

AMENDMENT TO RULES
COMMITTEE PRINT 116-41
OFFERED BY MR. KENNEDY OF MASSACHUSETTS

In section 1192 of the Social Security Act, as proposed to be added by section 101(a)—

(1) in subsection (a), strike “the Secretary shall” and insert “subject to subsection (h), the Secretary shall”; and

(2) by adding at the end the following new subsection:

1 “(h) CONFLICT OF INTEREST.—

2 “(1) IN GENERAL.—In the case the Inspector
3 General of the Department of Health and Human
4 Services determines the Secretary has a conflict,
5 with respect to a matter described in paragraph (2),
6 the Secretary shall appoint an individual described
7 in paragraph (3) to carry out the duties of the Secretary
8 under this part, with respect to a negotiation-
9 eligible drug, that would otherwise be such a conflict.
10

11 “(2) MATTER DESCRIBED.—A matter described
12 in this paragraph is—

1 “(A) a financial interest (as described in
2 section 2635.402 of title 5, Code of Federal
3 Regulations (except for an interest described in
4 subsection (b)(2)(iv) of such section)) on the
5 date of the selected drug publication date, with
6 respect the price applicability year (as applica-
7 ble);

8 “(B) a personal or business relationship
9 (as described in section 2635.502 of such title)
10 on the date of the selected drug publication
11 date, with respect the price applicability year;

12 “(C) employment by a manufacturer of a
13 negotiation-eligible drug during the preceding
14 10-year period beginning on the date of the se-
15 lected drug publication date, with respect to
16 each price applicability year; and

17 “(D) any other matter the Inspector Gen-
18 eral determines appropriate.

19 “(3) INDIVIDUAL DESCRIBED.—An individual
20 described in this paragraph is—

21 “(A) an officer or employee of the Depart-
22 ment of Health and Human Services; and

1 “(B) nominated by the President and con-
2 firmed by the Senate with respect to the posi-
3 tion described in subparagraph (A).”.

