

## HR 3

Elijah E. Cummings Lower Drug Costs Now Act

**Congress:** 117 (2021–2023, Ended)

**Chamber:** House

**Policy Area:** Health

**Introduced:** Apr 22, 2021

**Current Status:** Referred to the Subcommittee on Oversight and Investigations.

**Latest Action:** Referred to the Subcommittee on Oversight and Investigations. (Apr 27, 2021)

**Official Text:** <https://www.congress.gov/bill/117th-congress/house-bill/3>

### Sponsor

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**Name:** Rep. Pallone, Frank, Jr. [D-NJ-6]

**Party:** Democratic • **State:** NJ • **Chamber:** House

**Cosponsors** (92 total)

| Cosponsor  | Party / State | Role | Date Joined  |
|--|---------------|------|--------------|
| Rep. Neal, Richard E. [D-MA-1]                       | D · MA        |      | Apr 22, 2021 |
| Rep. Scott, Robert C. "Bobby" [D-VA-3]               | D · VA        |      | Apr 22, 2021 |
| Del. Sablan, Gregorio Kilili Camacho [D-MP-At Large] | D · MP        |      | Apr 26, 2021 |
| Rep. Barragan, Nanette Diaz [D-CA-44]                | D · CA        |      | Apr 26, 2021 |
| Rep. Blumenauer, Earl [D-OR-3]                       | D · OR        |      | Apr 26, 2021 |
| Rep. Case, Ed [D-HI-1]                               | D · HI        |      | Apr 26, 2021 |
| Rep. Castro, Joaquin [D-TX-20]                       | D · TX        |      | Apr 26, 2021 |
| Rep. Davis, Danny K. [D-IL-7]                        | D · IL        |      | Apr 26, 2021 |
| Rep. DeGette, Diana [D-CO-1]                         | D · CO        |      | Apr 26, 2021 |
| Rep. Dingell, Debbie [D-MI-12]                       | D · MI        |      | Apr 26, 2021 |
| Rep. Doyle, Michael F. [D-PA-18]                     | D · PA        |      | Apr 26, 2021 |
| Rep. Evans, Dwight [D-PA-3]                          | D · PA        |      | Apr 26, 2021 |
| Rep. Gomez, Jimmy [D-CA-34]                          | D · CA        |      | Apr 26, 2021 |
| Rep. Hayes, Jahana [D-CT-5]                          | D · CT        |      | Apr 26, 2021 |
| Rep. Horsford, Steven [D-NV-4]                       | D · NV        |      | Apr 26, 2021 |
| Rep. Kaptur, Marcy [D-OH-9]                          | D · OH        |      | Apr 26, 2021 |
| Rep. Kildee, Daniel T. [D-MI-5]                      | D · MI        |      | Apr 26, 2021 |
| Rep. Larson, John B. [D-CT-1]                        | D · CT        |      | Apr 26, 2021 |
| Rep. McNerney, Jerry [D-CA-9]                        | D · CA        |      | Apr 26, 2021 |
| Rep. Mfume, Kweisi [D-MD-7]                          | D · MD        |      | Apr 26, 2021 |
| Rep. Morelle, Joseph D. [D-NY-25]                    | D · NY        |      | Apr 26, 2021 |
| Rep. Rush, Bobby L. [D-IL-1]                         | D · IL        |      | Apr 26, 2021 |
| Rep. Sarbanes, John P. [D-MD-3]                      | D · MD        |      | Apr 26, 2021 |
| Rep. Soto, Darren [D-FL-9]                           | D · FL        |      | Apr 26, 2021 |
| Rep. Suozzi, Thomas R. [D-NY-3]                      | D · NY        |      | Apr 26, 2021 |
| Rep. Thompson, Mike [D-CA-5]                         | D · CA        |      | Apr 26, 2021 |
| Rep. Welch, Peter [D-VT-At Large]                    | D · VT        |      | Apr 26, 2021 |
| Rep. Wilson, Frederica S. [D-FL-24]                  | D · FL        |      | Apr 26, 2021 |
| Del. Norton, Eleanor Holmes [D-DC-At Large]          | D · DC        |      | May 4, 2021  |
| Rep. Beatty, Joyce [D-OH-3]                          | D · OH        |      | May 4, 2021  |
| Rep. Castor, Kathy [D-FL-14]                         | D · FL        |      | May 4, 2021  |
| Rep. Courtney, Joe [D-CT-2]                          | D · CT        |      | May 4, 2021  |
| Rep. Fletcher, Lizzie [D-TX-7]                       | D · TX        |      | May 4, 2021  |
| Rep. Moore, Gwen [D-WI-4]                            | D · WI        |      | May 4, 2021  |
| Rep. Casten, Sean [D-IL-6]                           | D · IL        |      | May 14, 2021 |
| Rep. Cooper, Jim [D-TN-5]                            | D · TN        |      | May 14, 2021 |
| Rep. Craig, Angie [D-MN-2]                           | D · MN        |      | May 14, 2021 |
| Rep. DeSaulnier, Mark [D-CA-11]                      | D · CA        |      | May 14, 2021 |
| Rep. Larsen, Rick [D-WA-2]                           | D · WA        |      | May 14, 2021 |
| Rep. Slotkin, Elissa [D-MI-8]                        | D · MI        |      | May 14, 2021 |
| Rep. Wild, Susan [D-PA-7]                            | D · PA        |      | May 14, 2021 |

