

**AMENDMENT TO H.R. 3838**  
**OFFERED BY MS. JACOBS OF CALIFORNIA**

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

1 **SEC. 7\_\_\_ . FERTILITY TREATMENT FOR CERTAIN MEM-**  
2 **BERS OF THE ARMED FORCES AND DEPEND-**  
3 **ENTS.**

4 (a) FERTILITY TREATMENT.—Chapter 55 of title 10,  
5 United States Code, is amended by inserting after section  
6 1074o the following new section:

7 **“§ 1074p. Fertility treatment for certain active duty**  
8 **members of the armed forces and de-**  
9 **pendents**

10 “(a) COVERAGE.—The Secretary shall ensure that  
11 fertility-related care for a covered member (or a dependent  
12 of such a member) shall be covered under TRICARE  
13 Prime and TRICARE Select.

14 “(b) IN VITRO FERTILIZATION.—In the case of in  
15 vitro fertilization treatment furnished to an individual  
16 pursuant to subsection (a)—

17 “(1) three completed oocyte retrievals may be  
18 furnished per calendar year; and

1           “(2) single embryo transfers shall be provided  
2           unless otherwise medically indicated in accordance  
3           with the guidelines of the American Society for Re-  
4           productive Medicine.

5           “(c) COST SHARING AND OTHER LIMITATIONS.—The  
6           Secretary shall ensure that cost-sharing amounts for an  
7           individual who receives fertility-related care under this  
8           section are determined under section 1075, 1075a, or  
9           other applicable provision of this chapter in accordance  
10          with the kind of care provided (such as an in-network in-  
11          patient visit) and without regard to whether the care is  
12          fertility-related care. The Secretary may not impose any  
13          waiting periods or other limitations once the individual has  
14          received a medical diagnosis of infertility.

15          “(d) PROHIBITIONS.—Funds available to the Depart-  
16          ment of Defense may not be used for preimplantation ge-  
17          netic screening, human cloning, international surrogacy,  
18          or artificial womb technology.

19          “(e) DEFINITIONS.—In this section:

20                 “(1) The term ‘covered member’ means—

21                         “(A) a member of the Army, Navy, Marine  
22                         Corps, Air Force, or Space Force, serving on  
23                         active duty; and

24                         “(B) does not include a former member of  
25                         the armed forces.

1           “(2) The term ‘infertility’ means a disease, con-  
2           dition, or status characterized by—

3                   “(A) the failure to establish a pregnancy  
4                   or to carry a pregnancy to live birth after reg-  
5                   ular, unprotected sexual intercourse in accord-  
6                   ance with the guidelines of the American Soci-  
7                   ety for Reproductive Medicine;

8                   “(B) the inability of an individual to repro-  
9                   duce without medical intervention either as a  
10                  single individual or with the partner of the indi-  
11                  vidual; or

12                  “(C) the findings of a licensed physician  
13                  based on the medical, sexual, and reproductive  
14                  history, age, physical findings, or diagnostic  
15                  testing, of the individual.

16           “(3) The term ‘fertility-related care’ means—

17                   “(A) the diagnosis of infertility; and

18                   “(B) fertility treatment.

19           “(4) The term ‘fertility treatment’ includes the  
20           following:

21                   “(A) In vitro fertilization or other treat-  
22                   ments or procedures in which human oocytes,  
23                   embryos, or sperm are handled when clinically  
24                   appropriate.

25                   “(B) Sperm retrieval.

1 “(C) Egg retrieval.

2 “(D) Preservation of human oocytes, em-  
3 bryos, or sperm.

4 “(E) Artificial insemination, including  
5 intravaginal insemination, intracervical insemi-  
6 nation, and intrauterine insemination.

7 “(F) Transfer of reproductive genetic ma-  
8 terial.

9 “(G) Medications as prescribed or nec-  
10 essary for fertility.

11 “(H) Fertility treatment coordination.

12 “(I) Such other information, referrals,  
13 treatments, procedures, testing, medications,  
14 laboratory services, technologies, and services  
15 facilitating reproduction as determined appro-  
16 priate by the Secretary of Defense.”.

17 (b) PROGRAM ON FERTILITY TREATMENT COORDI-  
18 NATION.—Chapter 55 of title 10, United States Code, is  
19 amended by adding at the end the following new section:

20 “§ 1110c. Program on fertility-related care coordina-  
21 tion

22 “(a) IN GENERAL.—The Secretary of Defense shall  
23 establish a program on the coordination of fertility-related  
24 care by the Secretary for purposes of ensuring patients  
25 receive timely fertility-related care.

1           “(b) TRAINING AND SUPPORT.—In carrying out the  
2 program established under subsection (a), the Secretary  
3 shall provide to community health care providers training  
4 and support with respect to the unique needs of members  
5 of the armed forces and the dependents of such mem-  
6 bers.”.

7           (c) CONFORMING AMENDMENT.—Section 1079(a) of  
8 title 10, United States Code, is amended by adding at the  
9 end the following new paragraph:

10                   “(21) Fertility-related care shall be provided in  
11 accordance with section 1074p of this title.”.

12           (d) EXCLUSION FROM CONTRACTS FOR FORMER  
13 MEMBERS AND THEIR DEPENDENTS.—Section 1086(a)  
14 of such title is amended by striking “eye examinations  
15 and” and inserting “eye examinations, fertility-related  
16 care pursuant to paragraph (21) of such section, and”.

17           (e) APPLICATION.—The amendments made by this  
18 section shall apply with respect to services provided on or  
19 after October 1, 2027.

