

AMENDMENT TO H.R. 3838
OFFERED BY MR. AUSTIN SCOTT OF GEORGIA

At the appropriate place in title VII, insert the following:

1 **SEC. 7____. PILOT PROGRAM TO ASSIST CERTAIN MEMBERS**
2 **OF THE ARMED FORCES AND DEPENDENTS**
3 **WITH ADDITIONAL SUPPLEMENTAL COV-**
4 **ERAGE RELATING TO CANCER.**

5 (a) ESTABLISHMENT.—Not later than September 30,
6 2026, the Secretary of Defense shall establish a pilot pro-
7 gram under which a covered individual may obtain supple-
8 mental insurance for noncovered expenses under a fixed
9 indemnity supplemental benefit plan described in sub-
10 section (b)(1).

11 (b) AGREEMENT.—

12 (1) IN GENERAL.—In carrying out the pilot
13 program under subsection (a), the Secretary shall
14 enter into an agreement with not more than two
15 companies to each offer one or more fixed indemnity
16 supplemental benefit plans that—

17 (A) meet the requirements for a supple-
18 mental insurance plan under section 199.2 of
19 title 32, Code of Federal Regulations, and the

1 exception in section 199.8(b)(4) of such title, as
2 in effect on the date of the enactment of this
3 Act;

4 (B) are provided under a separate policy,
5 certificate, or contract;

6 (C) provide no coordination with any other
7 health benefit plan; and

8 (D) are designed to help participants pay
9 noncovered expenses.

10 (2) DURATION.—An agreement entered into
11 under paragraph (1) shall be for a period of at least
12 three years.

13 (3) REQUIREMENTS.—In entering an agreement
14 under paragraph (1) with a company, the Sec-
15 retary—

16 (A) may not select the company unless the
17 company is licensed in each State;

18 (B) shall award the contract based on the
19 expertise of the company;

20 (C) shall negotiate the terms and condi-
21 tions of the fixed indemnity supplemental ben-
22 efit plan provided under the contract, including
23 with respect to the ability of the company to
24 communicate with individuals not enrolled in
25 the plan and whether such communication may

1 include information on other insurance prod-
2 ucts;

3 (D) shall negotiate the cost of coverage
4 with the company that will cover the partici-
5 pants who elect to enroll in such plan;

6 (E) shall provide a method for verification
7 of the eligibility of applicants and procedures
8 for determination of eligibility; and

9 (F) shall provide a method for payroll de-
10 duction of premiums.

11 (4) PROVISION OF INFORMATION.—The Sec-
12 retary shall provide information to covered individ-
13 uals regarding the pilot program under subsection
14 (a) by making available on the online portal of the
15 TRICARE program the following information:

16 (A) A notice of availability of a fixed in-
17 demnity supplemental benefit plan provided
18 under the pilot program.

19 (B) A description of how to enroll in such
20 plan.

21 (C) A description and explanation of the
22 benefits provided under such plan.

23 (D) A description of the costs to the indi-
24 vidual through premiums and remittances to a
25 company providing such plan.

1 (c) ELECTION TO ENROLL.—A covered individual
2 may elect to enroll in a fixed indemnity supplemental ben-
3 efit plan provided under the pilot program under sub-
4 section (a).

5 (d) LIMITATIONS ON AUTHORIZATION OF APPRO-
6 PRIATIONS.—None of the amounts authorized to be appro-
7 priated by this Act or otherwise made available for fiscal
8 year 2026 or any fiscal year thereafter to carry out the
9 pilot program may be used to subsidize the cost of a fixed
10 indemnity supplemental benefit plan provided under the
11 pilot program under subsection (a).

12 (e) TREATMENT OF COMPANIES.—For purposes of
13 the pilot program under subsection (a), companies selected
14 to carry out the activities in subsection (b) shall not be
15 considered contractors of the Federal Government.

16 (f) PREEMPTION.—The provisions of this section
17 shall supersede the laws of any State except with respect
18 to State laws relating to licensing of an insurance com-
19 pany or plan solvency of such a company.

20 (g) REPORT.—Not later than three years after the
21 date on which the pilot program under subsection (a) com-
22 mences, the Secretary shall submit to the Committees on
23 Armed Services of the Senate and the House of Represent-
24 atives a report regarding such pilot program, including the
25 following:

1 (1) A description of the insurance products pro-
2 vided through a fixed indemnity supplemental ben-
3 efit plan provided under the pilot program under
4 subsection (a).

5 (2) The number of covered individuals who en-
6 rolled in such a plan.

7 (3) Feedback and examples of use cases by
8 such individuals.

9 (4) A determination by the Secretary with re-
10 spect to whether such pilot program should be made
11 permanent.

12 (h) SUNSET.—Unless the Secretary makes a deter-
13 mination under subsection (g)(4) to make the pilot pro-
14 gram under subsection (a) permanent, the pilot program
15 under subsection (a) shall terminate on the day that is
16 five years after the date of the enactment of this Act.

17 (i) DEFINITIONS.—In this section:

18 (1) The term “covered individual” means the
19 following:

20 (A) A member of the Army, Navy, Marine
21 Corps, Air Force, or Space Force.

22 (B) A dependent (as defined in section
23 1072 of title 10, United States Code) of such
24 a member who is enrolled in the TRICARE
25 program.

1 (2) The term “noncovered expense” means,
2 with respect to a covered individual, any expenses
3 relating to the screening for and diagnosis and treat-
4 ment of cancer that are not otherwise covered by the
5 health care benefits the individuals receives under
6 chapter 55 of title 10, United States Code.

7 (3) The term “State” has the meaning given
8 such term in section 901 of title 32, United States
9 Code.

10 (4) The term “TRICARE program” has the
11 meaning given that term in section 1072 of title 10,
12 United States Code.

