

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 4827  
OFFERED BY MR. WHITFIELD**

Add at the end of subtitle B of title I the following  
(and conform the table of contents accordingly):

1 **SEC. 1108. EXCLUSION OF CUSTOMARY PROMPT PAY DIS-**  
2 **COUNTS EXTENDED TO WHOLESALERS FROM**  
3 **MANUFACTURER'S AVERAGE SALES PRICE**  
4 **FOR PAYMENTS FOR DRUGS AND**  
5 **BIOLOGICALS UNDER MEDICARE PART B.**

6 Part III of subtitle B of title III of the Patient Pro-  
7 tection and Affordable Care Act is amended by adding at  
8 the end the following:

9 **"SEC. 3144. EXCLUSION OF CUSTOMARY PROMPT PAY DIS-**  
10 **COUNTS EXTENDED TO WHOLESALERS FROM**  
11 **MANUFACTURER'S AVERAGE SALES PRICE**  
12 **FOR PAYMENTS FOR DRUGS AND**  
13 **BIOLOGICALS UNDER MEDICARE PART B.**

14 "Section 1847A(c)(3) of the Social Security Act (42  
15 U.S.C. 1395w-3a(c)(3)) is amended—

16 "(1) in the first sentence, by inserting after  
17 'prompt pay discounts' the following: '(other than,  
18 for drugs and biologicals that are sold on or after

1       January 1, 2011, and before January 1, 2016, cus-  
2       tomary prompt pay discounts extended to whole-  
3       salers, but only to the extent such discounts do not  
4       exceed 2 percent of the wholesale acquisition cost);  
5       and

6               “(2) in the second sentence, by inserting after  
7       ‘other price concessions’ the following: ‘(other than,  
8       for drugs and biologicals that are sold on or after  
9       January 1, 2011, and before January 1, 2016, cus-  
10       tomary prompt pay discounts extended to whole-  
11       salers, but only to the extent such discounts do not  
12       exceed 2 percent of the wholesale acquisition  
13       cost)’.”.

