

112TH CONGRESS
2D SESSION

S. 3313

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 17, 2012

Referred to the Committee on Veterans' Affairs

AN ACT

To amend title 38, United States Code, to improve the reproductive assistance provided by the Department of Veterans Affairs to severely wounded, ill, or injured veterans and their spouses, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Women Veterans and
3 Other Health Care Improvements Act of 2012”.

4 **SEC. 2. CLARIFICATION THAT FERTILITY COUNSELING AND**
5 **TREATMENT ARE MEDICAL SERVICES WHICH**
6 **THE SECRETARY MAY FURNISH TO VET-**
7 **ERANS LIKE OTHER MEDICAL SERVICES.**

8 Section 1701(6) of title 38, United States Code, is
9 amended by adding at the end the following new subpara-
10 graph:

11 “(H) Fertility counseling and treatment,
12 including treatment using assisted reproductive
13 technology.”.

14 **SEC. 3. REPRODUCTIVE TREATMENT AND CARE FOR**
15 **SPOUSES AND SURROGATES OF VETERANS.**

16 (a) IN GENERAL.—Subchapter VIII of chapter 17 of
17 title 38, United States Code, is amended by adding at the
18 end the following new section:

19 **“§ 1788. Reproductive treatment and care for spouses**
20 **and surrogates of veterans**

21 “(a) IN GENERAL.—The Secretary shall furnish fer-
22 tility counseling and treatment, including through the use
23 of assisted reproductive technology, to a spouse or surro-
24 gate of a severely wounded, ill, or injured veteran who has
25 an infertility condition incurred or aggravated in line of
26 duty in the active military, naval, or air service and who

1 is enrolled in the system of annual patient enrollment es-
 2 tablished under section 1705(a) of this title if the spouse
 3 or surrogate and the veteran apply jointly for such coun-
 4 seling and treatment through a process prescribed by the
 5 Secretary.

6 “(b) COORDINATION OF CARE FOR OTHER SPOUSES
 7 AND SURROGATES.—In the case of a spouse or surrogate
 8 of a veteran not described in subsection (a) who is seeking
 9 fertility counseling and treatment, the Secretary may co-
 10 ordinate fertility counseling and treatment for such spouse
 11 or surrogate.

12 “(c) CONSTRUCTION.—Nothing in this section shall
 13 be construed to require the Secretary to find or certify
 14 a surrogate for a veteran or to connect a surrogate with
 15 an injured veteran.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
 17 at the beginning of chapter 17 of such title is amended
 18 by inserting after the item relating to section 1787 the
 19 following new item:

“1788. Reproductive treatment and care for spouses and surrogates of vet-
 erans.”.

20 **SEC. 4. ADOPTION ASSISTANCE.**

21 (a) IN GENERAL.—Subchapter VIII of chapter 17 of
 22 title 38, United States Code, as amended by section 3,
 23 is further amended by adding at the end the following new
 24 section:

1 **“§ 1789. Adoption assistance**

2 “(a) IN GENERAL.—The Secretary may pay an
3 amount, not to exceed the limitation amount, to assist a
4 covered veteran in the adoption of one or more children.

5 “(b) COVERED VETERAN.—For purposes of this sec-
6 tion, a covered veteran is any severely wounded, ill, or in-
7 jured veteran who—

8 “(1) has an infertility condition incurred or ag-
9 gravated in line of duty in the active military, naval,
10 or air service; and

11 “(2) is enrolled in the system of annual patient
12 enrollment established under section 1705(a) of this
13 title.

14 “(c) LIMITATION AMOUNT.—For purposes of this
15 section, the limitation amount is the amount equal to the
16 lesser of—

17 “(1) the cost the Department would incur if the
18 Secretary were to provide a covered veteran with one
19 cycle of in vitro fertilization, as determined by the
20 Secretary; and

21 “(2) the cost the Department would incur by
22 paying the expenses of three adoptions by covered
23 veterans, as determined by the Secretary.”.

