

AMENDMENT TO RULES COMMITTEE
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OFFERED BY MR. THOMPSON OF CALIFORNIA

At the end of subtitle A of title VII of the bill, add the following new sections:

1 **SEC. 7___ . MODIFICATION OF REQUIREMENT FOR CERTAIN**
2 **FORMER MEMBERS OF THE ARMED FORCES**
3 **TO ENROLL IN MEDICARE PART B TO BE ELI-**
4 **GIBLE FOR TRICARE FOR LIFE.**

5 (a) TRICARE ELIGIBILITY.—

6 (1) IN GENERAL.—Subsection (d) of section
7 1086 of title 10, United States Code, is amended by
8 adding at the end the following new paragraph:

9 “(6)(A) The requirement in paragraph (2)(A)
10 to enroll in the supplementary medical insurance
11 program under part B of title XVIII of the Social
12 Security Act (42 U.S.C. 1395j et seq.) shall not
13 apply to a person described in subparagraph (B)
14 during any month in which such person is not enti-
15 tled to a benefit described in subparagraph (A) of
16 section 226(b)(2) of the Social Security Act (42
17 U.S.C. 426(b)(2)) if such person has received the
18 counseling and information under subparagraph (C).

1 “(B) A person described in this subpara-
2 graph is a person—

3 “(i) who is under 65 years of age;

4 “(ii) who is entitled to hospital insur-
5 ance benefits under part A of title XVIII
6 of the Social Security Act pursuant to sub-
7 paragraph (A) or (C) of section 226(b)(2)
8 of such Act (42 U.S.C. 426(b)(2));

9 “(iii) whose entitlement to a benefit
10 described in subparagraph (A) of such sec-
11 tion has terminated due to performance of
12 substantial gainful activity; and

13 “(iv) who is retired under chapter 61
14 of this title.

15 “(C) The Secretary of Defense shall co-
16 ordinate with the Secretary of Health and
17 Human Services and the Commissioner of So-
18 cial Security to notify persons described in sub-
19 paragraph (B) of, and provide information and
20 counseling regarding, the effects of not enroll-
21 ing in the supplementary medical insurance
22 program under part B of title XVIII of the So-
23 cial Security Act (42 U.S.C. 1395j et seq.), as
24 described in subparagraph (A).”.

1 (2) CONFORMING AMENDMENT.—Paragraph
2 (2)(A) of such subsection is amended by striking “is
3 enrolled” and inserting “except as provided by para-
4 graph (6), is enrolled”.

5 (3) IDENTIFICATION OF PERSONS.—Section
6 1110a of such title is amended by adding at the end
7 the following new subsection:

8 “(c) CERTAIN INDIVIDUALS NOT REQUIRED TO EN-
9 ROLL IN MEDICARE PART B.—In carrying out subsection
10 (a), the Secretary of Defense shall coordinate with the
11 Secretary of Health and Human Services and the Commis-
12 sioner of Social Security to—

13 “(1) identify persons described in subparagraph
14 (B) of section 1086(d)(6) of this title; and

15 “(2) provide information and counseling pursu-
16 ant to subparagraph (D) of such section.”.

17 (b) NON-APPLICATION OF MEDICARE PART B LATE
18 ENROLLMENT PENALTY.—Section 1839(b) of the Social
19 Security Act (42 U.S.C. 1395r(b)) is amended, in the sec-
20 ond sentence, by inserting “or months for which the indi-
21 vidual can demonstrate that the individual is an individual
22 described in paragraph (6)(B) of section 1086(d) of title
23 10, United States Code, who is enrolled in the TRICARE
24 program pursuant to such section” after “an individual
25 described in section 1837(k)(3)”.

1 (c) REPORT.—Not later than October 1, 2024, the
2 Secretary of Defense, the Secretary of Health and Human
3 Services, and the Commissioner of Social Security shall
4 jointly submit to the Committees on Armed Services of
5 the House of Representatives and the Senate, the Com-
6 mittee on Ways and Means and the Committee on Energy
7 and Commerce of the House of Representatives, and the
8 Committee on Finance of the Senate a report on the im-
9 plementation of section 1086(d)(6) of title 10, United
10 States Code, as added by subsection (a). Such report shall
11 include, with respect to the period covered by the report—

12 (1) the number of individuals enrolled in
13 TRICARE for Life who are not enrolled in the sup-
14 plementary medical insurance program under part B
15 of title XVIII of the Social Security Act (42 U.S.C.
16 1395j et seq.) by reason of such section 1086(d)(6);
17 and

18 (2) the number of individuals who—

19 (A) are retired from the Armed Forces
20 under chapter 61 of title 10, United States
21 Code;

22 (B) are entitled to hospital insurance bene-
23 fits under part A of title XVIII of the Social
24 Security Act pursuant to receiving benefits for
25 24 months as described in subparagraph (A) or

1 (C) of section 226(b)(2) of such Act (42 U.S.C.
2 426(b)(2)); and

3 (C) because of such entitlement, are no
4 longer enrolled in TRICARE Standard,
5 TRICARE Prime, TRICARE Extra, or
6 TRICARE Select under chapter 55 of title 10,
7 United States Code.

8 (d) DEPOSIT OF SAVINGS INTO MEDICARE IMPROVE-
9 MENT FUND.—Section 1898(b)(1) of the Social Security
10 Act (42 U.S.C. 1395iii(b)(1)) is amended by striking
11 “during and after fiscal year 2021, \$0” and inserting
12 “during and after fiscal year 2024, \$5,000,000”.

