

119TH CONGRESS
2D SESSION

S. _____

To require the Administrator of the Centers for Medicare & Medicaid Services to submit a report regarding the use of coverage and reimbursement authorities to protect the markets for active pharmaceutical ingredients and key starting materials.

IN THE SENATE OF THE UNITED STATES

Mr. SCHIFF introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To require the Administrator of the Centers for Medicare & Medicaid Services to submit a report regarding the use of coverage and reimbursement authorities to protect the markets for active pharmaceutical ingredients and key starting materials.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American Pharma-
5 ceutical Security Act”.

1 **SEC. 2. REPORT ON MARKETS FOR API AND KEY STARTING**
2 **MATERIALS.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act, the Administrator of the
5 Centers for Medicare & Medicaid Services (referred to in
6 this section as the “Administrator”) shall submit to Con-
7 gress a report on its findings and policy recommendations
8 regarding the use of coverage and reimbursement authori-
9 ties to protect the markets of the United States and its
10 allies for active pharmaceutical ingredients and key start-
11 ing materials and reduce direct and indirect dependence
12 on foreign adversaries (as described in section 791.4 of
13 title 15, Code of Federal Regulations (or any successor
14 regulations)) for such ingredients and materials.

15 (b) CONTENTS.—The report under subsection (a)—

16 (1) may include—

17 (A) recommendations for price floor com-
18 mitments in support of domestic manufacturing
19 of active pharmaceutical ingredients and key
20 starting materials to protect investments in the
21 domestic markets of such ingredients and mate-
22 rials against nonmarket practices and price ma-
23 nipulation; and

24 (B) recommendations that would prioritize
25 domestically manufactured active pharma-
26 ceutical ingredients and key starting materials

1 over foreign manufactured active pharma-
2 ceutical ingredients and key starting materials
3 when a domestic source for the applicable ingre-
4 dient or material exists; and

5 (2) shall identify any existing gaps in data and
6 information related to the origin and ownership of
7 active pharmaceutical ingredients and key starting
8 materials that the Administrator would need to im-
9 plement the recommendations included in the report.