

117TH CONGRESS  
1ST SESSION

# H. R. 1655

To amend title XVIII of the Social Security Act to provide coverage under the Medicare program for FDA-approved qualifying colorectal cancer screening blood-based tests, to increase participation in colorectal cancer screening in under-screened communities of color, to offset the COVID-19 pandemic driven declines in colorectal cancer screening, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2021

Mr. PAYNE (for himself, Mr. FITZPATRICK, Ms. SPANBERGER, Mr. McEACHIN, Mr. GARAMENDI, Ms. SEWELL, Mr. DANNY K. DAVIS of Illinois, Mr. HASTINGS, Ms. LEE of California, Mr. TORRES of New York, Ms. BASS, Ms. PRESSLEY, Mr. THOMPSON of Mississippi, Mr. PERRY, Mr. MEEKS, Ms. STRICKLAND, Mr. BUTTERFIELD, Mr. LAWSON of Florida, Mrs. WATSON COLEMAN, Ms. JOHNSON of Texas, Mr. RASKIN, Ms. ADAMS, Ms. CLARKE of New York, Ms. WILSON of Florida, Mr. TRONE, Mrs. MCBATH, Mr. SIRES, Mr. RUSH, Ms. NORTON, Ms. KELLY of Illinois, Mr. JOHNSON of Georgia, Mr. RODNEY DAVIS of Illinois, Mr. BROWN, Mr. BISHOP of Georgia, Mr. CARSON, Mr. GREEN of Texas, Mr. MCKINLEY, Mr. JEFFRIES, Ms. PLASKETT, Mrs. BEATTY, Ms. BLUNT ROCHESTER, Mr. CLEAVER, Ms. MCCOLLUM, Mr. VEASEY, Ms. WILLIAMS of Georgia, Mr. ALLRED, and Mrs. DEMINGS) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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

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## A BILL

To amend title XVIII of the Social Security Act to provide coverage under the Medicare program for FDA-approved qualifying colorectal cancer screening blood-based tests,

to increase participation in colorectal cancer screening in under-screened communities of color, to offset the COVID-19 pandemic driven declines in colorectal cancer screening, and for other purposes.

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 “Donald Payne Sr.  
 5 Colorectal Cancer Detection Act of 2021”.

6 **SEC. 2. MEDICARE COVERAGE FOR FDA-APPROVED QUALI-**  
 7 **FYING COLORECTAL CANCER SCREENING**  
 8 **BLOOD-BASED TESTS.**

9 (a) IN GENERAL.—Section 1861(pp) of the Social Se-  
 10 curity Act (42 U.S.C. 1395x(pp)) is amended—

11 (1) in paragraph (1)—

12 (A) by redesignating subparagraph (D) as  
 13 subparagraph (E); and

14 (B) by inserting after subparagraph (C)  
 15 the following new subparagraph:

16 “(D) Qualifying colorectal cancer screening  
 17 blood-based test.”; and

18 (2) by adding at the end the following new  
 19 paragraph:

20 “(3) The term ‘qualifying colorectal cancer screening  
 21 blood-based test’ means, with respect to a year, a screen-  
 22 ing blood-based test for the early detection of colorectal

1 cancer furnished in the year that was marketed or used,  
2 as applicable, in accordance with the relevant provisions  
3 of section 353 of the Public Health Service Act or the  
4 Federal Food, Drug, and Cosmetic Act more than 6  
5 months before the beginning of the year.”.

6 (b) FREQUENCY LIMITS FOR COLORECTAL CANCER  
7 SCREENING TESTS AND PAYMENT AMOUNT FOR QUALI-  
8 FYING COLORECTAL CANCER SCREENING BLOOD-BASED  
9 TESTS.—Section 1834(d) of the Social Security Act (42  
10 U.S.C. 1395m(d)) is amended—

11 (1) by amending clause (ii) of paragraph (1)(B)  
12 to read as follows:

13 “(ii) if the test is performed within—

14 “(I) the 11 months after a pre-  
15 vious screening fecal-occult blood test  
16 or a previous qualifying colorectal  
17 cancer screening blood-based test;

18 “(II) the 35 months after a pre-  
19 vious screening flexible sigmoidoscopy  
20 or a previous screening colonoscopy  
21 with adenoma findings;

22 “(III) the 59 months after a pre-  
23 vious screening colonoscopy with small  
24 polyp findings; or

1                   “(IV) the 119 months after a  
2                   previous screening colonoscopy with-  
3                   out adenoma findings or small polyp  
4                   findings.”;

5                   (2) in paragraph (2)(E)(ii), by inserting “or  
6                   within the 35 months after a previous screening  
7                   fecal-occult blood test or previous qualifying  
8                   colorectal cancer screening blood-based test” after  
9                   “sigmoidoscopy”;

10                  (3) by amending subparagraph (E) of para-  
11                  graph (3) to read as follows:

12                   “(E) FREQUENCY LIMIT.—No payment  
13                   may be made under this part for a colorectal  
14                   cancer screening test consisting of a screening  
15                   colonoscopy—

16                   “(i) if the procedure is performed  
17                   within the 11 months after a previous  
18                   screening fecal-occult blood test or previous  
19                   qualifying colorectal cancer screening  
20                   blood-based test;

21                   “(ii) for individuals at high risk for  
22                   colorectal cancer if the procedure is per-  
23                   formed within the 23 months after a pre-  
24                   vious screening colonoscopy; or

1           “(iii) for individuals not at high risk  
2           for colorectal cancer if the procedure is  
3           performed within the 119 months after a  
4           previous screening colonoscopy or within  
5           the 47 months after a previous screening  
6           flexible sigmoidoscopy.”; and

7           (4) by adding at the end the following new  
8           paragraph:

9           “(4)    QUALIFYING    COLORECTAL    CANCER  
10          SCREENING BLOOD-BASED TESTS.—

11           “(A) PAYMENT AMOUNT.—The payment  
12           amount for colorectal cancer screening tests  
13           consisting of qualifying colorectal cancer screen-  
14           ing blood-based tests shall be established by the  
15           Secretary.

16           “(B) FREQUENCY LIMIT.—Paragraph  
17           (1)(B) shall apply to colorectal cancer screening  
18           tests consisting of qualifying colorectal cancer  
19           screening blood-based tests in the same manner  
20           as such paragraph applies to colorectal cancer  
21           screening tests consisting of fecal-occult blood  
22           tests.”.

23           (c) EFFECTIVE DATE.—The amendments made by  
24           this section shall apply to colorectal cancer screening tests

- 1 furnished in a year beginning more than 6 months after
- 2 the date of the enactment of this Act.

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