTIATED PRICE CONCESSIONS**
3 **FOR 6 PROTECTED CLASSES AT POINT-OF-**
4 **SALE UNDER PART D OF MEDICARE PRO-**
5 **GRAM.**

6 (a) IN GENERAL.—Section 1860D–2(d)(1) of the So-
7 cial Security Act (42 U.S.C. 1395w–102(d)(1)) is amend-
8 ed—

9 (1) in subparagraph (A), by striking “Under”
10 and inserting “Subject to subparagraph (D),
11 under”; and

12 (2) by adding at the end the following new sub-
13 paragraph:

14 “(D) REQUIREMENT TO PROVIDE 100 PER-
15 CENT OF CERTAIN NEGOTIATED PRICE CONCES-
16 SIONS FOR 6 PROTECTED CLASSES AT POINT-
17 OF-SALE.—

1 “(i) IN GENERAL.—Subject to clause
2 (ii), for plan years beginning on or after
3 January 1, 2022, 100 percent of the price
4 concessions negotiated between manufac-
5 turers and a prescription drug plan or
6 MA–PD plan and taken into account
7 under subparagraph (B) in determining
8 negotiated prices for covered part D drugs
9 that are within the 6 protected classes pro-
10 vided under such a plan shall be provided
11 to enrollees of such a plan at pharmacies
12 or by mail order service at the point-of-sale
13 of such drugs.

14 “(ii) MODIFICATION OF MINIMUM
15 PERCENTAGE.—The Secretary may,
16 through notice and comment rulemaking,
17 modify the minimum percentage required
18 under clause (i), except that in no case
19 may such minimum percentage be less
20 than 50 percent for plan years beginning
21 on or after January 1, 2024.”.

22 (b) STUDY AND REPORT.—Not later than two years
23 after the date of the enactment of this Act, the Comp-
24 troller General of the United States shall conduct a study
25 and submit to the Committees on Energy and Commerce,

1 Ways and Means, and Education and Labor of the House
2 of Representatives and the Committees on Finance and
3 Health, Education, Labor, and Pensions of the Senate a
4 report on the effects of the implementation of the require-
5 ment described in subparagraph (D) of section 1860D-
6 2(d)(1) of the Social Security Act (42 U.S.C. 1395w-
7 102(d)(1)), as added by subsection (a). The Comptroller
8 General shall include in such study and report an analysis
9 of each of the following:

10 (1) Any trends in the list and net prices of
11 drugs within the 6 protected classes of drugs.

12 (2) Any savings for enrollees of prescription
13 drug plans or MA-PD plans under the Medicare
14 program as a result of such requirement.

15 (3) Any trends in out-of-pocket costs for such
16 enrollees, as compared to enrollees of employer-spon-
17 sored plans, State plans under the Medicaid pro-
18 gram, and plans offered through an Exchange estab-
19 lished under title I of Public Law 111-148.

20 (4) Pathways for the market entry of generic
21 drugs and biosimilar biological products for drugs
22 within the 6 protected classes of drugs.

23 (5) Recommendations to Congress on how to
24 enhance patient access to, and lower patient out-of-

- 1 pocket costs of, drugs within the 6 protected classes
- 2 of drugs.

