AMENDMENT TO
RULES COMMITTEE PRINT 116–41
OFFERED BY M

Page 62, after line 2, insert the following:

(4) Option of Secretary of Veterans Affairs to purchase covered drugs at maximum fair prices.—Section 8126 of title 38, United States Code, is amended—

(A) in subsection (a)(2), by inserting “, subject to subsection (j),” after “may not exceed”;

(B) in subsection (d), in the matter preceding paragraph (1), by inserting “, subject to subsection (j)” after “for the procurement of the drug”; and

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

“(j)(1) In the case of a covered drug that is a selected drug, for any year during the price applicability period for such drug, if the Secretary determines that the maximum fair price of such drug for such year is less than the price for such drug otherwise in effect pursuant to this section (including after application of any reduction under sub-
section (a)(2) and any discount under subsection (c)), at
the option of the Secretary, in lieu of the maximum price
(determined after application of the reduction under sub-
section (a)(2) and any discount under subsection (c), as
applicable) that would be permitted to be charged during
such year for such drug pursuant to this section without
application of this subsection, the maximum price per-
mitted to be charged during such year for such drug pur-
suant to this section shall be such maximum fair price for
such drug and year.

“(2) For purposes of this subsection:

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

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

“(C) The term ‘price applicability period’ has,
with respect to a selected drug, the meaning given
such term in section 1191(b)(2) of such Act
“(D) The term ‘selected drug’ means, with respect to a year, a drug that is a selected drug under section 1192(c) of such Act for such year.”