

# Congress of the United States

Washington, DC 20515

December 6, 2024

The Honorable Mike Johnson  
Speaker of the House  
United States House of Representatives  
Washington, DC 20515

The Honorable Hakeem Jeffries  
House Democratic Leader  
United States House of Representatives  
Washington, DC 20515

The Honorable Charles Schumer  
Senate Majority Leader  
United States Senate  
Washington, D.C. 20510

The Honorable Mitch McConnell  
Senate Minority Leader  
United States Senate  
Washington, D.C. 20510

Dear Speaker Johnson and Leaders Schumer, McConnell, and Jeffries,

We write to call attention to the immediate need to enact pharmacy benefit manager (PBM) reforms to reduce Americans' prescription drug costs and protect pharmacy businesses across the United States.

Multiple bipartisan bills have already advanced in the 118<sup>th</sup> Congress, which would address specific practices that for far too long have increased patient costs and threatened patient access to pharmacies that serve communities nationwide. The House Committees on Energy and Commerce, Ways and Means, Education and the Workforce, and Oversight and Accountability have all advanced meaningful PBM reforms on a bipartisan basis. The House of Representatives passed on a broad bipartisan basis on December 11, 2023, H.R. 5378, the *Lower Costs, More Transparency Act*, a bill that provides important components of PBM reform. It would be a missed opportunity if Congress were to fail to advance these reforms before the end of the year.

We have an opportunity now to advance bipartisan legislation that saves significant taxpayer money in state Medicaid managed care programs and – for the first time in Medicare Part D – enforces reasonable and relevant contract terms that support pharmacies' ability to serve patients. Further, we are pleased to champion reporting requirements which would increase transparency by shining a light on the opaque drug pricing system PBMs rely on. We also have a great opportunity to hold PBMs accountable and lower health care costs for seniors by delinking PBMs' compensation from drug prices in Medicare Part D to address the current misaligned incentives that are driving up costs for seniors. Finally, we can ensure that patients benefit from the discounts PBMs negotiated by requiring that, at least in the most egregious cases, PBMs pass those discounts directly to patients. There are few issues that unite members of the 118<sup>th</sup> Congress like reforms that result in savings and accountability.

The Centers for Medicare & Medicaid Services (CMS) wrote to PBMs and plans: “We are hearing an increasing number of concerns about certain practices by some plans and [PBMs] that threaten the sustainability of many pharmacies, impede access to care, and put increased burden on health care providers.” More recently, the Federal Trade Commission (FTC) filed a complaint that alleged that “PBMs have abused their economic power by rigging pharmaceutical supply chain competition in their favor, forcing patients to pay more for life-saving medication.”<sup>1</sup>

We have heard directly from our constituents that the harmful and aggressive tactics of some PBMs have only gotten worse, and that action is needed now to protect pharmacies and lower patient costs. Many of our constituents report that some PBMs are reimbursing pharmacies even further below the pharmacies’ cost for the prescriptions that they fill – especially in Medicare.

In fact, in 2023 there were over 300 independent pharmacy net closures – almost one per day.<sup>2</sup> Unfortunately, that trend has continued in 2024. Pharmacists are some of the most accessible and highly trusted health care professionals. Patients count on their training and expertise to stay healthy and informed. Yet, PBMs’ anti-competitive business practices are putting pharmacies out of business and removing patients’ access to care. We now have “pharmacy deserts” in rural and underserved communities, where the neighborhood pharmacy may be the only health care provider for miles. That’s affecting the accessibility, affordability, and quality of health care, counter to the efforts of policymakers.

Immediate action is needed to address these harmful practices by PBMs. Americans deserve and expect protection from inflated prescription drug costs, from forced pharmacy closures, and from barriers to their pharmacy of choice that result from PBM tactics. We urge you to work with us to enact specific PBM reforms that address these concerns and capitalize on the bipartisan effort and momentum in the House.

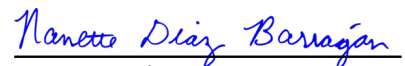
We urge you to prioritize PBM reform during end-of-year negotiations and ensure that the bipartisan efforts we have worked on throughout the 118<sup>th</sup> Congress are enacted into law. These provisions will have a meaningful impact on patients’ out of pocket costs and will protect independent pharmacists across the country.

Sincerely,



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Earl L. "Buddy" Carter  
Member of Congress



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Nanette Diaz Barragán  
Member of Congress

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<sup>1</sup> [FTC Sues Prescription Drug Middlemen for Artificially Inflating Insulin Drug Prices | Federal Trade Commission](#)

<sup>2</sup> <https://ncpa.org/sites/default/files/2024-02/2.27.2024-NCPAtoCMS-DIRconcerns-surveyresults.pdf>



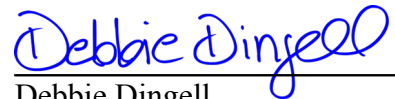
Nicole Malliotakis  
Member of Congress



Bradley Scott Schneider  
Member of Congress



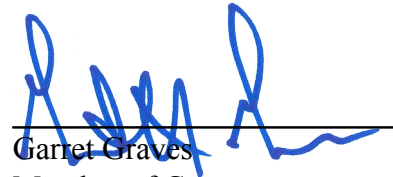
Diana Harshbarger, Pharm.D.  
Member of Congress



