

117TH CONGRESS
1ST SESSION

H. R. 3682

To amend title XI of the Social Security Act to provide greater transparency for discounts provided by manufacturers.

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 2021

Ms. SPANBERGER (for herself and Mr. ARRINGTON) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XI of the Social Security Act to provide greater transparency for discounts provided by manufacturers.

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 “Improving Trans-
5 parency to Lower Drug Costs Act of 2021”.

6 **SEC. 2. PUBLIC DISCLOSURE OF DRUG DISCOUNTS.**

7 Section 1150A of the Social Security Act (42 U.S.C.
8 1320b–23) is amended—

1 (1) in subsection (c), in the matter preceding
2 paragraph (1), by inserting “(other than as per-
3 mitted under subsection (e))” after “disclosed by the
4 Secretary”; and

5 (2) by adding at the end the following new sub-
6 section:

7 “(e) PUBLIC AVAILABILITY OF CERTAIN INFORMA-
8 TION.—

9 “(1) IN GENERAL.—In order to allow the com-
10 parison of PBMs’ ability to negotiate rebates, dis-
11 counts, direct and indirect remuneration fees, ad-
12 ministrative fees, and price concessions and the
13 amount of such rebates, discounts, direct and indi-
14 rect remuneration fees, administrative fees, and
15 price concessions that are passed through to plan
16 sponsors, beginning January 1, 2022, the Secretary
17 shall make available on the Internet website of the
18 Department of Health and Human Services the in-
19 formation with respect to the second preceding cal-
20 endar year provided to the Secretary on generic dis-
21 pensing rates (as described in paragraph (1) of sub-
22 section (b)) and information provided to the Sec-
23 retary under paragraphs (2) and (3) of such sub-
24 section that, as determined by the Secretary, is with
25 respect to each PBM.

1 “(2) AVAILABILITY OF DATA.—In carrying out
2 paragraph (1), the Secretary shall ensure the fol-
3 lowing:

4 “(A) CONFIDENTIALITY.—The information
5 described in such paragraph is displayed in a
6 manner that prevents the disclosure of informa-
7 tion, with respect to an individual drug or an
8 individual plan, on rebates, discounts, direct
9 and indirect remuneration fees, administrative
10 fees, and price concessions.

11 “(B) CLASS OF DRUG.—The information
12 described in such paragraph is made available
13 by class of drug, using an existing classification
14 system, but only if the class contains such num-
15 ber of drugs, as specified by the Secretary (but
16 not fewer than three drugs), to ensure confiden-
17 tiality of proprietary information or other infor-
18 mation that is prevented to be disclosed under
19 subparagraph (A).”.

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