

Republican Motion #7

PROTECT ACCESS TO CURES AND MEDICAL INNOVATION

Offered by Representative Michael Burgess (TX-26)

Dr. Burgess moves that the Committee on the Budget direct its Chairman to request on behalf of the Committee that the rule providing for consideration of the bill make in order an amendment to strike any language in the bill that would reduce Americans' access to life-saving cures, directly or indirectly impose Quality-Adjusted Life Year (QALY) coverage determination metrics on seniors enrolled in Medicare, prevent drug rebates from being directly realized by seniors enrolled in Medicare, or otherwise disincentivize the development of new medical treatments and cures.

Background

- (1) Allowing the Secretary of Health and Human Services (HHS) to directly negotiate prescription drug prices within Medicare Parts B and D will jeopardize seniors' access to drugs and reduce pharmaceutical innovation by as many as 250 fewer treatments.
- (2) Manufacturers who fail to reach a deal with the government will be charged an excise tax of up to 95 percent of generated revenue. This excise tax is not negotiation, it is holding businesses and biomedical innovation hostage at the expense of jobs, new cures, and public health.
- (3) Adopting foreign price controls that rely on Quality-Adjusted Life Year (QALY) coverage determination metrics, such as those used by countries listed in these drug pricing provisions, discriminates against, and immorally devalues, the lives of individuals with disabilities or chronic conditions.
- (4) Medicare *does* already negotiate prices for Part D prescription drugs through contracting with private plans administered by Pharmaceutical Benefit Managers (PBMs), similar to commercial insurance, and has saved both seniors and the government billions of dollars.
- (5) On September 15, 2021, the House Committee on Energy and Commerce considered Subtitle E: Budget Reconciliation Legislative Recommendations Relating to Drug Pricing. During the vote on final passage, a majority of the Committee members voted "no" on inclusion of such provisions in the bill; the subtitle failed to report favorably out of Committee and was not included in the submitted legislation to the House Budget Committee.
- (6) The concern and opposition to the drug pricing provisions put forward by the House Committee on Energy and Commerce is a rare example of bipartisan, and reportedly bicameral, opposition to policies being pursued by the Democrat majority.
- (7) While the House Committee on Energy and Commerce rejected these detrimental price controls, the policy shares jurisdiction with the House Committee on Ways and Means and

identical language is included in the base bill and will be considered on the floor unless amended during consideration by the House Committee on Rules.