Debbie Dingell  
Member of Congress



Rich McCormick, MD, MBA  
Member of Congress



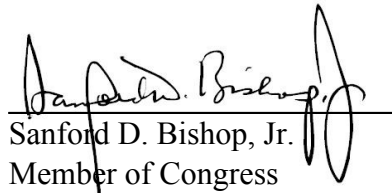
Garret Graves  
Member of Congress



Jake Auchincloss  
Member of Congress



Grace Meng  
Member of Congress



Sanford D. Bishop, Jr.  
Member of Congress



Robert J. Wittman  
Member of Congress



Jefferson Van Drew  
Member of Congress



James Comer  
Member of Congress




Russell Fry  
Member of Congress



Aaron Bean  
Member of Congress



Emanuel Cleaver, II  
Member of Congress



Celeste Maloy  
Member of Congress



Donald G. Davis  
Member of Congress



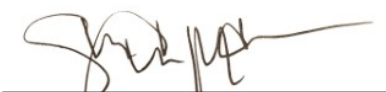
Nicholas A. Langworthy  
Member of Congress



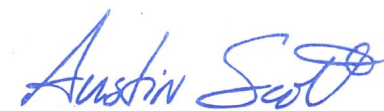
Erin Houchin  
Member of Congress



Clay Higgins  
Member of Congress



Sheila Cherfilus-McCormick  
Member of Congress



Austin Scott  
Member of Congress



Greg Landsman  
Member of Congress



Raja Krishnamoorthi  
Member of Congress



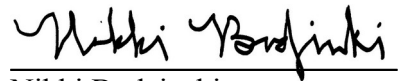
Rick W. Allen  
Member of Congress



Charles J. "Chuck"  
Fleischmann  
Member of Congress



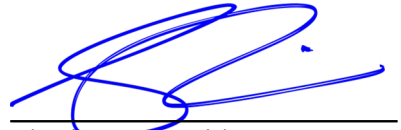
Dan Goldman  
Member of Congress



Nikki Budzinski  
Member of Congress



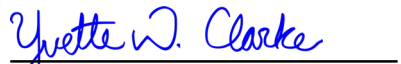
John Garamendi  
Member of Congress



Sharice L. Davids  
Member of Congress




Deborah K. Ross  
Member of Congress



Yvette D. Clarke  
Member of Congress



Russ Fulcher  
Member of Congress



Eric Sorensen  
Member of Congress



Christopher H. Smith  
Member of Congress



Vicente Gonzalez  
Member of Congress



Scott H. Peters  
Member of Congress



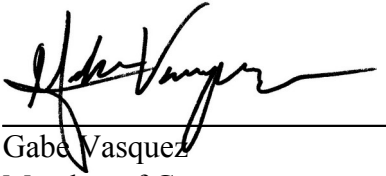
Dusty Johnson  
Member of Congress



Juan Ciscomani  
Member of Congress



Henry C. "Hank" Johnson, Jr.  
Member of Congress



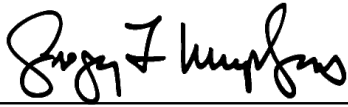
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Gabe Vasquez  
Member of Congress



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Cliff Bentz  
Member of Congress



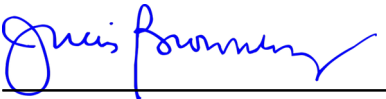
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Gregory F. Murphy, M.D.  
Member of Congress



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Burgess Owens  
Member of Congress



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Julia Brownley  
Member of Congress



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John H. Rutherford  
Member of Congress



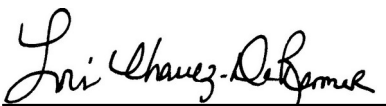
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Nick LaLota  
Member of Congress



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Jeff Duncan  
Member of Congress



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Lori Chavez-DeRemer  
Member of Congress



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Larry Bucshon, M.D.  
Member of Congress



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John Rose  
Member of Congress



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Glenn Grothman  
Member of Congress



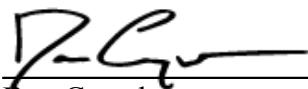
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Mikie Sherrill  
Member of Congress



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Nikema Williams  
Member of Congress