24 (b) CLERICAL AMENDMENT.—The table of sections
25 at the beginning of chapter 17 of such title, as amended

1 by section 3, is further amended by inserting after the
 2 item relating to section 1788 the following new item:

“1789. Adoption assistance.”.

3 **SEC. 5. REPORT ON PROVISION OF FERTILITY COUNSELING**
 4 **AND TREATMENT.**

5 (a) IN GENERAL.—Each year, the Secretary of Vet-
 6 erans Affairs shall submit to the Committee on Veterans’
 7 Affairs of the Senate and the Committee on Veterans’ Af-
 8 fairs of the House of Representatives a report on the fer-
 9 tility counseling and treatment furnished by the Depart-
 10 ment of Veterans Affairs during the year preceding the
 11 submittal of the report.

12 (b) ELEMENTS.—Each report submitted under sub-
 13 section (a) shall include, for the period covered by the re-
 14 port, the following:

15 (1) The number of veterans who received fer-
 16 tility counseling or treatment furnished by the De-
 17 partment of Veterans Affairs, disaggregated by era
 18 of military service of such veterans.

19 (2) The number of spouses and surrogates of
 20 veterans who received fertility counseling or treat-
 21 ment furnished by the Department.

22 (3) The cost to the Department of furnishing
 23 fertility counseling and treatment, disaggregated by
 24 cost of services and administration.

1 (4) The average cost to the Department per re-
2 cipient of such counseling and treatment.

3 (5) In cases in which the Department furnished
4 fertility treatment through the use of assisted repro-
5 ductive technology, the average number of cycles per
6 person furnished.

7 (6) A description of how fertility counseling and
8 treatment services of the Department are coordi-
9 nated with similar services of the Department of De-
10 fense.

11 **SEC. 6. REGULATIONS ON FURNISHING OF FERTILITY**
12 **COUNSELING AND TREATMENT AND ADOPT-**
13 **ION ASSISTANCE.**

14 (a) IN GENERAL.—Not later than 540 days after the
15 date of the enactment of this Act, the Secretary of Vet-
16 erans Affairs shall prescribe regulations—

17 (1) on the furnishing of fertility treatment to
18 veterans using assisted reproductive technology;

19 (2) to carry out section 1788 of title 38, United
20 States Code, as added by section 3; and

21 (3) to carry out section 1789 of such title, as
22 added by section 4.

23 (b) LIMITATION.—Notwithstanding any other provi-
24 sion of law, during the period beginning on the date of
25 the enactment of this Act and ending on the date on which

1 the Secretary prescribes regulations under subsection (a),
2 the Secretary may not furnish—

3 (1) to any veteran, any fertility treatment using
4 assisted reproductive technology;

5 (2) any fertility counseling or treatment under
6 section 1788 of title 38, United States Code, as
7 added by section 3; or

8 (3) any assistance under section 1789 of such
9 title, as added by section 4.

10 **SEC. 7. COORDINATION WITH DEPARTMENT OF DEFENSE**
11 **ON FURNISHING OF FERTILITY COUNSELING**
12 **AND TREATMENT.**

13 The Secretary of Veterans Affairs shall coordinate
14 the furnishing of fertility counseling and treatment by the
15 Department of Veterans Affairs with the furnishing of fer-
16 tility counseling and treatment by the Department of De-
17 fense.

18 **SEC. 8. FUNDING.**

19 Amounts for a fiscal year to carry out this Act, sec-
20 tion 7330B of title 38, United States Code, as added by
21 section 2(a), section 1787 of such title, as added by section
22 4(a), and the amendments made by this Act shall be de-
23 rived from amounts made available for an overseas contin-
24 gency operation in that fiscal year, if amounts were made

1 available for an overseas contingency operation in that fis-
2 cal year.

Passed the Senate December 13, 2012.

Attest: NANCY ERICKSON,
Secretary.