| Cosponsor                                  | Party / State | Role | Date Joined  |
|--|---------------|------|--------------|
| Rep. Carbajal, Salud O. [D-CA-24]          | D · CA        |      | May 20, 2021 |
| Rep. Cartwright, Matt [D-PA-8]             | D · PA        |      | May 20, 2021 |
| Rep. Connolly, Gerald E. [D-VA-11]         | D · VA        |      | May 20, 2021 |
| Rep. Lieu, Ted [D-CA-33]                   | D · CA        |      | May 20, 2021 |
| Rep. Ruppersberger, C. A. Dutch [D-MD-2]   | D · MD        |      | May 20, 2021 |
| Rep. Torres, Ritchie [D-NY-15]             | D · NY        |      | May 20, 2021 |
| Rep. Underwood, Lauren [D-IL-14]           | D · IL        |      | May 20, 2021 |
| Rep. Allred, Colin Z. [D-TX-32]            | D · TX        |      | May 28, 2021 |
| Rep. Blunt Rochester, Lisa [D-DE-At Large] | D · DE        |      | May 28, 2021 |
| Rep. Frankel, Lois [D-FL-21]               | D · FL        |      | May 28, 2021 |
| Rep. Maloney, Sean Patrick [D-NY-18]       | D · NY        |      | May 28, 2021 |
| Rep. Pappas, Chris [D-NH-1]                | D · NH        |      | May 28, 2021 |
| Rep. Ryan, Tim [D-OH-13]                   | D · OH        |      | May 28, 2021 |
| Rep. Crist, Charlie [D-FL-13]              | D · FL        |      | Jun 8, 2021  |
| Rep. Garcia, Sylvia R. [D-TX-29]           | D · TX        |      | Jun 8, 2021  |
| Rep. McCollum, Betty [D-MN-4]              | D · MN        |      | Jun 8, 2021  |
| Rep. Auchincloss, Jake [D-MA-4]            | D · MA        |      | Jun 25, 2021 |
| Rep. Bustos, Cheri [D-IL-17]               | D · IL        |      | Jun 25, 2021 |
| Rep. Spanberger, Abigail Davis [D-VA-7]    | D · VA        |      | Jun 25, 2021 |
| Rep. Cleaver, Emanuel [D-MO-5]             | D · MO        |      | Jun 29, 2021 |
| Rep. Williams, Nikema [D-GA-5]             | D · GA        |      | Jun 29, 2021 |
| Rep. Deutch, Theodore E. [D-FL-22]         | D · FL        |      | Jul 6, 2021  |
| Rep. Jacobs, Sara [D-CA-53]                | D · CA        |      | Jul 6, 2021  |
| Rep. Waters, Maxine [D-CA-43]              | D · CA        |      | Jul 6, 2021  |
| Rep. Brown, Anthony G. [D-MD-4]            | D · MD        |      | Jul 20, 2021 |
| Rep. Langevin, James R. [D-RI-2]           | D · RI        |      | Jul 20, 2021 |
| Rep. Maloney, Carolyn B. [D-NY-12]         | D · NY        |      | Jul 20, 2021 |
| Rep. Norcross, Donald [D-NJ-1]             | D · NJ        |      | Jul 20, 2021 |
| Rep. Stansbury, Melanie Ann [D-NM-1]       | D · NM        |      | Jul 20, 2021 |
| Rep. Strickland, Marilyn [D-WA-10]         | D · WA        |      | Jul 20, 2021 |
| Rep. Higgins, Brian [D-NY-26]              | D · NY        |      | Aug 3, 2021  |
| Rep. Kuster, Ann M. [D-NH-2]               | D · NH        |      | Aug 3, 2021  |
| Rep. Neguse, Joe [D-CO-2]                  | D · CO        |      | Aug 3, 2021  |
| Rep. Wasserman Schultz, Debbie [D-FL-23]   | D · FL        |      | Aug 3, 2021  |
| Rep. Yarmuth, John A. [D-KY-3]             | D · KY        |      | Aug 3, 2021  |
| Rep. Napolitano, Grace F. [D-CA-32]        | D · CA        |      | Aug 6, 2021  |
| Rep. Roybal-Allard, Lucille [D-CA-40]      | D · CA        |      | Aug 23, 2021 |
| Rep. Schakowsky, Janice D. [D-IL-9]        | D · IL        |      | Aug 23, 2021 |
| Rep. Lawson, Al, Jr. [D-FL-5]              | D · FL        |      | Sep 14, 2021 |
| Rep. Kim, Andy [D-NJ-3]                    | D · NJ        |      | Sep 17, 2021 |
| Rep. Manning, Kathy E. [D-NC-6]            | D · NC        |      | Sep 17, 2021 |
| Rep. Smith, Adam [D-WA-9]                  | D · WA        |      | Sep 17, 2021 |

