AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 2666 OFFERED BY M__.

Strike section 2(b)(2) and insert the following:

1 (2) RULEMAKING.—Not later than 180 days
2 after the date of the enactment of this Act, the Sec3 retary of Health and Human Services shall imple4 ment the amendments made by this subsection
5 through rulemaking.

Strike section 3 and insert the following:

6	SEC. 3. CALCULATION OF AVERAGE SALES PRICE UNDER
7	MEDICARE.
8	Section 1847A(c)(3) of the Social Security Act (42
9	U.S.C. 1395w-3a(c)(3)) is amended—
10	(1) by striking "In calculating" and inserting
11	the following:
12	"(A) In general.—Subject to subpara-
13	graph (B), in calculating"; and
14	(2) by adding at the end the following new sub-
15	paragraph:
16	"(B) CERTAIN REMUNERATION UNDER
17	VALUE-BASED PURCHASING ARRANGEMENTS

excluded.—In calculating the manufacturer's average sales price under this subsection for a drug or biological that is sold under a value-based purchasing arrangement (as defined in section 1927(k)(12)) and with respect to which the manufacturer of such drug or biological has elected to include multiple best price points (as described in section 1927(c)(1)(C)(ii)(VI)) in reporting the best price of such drug under section 1927(b), such price shall not include any amount that is excluded from the calculation of the average manufacturer price of such drug or biological under section 1927(k)(1)(B)(i)(IX).".

