

AMENDMENT TO
RULES COMMITTEE PRINT 116-14
OFFERED BY MR. GOLDEN OF MAINE

At the end of title I add the following new subtitle
(and make such conforming changes as may be necessary):

1 **Subtitle D—Public Pharmaceutical**
2 **Reporting Requirement**

3 **SEC. 131. PUBLIC PHARMACEUTICAL REPORTING REQUIRE-**
4 **MENT.**

5 (a) **REPORT ON PRICE INCREASE.—**

6 (1) **IN GENERAL.—**A drug manufacturer that
7 increases the price of a prescription drug as de-
8 scribed in subsection (b) shall report such increase
9 to the Secretary of Health and Human Services (re-
10 ferred to in this section as the “Secretary”) within
11 30 days of that increase meeting the criteria for a
12 price increase under such subsection. Such report
13 shall include the justification for such price in-
14 creases.

15 (2) **FAILURE TO SUBMIT REPORT.—**In the case
16 of a drug manufacturer that does not submit a re-
17 port required under paragraph (1) within the 30-day

1 period described in such paragraph, the Secretary
2 shall levy a fine against the manufacturer equal to
3 the greater of—

4 (A) \$100,000 for each day after the due
5 date of the report until the report is submitted;
6 or

7 (B) 50 percent of the profits received, dur-
8 ing the month in which the report required
9 under paragraph (1) is due, for all prescription
10 drugs manufactured and sold by the drug man-
11 ufacturer for which such report is required.

12 (b) PRICE INCREASE.—A price increase described in
13 this subsection is an increase in the wholesale acquisition
14 cost (as defined in section 1847A(c)(6)(B) of the Social
15 Security Act (42 U.S.C. 1395w-3a(c)(6)(B))) of a pre-
16 scription drug of more than 10 percent over a 1-year pe-
17 riod, more than 18 percent over a 2-year period, or more
18 than 25 percent over a 3-year period.

19 (c) ANNUAL REPORT.—The Secretary shall issue to
20 Congress, and make available to the public on a public
21 website of the Department of Health and Human Services,
22 an annual report on the drugs the price of which was in-
23 creased as described in subsection (b), listed in order of
24 greatest percentage price increase. Such report shall in-

- 1 include a brief description of any justification for such price
- 2 increase provided by the drug manufacturer.

