

May 17, 2023

House Energy and Commerce Health Subcommittee Markup of Bills to Lower Health Care Costs and Expand Care Access

On Wednesday (May 17), the House Energy and Commerce Health Subcommittee held a markup of 17 bills intended to lower costs and expand access to health care. Ultimately, the subcommittee sent seven bills to the full committee, including H.R. 3281, the Transparent PRICE Act, which was amended to include the remaining 10 bills before the subcommittee as well as additional proposals.

- For more information: <https://energycommerce.house.gov/events/a-health-subcommittee-markup-of-17-bills>

Mark-up details

H.R. 1418, the Animal Drug User Fee Amendments of 2023

- *High-level summary:* The bipartisan bill sponsored by Reps. Greg Pence (R-IN) and Kim Schrier (D-WA) would reauthorize the Food and Drug Administration's (FDA) animal drug user fee programs.
- *Outcome:* Approved, as amended, in a 29-0 vote. The subcommittee adopted by voice vote a substitute amendment from Rep. Pence that made some technical changes to the measure.

H.R. 2544, the Securing the U.S. Organ Procurement and Transplantation Network Act

- *High-level summary:* The bipartisan bill introduced by Reps. Larry Bucshon (R-IN) and Kelly Robin (D-IL) would modernize U.S. Organ Procurement and Transplantation Network (OPTN) and allow the Health Resources and Services Administration to award multiple contracts to support different functions of the OPTN process.
- *Outcome:* Approved in a 28-0 vote.

H.R. 3281, the Transparent PRICE Act

- *High-level summary:* The bipartisan bill sponsored by Energy and Commerce Committee Chair Cathy McMorris Rodgers (R-WA) and Committee Ranking Member Frank Pallone (D-NJ) would codify and build upon the Centers for Medicare and Medicaid Services' price transparency rules.
- *Outcome:* Approved, as amended, in a 27-0 vote. The subcommittee adopted by voice vote a substitute amendment by Chair McMorris Rodgers that folded nearly a dozen of the bills before the subcommittee into the Act, including:
 - H.R. 3237, sponsored by Reps. John Joyce (R-PA) and John Sarbanes (D-MD) to require off-campus hospital outpatient departments (HOPDs) to include a billing modifier indicating where the patient received care.
 - H.R. 3248, the Diagnostic Lab Testing Transparency Act, sponsored by Reps. Mariannette Miller-Meeks (R-IA) and Diana DeGette (D-CO) to increase transparency of clinical diagnostic laboratory tests available through Medicare.

- H.R. 2679, the Pharmacy Benefits Manager (PBM) Accountability Act, sponsored by Reps. Ann Kuster (D-NH), Earl Carter (R-GA), Anna Eshoo (D-CA), and Brett Guthrie (R-KY) to increase transparency into the prices PBMs pay to help employers and employees save money on their medicines.
- H.R. 3262, sponsored by Reps. Janice Schakowsky (D-IL) and Gus Bilirakis (R-FL) to increase transparency into changes in ownership among Medicare providers.
- H.R. 3282, the Promoting Transparency and Healthy Competition in Medicare Act, sponsored by Reps. Diana Harshbarger (R-TN), Kim Schrier (D-WA), Bilirakis, and Janice Schakowsky (D-IL) to increase transparency on the effects of vertical consolidation in health care.
- H.R. 2559, the Strengthening Community Care Act of 2023, sponsored by Reps. John Joyce (R-PA), Lisa Blunt Rochester (D-DE), Elise Stefanik (R-NY), and Lizzie Fletcher (D-TX) to extend by two years and increase funding for Community Health Center Programs and the National Health Services Corp.
- H.R. 2550, the Special Diabetes Program Reauthorization Act of 2023, sponsored by Reps. Diana DeGette (D-CO) and Bilirakis to increase funding for special diabetes program and reauthorize the program.
- H.R. 2547, the Special Diabetes Program for Indians Reauthorization Act of 2023, sponsored by Reps. Tom Cole (R-OK) and Raul Ruiz (D-CA) to increase funding for the special diabetes program for Indians and reauthorize the program.
- H.R. 2665, the Supporting Safety Net Hospitals Act, sponsored by Rep. Yvette Clarke (D-NY) to avert an estimated \$16 billion in Medicaid Disproportionate Share Hospital cuts for fiscal years 2024 and 2025.
- H.R. 1613, the Drug Price Transparency in Medicaid Act of 2023, sponsored by Reps. Carter, Vicente Gonzalez (D-TX), Stefanik, Deborah Ross (D-NC), Allen Rick (R-GA), and Jake Auchincloss (D-MA) to require pass-through pricing and prohibit spread-pricing for payment arrangements with pharmacy benefit managers under Medicaid.
- McMorris Rodgers' amendment also includes proposals to extend for six years and increase funding for the Teaching Health Center Graduate Medical Education (THCGME) Program, address quantitative ingredient differences in generic drug applications, and require payment parity between physician office rates and HOPDs for certain drugs administered in HOPDs.
- *Other detail:* During the discussion, Rep. Kuster urged the committee to align legislation to increase availability of generic drugs with a proposal passed by the Senate HELP Committee, which would give generic drug manufacturers with a pending FDA drug application access to information around inactive ingredient amounts. The subcommittee in a 13-17 vote rejected an amendment by Rep. Lori Trahan (D-MA) that would strike the Hyde amendment from McMorris Rodgers' amendment.

H.R. 2666, the Medicaid VBPs for Patients (MVP) Act

- *High-level summary:* The bipartisan bill sponsored by Reps. Brett Guthrie (R-KY) aims to increase Medicaid beneficiaries' access to innovative cures for rare diseases by updating the Medicare framework for value-based purchasing arrangements to allow for varying best price points.
- *Outcome:* Approved, as amended, in a 16-11 vote. The subcommittee adopted by voice vote a substitute amendment from Rep. Guthrie that makes technical changes to the bill. During discussion, Committee

Ranking Member Pallone and Rep. Blunt Rochester raised concerns the bill would increase costs for states by lowering rebates state Medicaid programs receive from pharmaceutical companies.

H.R. 3285, the Fairness for Patient Medications Act

- *High-level summary:* The bill sponsored by Rep. Morgan Griffith (R-VA) would establish patient protections related to drugs with high rebates.
- *Outcome:* Approved in a voice vote.

H.R. 3284, the Providers and Payers COMPETE Act

- *High-level summary:* The bipartisan bill sponsored by Reps. Michael Burgess (R-TX), Debbie Dingell (D-MI), Drew Ferguson (R-GA), and Bilirakis would require the HHS Secretary to submit an annual report on the impact of certain Medicare regulations on provider and payer consolidation.
- *Outcome:* Approved in a 27-0 vote.

H.R. 3290, To amend title III of the Public Health Service Act to ensure transparency and oversight of the 340B drug discount program

- *High-level summary:* The bill sponsored by Rep. Bucshon would add new transparency requirements for hospitals participating in the 340B Drug Discount Program.
- *Outcome:* Approved in a 16-12 vote. During discussion, Committee Ranking Member Pallone and Subcommittee Chair Eshoo raised concerns about the metrics to be reported and the additional burden on the Health Resources and Services Administration.

If you have questions, please contact [Heather Meade](#) or [Heather Bell](#).

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