[DISCUSSION DRAFT]

115TH CONGRESS
2D SESSION

H. R. _____

To amend the Public Health Service Act to provide for an Administrator for the 340B Drug Discount Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. HUDSON introduced the following bill; which was referred to the Committee on _______________

A BILL

To amend the Public Health Service Act to provide for an Administrator for the 340B Drug Discount Program, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Bettering Operations and Oversight through Senate-process Transparency in 340B Act” or the “BOOST 340B Act”.


SEC. 2. ADMINISTRATOR FOR 340B DRUG DISCOUNT PROGRAM.

(a) Administrator for 340B Drug Discount Program.—Section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended by adding at the end the following new subsection:

“(f) Administrative Provisions.—

“(1) Administrator.—There shall be in the Health Resources and Services Administration an official to be known as the Administrator for the 340B Drug Discount Program (referred to in this section as the ‘Administrator’), who shall, in addition to any other authority that may be vested in the Administrator, carry out the functions transferred to the Administrator pursuant to section 2(b) of the BOOST 340B Act. The Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall report directly to the Secretary.

“(2) Deputy Administrator; other personnel.—The Administrator, with the approval of the Secretary, may appoint a Deputy Administrator and may employ and prescribe the functions of such officers and employees, including attorneys, as are necessary to carry out the authorities and functions of the Administrator.”.

(b) Transition Provisions.—

(1) Transfer of Functions.—Not later than January 1, 2020, the Secretary of Health and Human Services shall transfer to the Administrator for the 340B Drug Discount Program appointed under subsection (f) of section 340B of the Public Health Service Act (42 U.S.C. 256b), as added by subsection (a), all functions delegated under such section 340B to the Administrator of the Health Resources and Services Administration as of the day before the date of such transfer.

(2) Transfer of Property, Records, and Personnel.—

(A) Property and records.—The contracts, liabilities, records, property, and other assets and interests of, or made available in connection with, the functions of the Administrator of the Health Resources and Services Administration that are transferred by paragraph (1) are transferred to the Administrator for the 340B Drug Discount Program.

(B) Personnel.—The personnel employed in connection with the functions of the Administrator of the Health Resources and Services Administration that are transferred by
paragraph (1) are transferred to the Administrator for the 340B Drug Discount Program.