| Cosponsor                         | Party / State | Role | Date Joined  |
|-----------------------------------|---------------|------|--------------|
| Rep. Cicilline, David N. [D-RI-1] | D · RI        |      | Sep 22, 2021 |
| Rep. Schiff, Adam B. [D-CA-28]    | D · CA        |      | Nov 9, 2021  |
| Rep. Cohen, Steve [D-TN-9]        | D · TN        |      | Jan 25, 2022 |
| Rep. Stevens, Haley M. [D-MI-11]  | D · MI        |      | Feb 18, 2022 |
| Rep. Trone, David J. [D-MD-6]     | D · MD        |      | Mar 1, 2022  |
| Rep. Garamendi, John [D-CA-3]     | D · CA        |      | Jul 11, 2022 |
| Rep. Phillips, Dean [D-MN-3]      | D · MN        |      | Jul 11, 2022 |
| Rep. Meng, Grace [D-NY-6]         | D · NY        |      | Jul 14, 2022 |
| Rep. Torres, Norma J. [D-CA-35]   | D · CA        |      | Aug 30, 2022 |

### Committee Activity

| Committee                                 | Chamber | Activity    | Date         |
|---|---------|-------------|--------------|
| Education and Workforce Committee         | House   | Referred To | Apr 22, 2021 |
| Energy and Commerce Committee             | House   | Referred to | Apr 23, 2021 |
| Oversight and Government Reform Committee | House   | Referred To | Apr 22, 2021 |
| Veterans' Affairs Committee               | House   | Referred to | Apr 27, 2021 |
| Ways and Means Committee                  | House   | Referred to | Apr 22, 2021 |

### Subjects & Policy Tags

#### Policy Area:

Health

### Related Bills

| Bill        | Relationship | Last Action  |
|-------------|--------------|--|
| 117 HR 4417 | Related bill | <b>Jul 14, 2021:</b> Referred to the Subcommittee on Health. |
| 117 HR 2706 | Related bill | <b>Apr 21, 2021:</b> Referred to the Subcommittee on Health. |

## **Elijah E. Cummings Lower Drug Costs Now Act**

This bill establishes several programs and requirements relating to the prices of prescription drugs.

In particular, the bill requires the Department of Health and Human Services (HHS) to negotiate prices for certain drugs (current law prohibits HHS from doing so). Specifically, HHS must negotiate maximum prices for single-source, brand-name drugs that lack certain generics and that are among either the 125 drugs that account for the greatest national spending or the 125 drugs that account for the greatest Medicare spending. HHS must negotiate the prices of at least 25 such drugs for 2024 and of at least 50 such drugs thereafter and must also negotiate prices for certain newly approved drugs and for insulin products. The negotiated prices must be offered under Medicare and may also be offered under private health insurance unless the insurer opts out.

The negotiated maximum price may not exceed (1) 120% of the average price in Australia, Canada, France, Germany, Japan, and the United Kingdom; or (2) if such information is not available, 85% of the U.S. average manufacturer price. Drug manufacturers that fail to comply with the bill's negotiation requirements are subject to civil and tax penalties.

The bill also makes a series of additional changes to Medicare prescription drug coverage and pricing, including by (1) requiring drug manufacturers to issue rebates to the Centers for Medicare & Medicaid Services for covered drugs that cost \$100 or more and for which the average manufacturer price increases faster than inflation, and (2) capping annual out-of-pocket spending under the Medicare prescription drug benefit.

The bill also requires drug manufacturers to report specified information for certain high-cost drugs, and it provides funds for opioid epidemic initiatives and biomedical research.

### **Actions Timeline**

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- **Apr 27, 2021:** Referred to the Subcommittee on Oversight and Investigations.
- **Apr 23, 2021:** Referred to the Subcommittee on Health.
- **Apr 22, 2021:** Introduced in House
- **Apr 22, 2021:** Referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, Oversight and Reform, and Veterans' Affairs, 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.
- **Apr 22, 2021:** Referred to the Subcommittee on Health.