AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4954

OFFERED BY MR. MANZULLO

AMENDMENT NO. 1: Amend section 1860C of the Social Security Act (as proposed to be inserted by section 101(a)(2))—

(1) in subsection (c)(1)(A), to read as follows:

''(A) IN GENERAL.—The PDP sponsor of the prescription drug plan shall enter into contracts with a sufficient number of pharmacies that dispense drugs directly to patients (in addition to any pharmacies that dispense drugs by mail order) to ensure convenient access for enrolled beneficiaries under standards established by regulations promulgated by the Administrator'';

(2) in subsection (c)(1), by adding at the end the following new subparagraph:

''(C) UNIFORM TERMS AND CONDITIONS.—The terms and conditions of the contracts entered into between PDP sponsors and each dispensing pharmacy described in this subsection must be identical.'';

(3) in subsection (d)(2)(D), by striking ''shall'' and all that follows and inserting ''shall establish fees, pursuant to standards established by regulations promulgated by the Administrator, for pharmacists and others providing services under this section on a fee-for-service basis taking into account the resources expended in providing the service.''; and

(4) by adding at the end the following new subsection:

''(h) PROHIBITION ON PRICE DISCRIMINATION WITHIN NETWORKS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, including under this title, all terms and conditions of sales, including wholesale lot prices and rebates (if any), between pharmaceutical manufacturers and dispensing pharmacies within the network established by each PDP sponsor under this section shall be identical.

''(2) CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit a pharmaceutical manufacturer from establishing different terms and conditions for different networks.

''(3) REGULATIONS.—The Administrator shall promulgate regulations to implement this subsection.''.

At the end of title I, add the following new section:

SEC. 106. PROMULGATION AND JUDICIAL REVIEW OF RULES.

(a) PROMULGATION OF RULES.—Notwithstanding any other provision of law, within one year after the date of the enactment of this Act, the Medicare Benefits Administrator shall publish final rules in the Federal Register to implement this title in accordance with the notice and comment requirements of paragraphs (1), (2), and (3) of section 553(b) of title 5, United States Code, except that the Secretary shall promulgate regulations implementing subsections (c)(1)(A), (c)(1)(C) and (d)(2)(D) of section 1860C, as added by section 101(a)(2) within 120 days after enactment.

(b) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—The Secretary, or the Medicare Benefits Administrator, shall prepare an initial regulatory flexibility analysis pursuant to section 603 of title 5, United States Code consistent with the following:

(1) Prior to the publication of the initial regulatory flexibility analysis, the Administrator shall notify the Chief Counsel for Advocacy of the Small Business Administration and provide the Chief Counsel with information on the potential impacts of the proposed rule on small entities and the type of small entities that might be affected.

(2) Not later than 15 days after the date of receipt of the information described in paragraph (1), the Chief Counsel shall identify individuals representative of affected small entities, but need not themselves be small entities, for the purposes of obtaining advice and recommendations from those individuals about the potential impacts of the proposed rule.

(3) The Medicare Benefits Administrator shall convene a review panel for such rule consisting wholly of full time Federal employees of the Small Business Administration, the Office of Information and Regulatory Affairs within the Office of Management and Budget, and the Chief Counsel.

(4) The panel created by paragraph (3) shall review any material the agency has prepared in preparation of the proposed rule, the draft proposed rule, and the initial regulatory flexibility analysis, collect advice and recommendations from the small entity representatives identified in paragraph (2) on issues related to the requirements of the initial regulatory flexibility analysis set forth in subsections (b) and (c) of section 603 of title 5, United States Code.

(5) Not later than 60 days after the date the Medicare Benefits Administrator convenes a review panel pursuant to paragraph (3), the reviewing panel shall report on the comments of the small entity representatives and its findings as to issues related to the initial regulatory flexibility analysis prepared pursuant to section 603 of title 5, United States Code, provided that such report shall be made public as part of the rulemaking record.

(6) Where appropriate, the Medicare Benefits Administrator shall modify the proposed rule, the initial regulatory flexibility analysis.

(7) After receipt of comments pursuant to paragraphs (1), (2), and (3) of section 553(b) of title 5, United States Code, the Medicare Benefits Administrator shall issue a final rule and shall prepare a final regulatory flexibility analysis pursuant to section 604 of title 5, United States Code.

(c) LIMITATION ON CHANGES TO RULES.—Notwithstanding any other provision of law, any amendment to the rules promulgated pursuant to this section and implementing this title shall only be issued after the opportunity for notice and comment as mandated by paragraphs (1), (2), and (3) of section 553(b) of title 5, United States Code.

(d) JUDICIAL REVIEW.—Notwithstanding any other provision of law, regulations promulgated under this shall be subject to review in the manner set forth in chapter of title 28, United States Code except that any party aggrieved shall file a petition for review within 30 days after publication of the final rule in the Federal Register. Any challenge, pursuant to section 610 of title 5, United States Code shall be consolidated with the petition for review set forth in this subsection.

H.R. 5010

OFFERED BY MR. BLUMENAUER

AMENDMENT NO. 1: In the item relating to ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', after the dollar amount, insert the following: ''(increased by $5,000,000)(reduced by $5,000,000)''.