13 (e) APPLICATION.—The amendments made by sub-
14 sections (a) and (b) shall apply with respect to a person
15 who, on or after October 1, 2023, is a person described
16 in section 1086(d)(6)(B) of title 10, United States Code,
17 as added by subsection (a).

18 **SEC. 7 ____. COVERAGE OF CERTAIN DNA SPECIMEN PROVE-**
19 **NANCE ASSAY TESTS UNDER MEDICARE.**

20 (a) BENEFIT.—

21 (1) COVERAGE.—Section 1861 of the Social Se-
22 curity Act (42 U.S.C. 1395x) is amended—

23 (A) in subsection (s)(2)—

24 (i) in subparagraph (GG), by striking
25 “and” at the end;

1 (ii) in subparagraph (HH), by insert-
2 ing “and” at the end; and

3 (iii) by adding at the end the fol-
4 lowing new subparagraph:

5 “(II) a prostate cancer DNA Specimen Prove-
6 nance Assay test (DSPA test) (as defined in sub-
7 section (kkk)); and”;

8 (B) by adding at the end the following new
9 subsection:

10 “(kkk) PROSTATE CANCER DNA SPECIMEN PROVE-
11 NANCE ASSAY TEST.—The term ‘prostate cancer DNA
12 Specimen Provenance Assay Test’ (DSPA test) means a
13 test that, after a determination of cancer in one or more
14 prostate biopsy specimens obtained from an individual, as-
15 sesses the identity of the DNA in such specimens by com-
16 paring such DNA with the DNA that was separately taken
17 from such individual at the time of the biopsy.”.

18 (2) EXCLUSION FROM COVERAGE.—Section
19 1862(a)(1) of the Social Security Act (42 U.S.C.
20 1395y(a)(1)) is amended—

21 (A) in subparagraph (O), by striking
22 “and” at the end;

23 (B) in subparagraph (P), by striking the
24 semicolon at the end and inserting “, and”; and

1 (C) by adding at the end the following new
2 subparagraph:

3 “(Q) in the case of a prostate cancer DNA
4 Specimen Provenance Assay test (DSPA test) (as
5 defined in section 1861(kkk)), unless such test is
6 furnished on or after January 1, 2020, and before
7 January 1, 2025, and such test is ordered by the
8 physician who furnished the prostate cancer biopsy
9 that obtained the specimen tested;”.

10 (b) PAYMENT AMOUNT AND RELATED REQUIRE-
11 MENTS.—Section 1834 of the Social Security Act (42
12 U.S.C. 1395m) is amended by adding at the end the fol-
13 lowing new subsection:

14 “(x) PROSTATE CANCER DNA SPECIMEN PROVE-
15 NANCE ASSAY TESTS.—

16 “(1) PAYMENT FOR COVERED TESTS.—

17 “(A) IN GENERAL.—Subject to subpara-
18 graph (B), the payment amount for a prostate
19 cancer DNA Specimen Provenance Assay test
20 (DSPA test) (as defined in section 1861(kkk))
21 shall be \$200. Such payment shall be payment
22 for all of the specimens obtained from the bi-
23 opsy furnished to an individual that are tested.

1 “(B) LIMITATION.—Payment for a DSPA
2 test under subparagraph (A) may only be made
3 on an assignment-related basis.

4 “(C) PROHIBITION ON SEPARATE PAY-
5 MENT.—No separate payment shall be made for
6 obtaining DNA that was separately taken from
7 an individual at the time of a biopsy described
8 in subparagraph (A).

9 “(2) HCPCS CODE AND MODIFIER ASSIGN-
10 MENT.—

11 “(A) IN GENERAL.—The Secretary shall
12 assign one or more HCPCS codes to a prostate
13 cancer DNA Specimen Provenance Assay test
14 and may use a modifier to facilitate making
15 payment under this section for such test.

16 “(B) IDENTIFICATION OF DNA MATCH ON
17 CLAIM.—The Secretary shall require an indica-
18 tion on a claim for a prostate cancer DNA
19 Specimen Provenance Assay test of whether the
20 DNA of the prostate biopsy specimens match
21 the DNA of the individual diagnosed with pros-
22 tate cancer. Such indication may be made
23 through use of a HCPCS code, a modifier, or
24 other means, as determined appropriate by the
25 Secretary.

1 “(3) DNA MATCH REVIEW.—

2 “(A) IN GENERAL.—The Secretary shall
3 review at least three years of claims under part
4 B for prostate cancer DNA Specimen Prove-
5 nance Assay tests to identify whether the DNA
6 of the prostate biopsy specimens match the
7 DNA of the individuals diagnosed with prostate
8 cancer.

9 “(B) POSTING ON INTERNET WEBSITE.—
10 Not later than July 1, 2023, the Secretary shall
11 post on the internet website of the Centers for
12 Medicare & Medicaid Services the findings of
13 the review conducted under subparagraph
14 (A).”.

15 (c) COST-SHARING.—Section 1833(a)(1) of the So-
16 cial Security Act (42 U.S.C. 1395l(a)(1)) is amended—

17 (1) by striking “and (CC)” and inserting
18 “(CC)”; and

19 (2) by inserting before the semicolon at the end
20 the following: “, and (DD) with respect to a prostate
21 cancer DNA Specimen Provenance Assay test
22 (DSPA test) (as defined in section 1861(kkk)), the
23 amount paid shall be an amount equal to 80 percent

1 of the lesser of the actual charge for the test or the
2 amount specified under section 1834(x)".

