

AMENDMENT TO THE AMERICAN RESCUE PLAN
ACT OF 2021
OFFERED BY MR. POSEY OF FLORIDA

Add at the end of subtitle A of title III the following:

1 **CHAPTER 8—QUALITY ASSURANCE OF**
2 **COVID-19 REIMBURSEMENTS AND RE-**
3 **PORTING**

4 **SEC. 3071. QUALITY ASSURANCE OF COVID-19 REIMBURSE-**
5 **MENTS AND REPORTING.**

6 (a) IN GENERAL.—Notwithstanding any other provi-
7 sion of law, no Federal funds shall be used for a reim-
8 bursement or payment for—

9 (1) COVID-19 testing of any individual unless
10 the request for such reimbursement or payment is
11 accompanied by evidence that the individual was
12 tested using a test that was approved, cleared, or
13 authorized under section 510(k), 513, 515, or 564
14 of the Federal Food, Drug, and Cosmetic Act (21
15 U.S.C. 360(k), 360c, 360e, 360bbb-3) for COVID-
16 19 diagnosis; or

17 (2) COVID-19 treatment of any individual un-
18 less the request for reimbursement or payment is ac-

1 accompanied by evidence that the person tested posi-
2 tive for COVID–19 using a test that was approved,
3 cleared, or authorized under section 510(k), 513,
4 515, or 564 of the Federal Food, Drug, and Cos-
5 metic Act (21 U.S.C. 360(k), 360c, 360e, 360bbb–
6 3) for COVID–19 diagnosis.

7 (b) QUALITY ASSURANCE OF REIMBURSEMENTS.—
8 For purposes of subsection (a), notwithstanding any other
9 provision of law, the head of any Federal agency author-
10 ized to make a reimbursement or payment for COVID–
11 19 testing or treatment of individuals shall review each
12 request presented for such reimbursement or payment
13 and—

14 (1) deny any request for such a reimbursement
15 or payment for COVID–19 testing of an individual
16 or, if reimbursement or payment has already been
17 made, cause to be recovered such reimbursement or
18 payment, unless the request is accompanied by evi-
19 dence that the individual was tested using a test
20 that was approved, cleared, or authorized under sec-
21 tion 510(k), 513, 515, or 564 of the Federal Food,
22 Drug, and Cosmetic Act (21 U.S.C. 360(k), 360c,
23 360e, 360bbb–3) for COVID–19 diagnosis as of the
24 date of the review of the head of the agency;

1 (2) deny any request for such a reimbursement
2 or payment for COVID–19 treatment of an indi-
3 vidual or, if reimbursement or payment has already
4 been made, cause to be recovered such reimburse-
5 ment or payment, unless the request is accompanied
6 by evidence that the individual tested positive for
7 COVID–19 using a test that was approved, cleared,
8 or authorized under section 510(k), 513, 515, or
9 564 of the Federal Food, Drug, and Cosmetic Act
10 (21 U.S.C. 360(k), 360c, 360e, 360bbb–3) for
11 COVID–19 diagnosis as of the date of the review of
12 the head of the agency; and

13 (3) provide to the Director of the Centers for
14 Disease Control and Prevention the results of such
15 review.

16 (c) CORRECTION OF REPORTS.—The Director of the
17 Centers for Disease Control and Prevention shall apply
18 the results provided to the Director under subsection
19 (b)(3) to—

20 (1) exclude from the official United States
21 count of cases of COVID–19 any individual reported
22 to have been positive for COVID–19 in a request
23 subject to review in subsection (b) but where the
24 agency head involved found the request was not ac-
25 companied by evidence that the individual had been

1 tested positive for COVID–19 using a test that was
2 approved, cleared, or authorized under section
3 510(k), 513, 515, or 564 of the Federal Food,
4 Drug, and Cosmetic Act (21 U.S.C. 360(k), 360c,
5 360e, 360bbb–3) for diagnosis of COVID–19; and

6 (2) exclude from the official United States
7 count of deaths due to COVID–19 any individual
8 who died and was reported to have been treated or
9 tested positive for COVID–19 in a request subject to
10 review under subsection (b) but where the agency
11 head involved found the request was not accom-
12 panied by evidence that the individual had been test-
13 ed positive for COVID–19 using a test that was ap-
14 proved, cleared, or authorized under section 510(k),
15 513, 515, or 564 of the Federal Food, Drug, and
16 Cosmetic Act (21 U.S.C. 360(k), 360c, 360e,
17 360bbb–3) for diagnosis of COVID–19.

18 (d) PENALTY.—Any person who knowingly reports a
19 false diagnosis of COVID–19 shall be imprisoned not more
20 than 10 years and fined under title 18, United States
21 Code, or both.