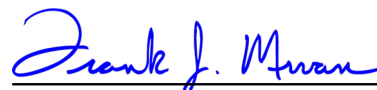
Dan Crenshaw  
Member of Congress



Tim Burchett  
Member of Congress



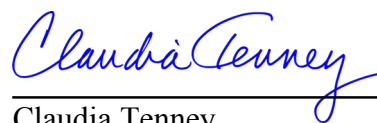
Madeleine Dean  
Member of Congress



Frank J. Mrvan  
Member of Congress



Mike Flood  
Member of Congress



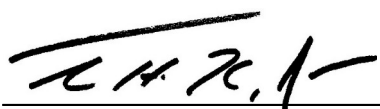
Claudia Tenney  
Member of Congress



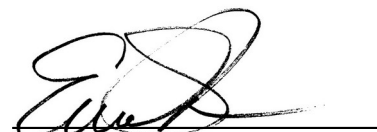
Robert B. Aderholt  
Member of Congress



Ann McLane Kuster  
Member of Congress



Thomas H. Kean, Jr.  
Member of Congress



Emilia Strong Sykes  
Member of Congress



Randy K. Weber, Sr.  
Member of Congress



Shri Thanedar  
Member of Congress



Bonnie Watson Coleman  
Member of Congress



Andrea Salinas  
Member of Congress



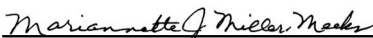
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Ruben Gallego  
Member of Congress



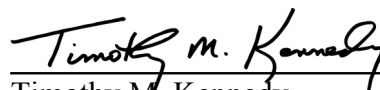
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Mark DeSaulnier  
Member of Congress



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Mariannette Miller-Meeks,  
M.D.  
Member of Congress



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Timothy M. Kennedy  
Member of Congress



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Marc A. Veasey  
Member of Congress



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Julia Letlow, Ph.D.  
Member of Congress



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Neal P. Dunn, M.D.  
Member of Congress



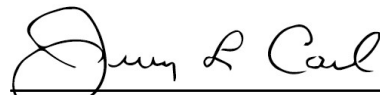
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Abigail Davis Spanberger  
Member of Congress



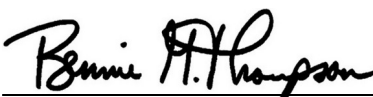
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Sydney Kamlager-Dove  
Member of Congress



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Jerry L. Carl  
Member of Congress



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Bennie G. Thompson  
Member of Congress



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Kathy Castor  
Member of Congress





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Val Hoyle  
Member of Congress



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Lori Trahan  
Member of Congress



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Maria Elvira Salazar  
Member of Congress



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Doris Matsui  
Member of Congress



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C. Scott Franklin  
Member of Congress



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Kay Granger  
Member of Congress



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Carol D. Miller  
Member of Congress



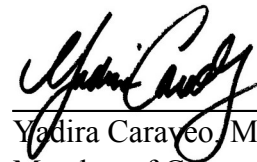
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Ro Khanna  
Member of Congress




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Chrissy Houlahan  
Member of Congress



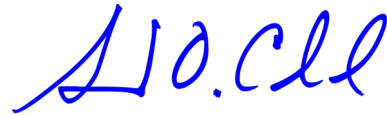
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Yadira Caraveo, M.D.  
Member of Congress



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Troy Carter  
Member of Congress



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Salud Carbajal  
Member of Congress



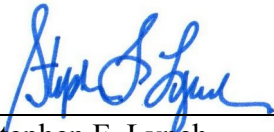
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Debbie Wasserman Schultz  
Co-Chair, Democratic  
Steering & Policy Committee



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Jan Schakowsky  
Member of Congress



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Stephen F. Lynch  
Member of Congress



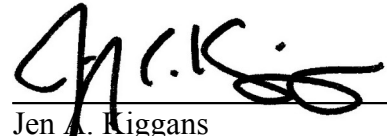
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David G. Valadao  
Member of Congress



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Harold Rogers  
Member of Congress

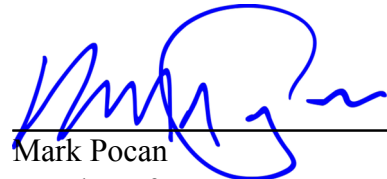


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Jen A. Kiggans  
Member of Congress

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Morgan McGarvey  
Member of Congress



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Mark Pocan  
Member of Congress



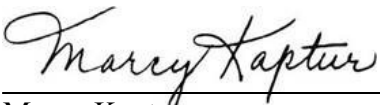
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Chris Deluzio  
Member of Congress



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Kat Cammack  
Member of Congress



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Marcy Kaptur  
Member of Congress



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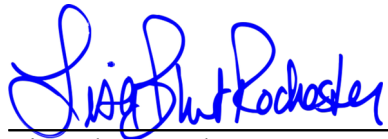
Donald Norcross  
Member of Congress



Derrick Van Orden  
Member of Congress



Jake LaTurner  
Member of Congress



Lisa Blunt Rochester  
Member of Congress



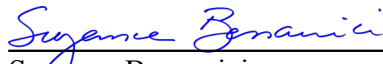
Zach Nunn  
Member of Congress



Mike Levin  
Member of Congress



Lucy McBath  
Member of Congress



Suzanne Bonamici  
Member of Congress



Josh Gottheimer  
Member of Congress



Morgan Luttrell  
Member of Congress



Pramila Jayapal  
Member of Congress



John R. Carter  
Member of Congress



Darren Soto  
Member of Congress



Robert J. Menendez  
Member of Congress



Jimmy Panetta  
Member of Congress

