

[DISCUSSION DRAFT]115TH CONGRESS
2^D 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 Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bettering Operations
5 and Oversight through Senate-process Transparency in
6 340B Act” or the “BOOST 340B Act”.

1 **SEC. 2. ADMINISTRATOR FOR 340B DRUG DISCOUNT PRO-**
2 **GRAM.**

3 (a) ADMINISTRATOR FOR 340B DRUG DISCOUNT
4 PROGRAM.—Section 340B of the Public Health Service
5 Act (42 U.S.C. 256b) is amended by adding at the end
6 the following new subsection:

7 “(f) ADMINISTRATIVE PROVISIONS.—

8 “(1) ADMINISTRATOR.—There shall be in the
9 Health Resources and Services Administration an of-
10 ficial to be known as the Administrator for the 340B
11 Drug Discount Program (referred to in this section
12 as the ‘Administrator’), who shall, in addition to any
13 other authority that may be vested in the Adminis-
14 trator, carry out the functions transferred to the Ad-
15 ministrator pursuant to section 2(b) of the BOOST
16 340B Act. The Administrator shall be appointed by
17 the President, by and with the advice and consent
18 of the Senate, and shall report directly to the Sec-
19 retary.

20 “(2) DEPUTY ADMINISTRATOR; OTHER PER-
21 SONNEL.—The Administrator, with the approval of
22 the Secretary, may appoint a Deputy Administrator
23 and may employ and prescribe the functions of such
24 officers and employees, including attorneys, as are
25 necessary to carry out the authorities and functions
26 of the Administrator.”.

1 (b) TRANSITION PROVISIONS.—

2 (1) TRANSFER OF FUNCTIONS.—Not later than
3 January 1, 2020, the Secretary of Health and
4 Human Services shall transfer to the Administrator
5 for the 340B Drug Discount Program appointed
6 under subsection (f) of section 340B of the Public
7 Health Service Act (42 U.S.C. 256b), as added by
8 subsection (a), all functions delegated under such
9 section 340B to the Administrator of the Health Re-
10 sources and Services Administration as of the day
11 before the date of such transfer.

12 (2) TRANSFER OF PROPERTY, RECORDS, AND
13 PERSONNEL.—

14 (A) PROPERTY AND RECORDS.—The con-
15 tracts, liabilities, records, property, and other
16 assets and interests of, or made available in
17 connection with, the functions of the Adminis-
18 trator of the Health Resources and Services Ad-
19 ministration that are transferred by paragraph
20 (1) are transferred to the Administrator for the
21 340B Drug Discount Program.

22 (B) PERSONNEL.—The personnel em-
23 ployed in connection with the functions of the
24 Administrator of the Health Resources and
25 Services Administration that are transferred by

1 paragraph (1) are transferred to the Adminis-
2 trator for the 340B Drug Discount Program.