

AMENDMENT TO
RULES COMMITTEE PRINT 116-41
OFFERED BY M . _____

Page 62, after line 2, insert the following:

1 (4) OPTION OF SECRETARY OF VETERANS AF-
2 FAIRS TO PURCHASE COVERED DRUGS AT MAXIMUM
3 FAIR PRICES.—Section 8126 of title 38, United
4 States Code, is amended—

5 (A) in subsection (a)(2), by inserting “,
6 subject to subsection (j),” after “may not ex-
7 ceed”;

8 (B) in subsection (d), in the matter pre-
9 ceding paragraph (1), by inserting “, subject to
10 subsection (j)” after “for the procurement of
11 the drug”; and

12 (C) by adding at the end the following new
13 subsection:

14 “(j)(1) In the case of a covered drug that is a selected
15 drug, for any year during the price applicability period for
16 such drug, if the Secretary determines that the maximum
17 fair price of such drug for such year is less than the price
18 for such drug otherwise in effect pursuant to this section
19 (including after application of any reduction under sub-

1 section (a)(2) and any discount under subsection (c)), at
2 the option of the Secretary, in lieu of the maximum price
3 (determined after application of the reduction under sub-
4 section (a)(2) and any discount under subsection (c), as
5 applicable) that would be permitted to be charged during
6 such year for such drug pursuant to this section without
7 application of this subsection, the maximum price per-
8 mitted to be charged during such year for such drug pur-
9 suant to this section shall be such maximum fair price for
10 such drug and year.

11 “(2) For purposes of this subsection:

12 “(A) The term ‘maximum fair price’ means,
13 with respect to a selected drug and year during the
14 price applicability period for such drug, the max-
15 imum fair price (as defined in section 1191(c)(2) of
16 the Social Security Act) for such drug and year.

17 “(B) The term ‘negotiation eligible drug’ has
18 the meaning given such term in section 1192(d)(1)
19 of the Social Security Act.

20 “(C) The term ‘price applicability period’ has,
21 with respect to a selected drug, the meaning given
22 such term in section 1191(b)(2) of such Act

1 “(D) The term ‘selected drug’ means, with re-
2 spect to a year, a drug that is a selected drug under
3 section 1192(c) of such Act for such year.”.

