

109TH CONGRESS  
1ST SESSION

# H. R. 3546

To amend title XIX of the Social Security Act to provide for public disclosure of average manufacturer prices (AMP) and best prices for prescription drugs.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2005

Mr. EMANUEL (for himself, Mr. CASE, Mr. LIPINSKI, Ms. HERSETH, and Mr. DOGGETT) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend title XIX of the Social Security Act to provide for public disclosure of average manufacturer prices (AMP) and best prices for prescription drugs.

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 “Prescription Drug  
5 Pricing and Medicaid Fraud Prevention Act of 2005”.

1 **SEC. 2. PUBLIC DISCLOSURE OF AVERAGE MANUFACTURER**  
2 **PRICES (AMP) AND BEST PRICES FOR PRE-**  
3 **SCRIPTION DRUGS.**

4 (a) PUBLIC DISCLOSURE.—Subparagraph (D) of sec-  
5 tion 1927(b)(3) of the Social Security Act (42 U.S.C.  
6 1396r–8(b)(3)) is amended—

7 (1) by striking “and” at the end of clause (ii);

8 (2) by striking the period at the end of clause

9 (iii) and inserting “, and”; and

10 (3) by inserting after clause (iii) the following  
11 new clause:

12 “(iv) that the Secretary shall make  
13 publicly available the information reported  
14 under subparagraph (A)(i) on average  
15 manufacturer price and best price for each  
16 covered outpatient drug.”.

17 (b) REPORTING OF METHODOLOGY AND ASSUMP-  
18 TIONS FOR COMPUTING AVERAGE MANUFACTURER  
19 PRICE.—Subparagraph (A) of such section is amended by  
20 adding at the end the following: “The information re-  
21 ported under clause (i) shall include detailed information  
22 (specified by the Secretary) on how the manufacturer com-  
23 putes the average manufacturer price, including assump-  
24 tions used in computing such price.”.

25 (c) EFFECTIVE DATE.—The amendments made by  
26 this section shall apply to rebate agreements, and informa-

1 tion reported under such agreements, as of the date that  
2 is first day of the first calendar quarter beginning after  
3 the date of the enactment of this Act.

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