

117TH CONGRESS  
1ST SESSION

# S. 1280

To improve the reproductive assistance provided by the Department of Defense and the Department of Veterans Affairs to certain members of the Armed Forces, veterans, and their spouses or partners, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 21, 2021

Mrs. MURRAY (for herself, Ms. DUCKWORTH, Mr. DURBIN, Ms. WARREN, Mr. MARKEY, Mr. SANDERS, Mr. BLUMENTHAL, Mr. BENNET, Mr. COONS, Mr. WYDEN, Mr. BROWN, Mrs. SHAHEEN, Mr. WARNOCK, Ms. HASSAN, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To improve the reproductive assistance provided by the Department of Defense and the Department of Veterans Affairs to certain members of the Armed Forces, veterans, and their spouses or partners, 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,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Veteran Families Health Services Act of 2021”.

1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REPRODUCTIVE AND FERTILITY PRESERVATION  
 ASSISTANCE FOR MEMBERS OF THE ARMED FORCES

Sec. 101. Definitions.

Sec. 102. Provision of fertility treatment and counseling to certain members of the Armed Forces and spouses, partners, and gestational surrogates of such members.

Sec. 103. Establishment of fertility preservation procedures after an injury or illness.

Sec. 104. Cryopreservation and storage of gametes of members of the Armed Forces on active duty.

Sec. 105. Assistance with and continuity of care regarding reproductive and fertility preservation services.

Sec. 106. Coordination between Department of Defense and Department of Veterans Affairs on furnishing of fertility treatment and counseling.

TITLE II—REPRODUCTIVE AND ADOPTION ASSISTANCE FOR  
 VETERANS

Sec. 201. Inclusion of fertility treatment and counseling under the definition of medical services in title 38.

Sec. 202. Fertility treatment and counseling for certain veterans and spouses, partners, and gestational surrogates of such veterans.

Sec. 203. Adoption assistance for certain veterans.

Sec. 204. Assistance with and continuity of care regarding reproductive and fertility preservation services.

Sec. 205. Facilitation of reproduction and infertility research.

Sec. 206. Annual report on fertility treatment and counseling furnished by Department of Veterans Affairs.

Sec. 207. Report on timeliness and adequacy of access by veterans to fertility treatment and counseling services furnished by Department of Veterans Affairs.

Sec. 208. Regulations on furnishing of fertility treatment and counseling and adoption assistance by Department of Veterans Affairs.

3 **TITLE I—REPRODUCTIVE AND**  
 4 **FERTILITY PRESERVATION**  
 5 **ASSISTANCE FOR MEMBERS**  
 6 **OF THE ARMED FORCES**

7 **SEC. 101. DEFINITIONS.**

8 In this title:

1           (1) ACTIVE DUTY.—The term “active duty” has  
2           the meaning given that term in section 101(d)(1) of  
3           title 10, United States Code.

4           (2) ARMED FORCES.—The term “Armed  
5           Forces” has the meaning given the term “armed  
6           forces” in section 101(a)(4) of such title.

7   **SEC. 102. PROVISION OF FERTILITY TREATMENT AND**  
8                           **COUNSELING TO CERTAIN MEMBERS OF THE**  
9                           **ARMED FORCES AND SPOUSES, PARTNERS,**  
10                          **AND GESTATIONAL SURROGATES OF SUCH**  
11                          **MEMBERS.**

12           (a) FERTILITY TREATMENT AND COUNSELING.—

13           (1) IN GENERAL.—The Secretary of Defense  
14           shall furnish fertility treatment and counseling, in-  
15           cluding through the use of assisted reproductive  
16           technology, to a covered member of the Armed  
17           Forces or a spouse, partner, or gestational surrogate  
18           of such a member.

19           (2) ELIGIBILITY FOR TREATMENT AND COUN-  
20           SELING.—Fertility treatment and counseling shall be  
21           furnished under paragraph (1) without regard to the  
22           sex, gender identity, sexual orientation, or marital  
23           status of the covered member of the Armed Forces.

24           (3) IN VITRO FERTILIZATION.—In the case of  
25           in vitro fertilization treatment furnished under para-

1 graph (1), the Secretary may furnish not more than  
2 three completed cycles or six attempted cycles of in  
3 vitro fertilization, whichever occurs first, to an indi-  
4 vidual under such paragraph.

5 (b) PROCUREMENT OF GAMETES.—If a covered  
6 member of the Armed Forces is unable to provide their  
7 gametes for purposes of fertility treatment under sub-  
8 section (a), the Secretary shall, at the election of such  
9 member, allow such member to receive such treatment  
10 with donated gametes and pay or reimburse such member  
11 the reasonable costs of procuring gametes from a donor.

12 (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
13 tion shall be construed to require the Secretary—

14 (1) to find or certify a gestational surrogate for  
15 a covered member of the Armed Forces or to con-  
16 nect a gestational surrogate with such a member; or

17 (2) to find or certify gametes from a donor for  
18 a covered member of the Armed Forces or to con-  
19 nect such a member with gametes from a donor.

20 (d) DEFINITIONS.—In this section:

21 (1) ASSISTED REPRODUCTIVE TECHNOLOGY.—  
22 The term “assisted reproductive technology” in-  
23 cludes in vitro fertilization and other fertility treat-  
24 ments in which both eggs and sperm are handled  
25 when clinically appropriate.

1           (2) COVERED MEMBER OF THE ARMED  
2       FORCES.—The term “covered member of the Armed  
3       Forces” means a member of the Armed Forces who  
4       has an infertility condition, unless the Secretary can  
5       show that the member was completely infertile be-  
6       fore service on active duty in the Armed Forces.

7           (3) FERTILITY TREATMENT.—The term “fer-  
8       tility treatment” includes the following:

9                   (A) Procedures that use assisted reproduc-  
10       tive technology.

11                   (B) Sperm retrieval.

12                   (C) Egg retrieval.

13                   (D) Artificial insemination.

14                   (E) Embryo transfer.

15                   (F) Such other treatments as the Sec-  
16       retary of Defense considers appropriate.

17           (4) INFERTILITY CONDITION.—The term “in-  
18       fertility condition” includes—

19                   (A) a diagnosis of infertility; or

20                   (B) the inability to conceive or safely carry  
21       a pregnancy to term, including as a result of  
22       treatment for another condition.

23           (5) PARTNER.—The term “partner”, with re-  
24       spect to a member of the Armed Forces, means an  
25       individual selected by the member who agrees to

1 share with the member the parental responsibilities  
2 with respect to any child born as a result of the use  
3 of any fertility treatment under this section.

4 **SEC. 103. ESTABLISHMENT OF FERTILITY PRESERVATION**  
5 **PROCEDURES AFTER AN INJURY OR ILLNESS.**

6 (a) IN GENERAL.—The Secretary of Defense, acting  
7 through the Assistant Secretary of Defense for Health Af-  
8 fairs, shall establish procedures for the retrieval of  
9 gametes, as soon as medically appropriate, from a member  
10 of the Armed Forces in cases in which the fertility of such  
11 member is potentially jeopardized as a result of an injury  
12 or illness incurred or aggravated while serving on active  
13 duty in the Armed Forces in order to preserve the medical  
14 options of such member.

15 (b) CONSENT FOR RETRIEVAL OF GAMETES.—  
16 Gametes may be retrieved from a member of the Armed  
17 Forces under subsection (a) only—

18 (1) with the specific consent of the member; or  
19 (2) if the member is unable to consent, if a  
20 medical professional determines that—

21 (A) the future fertility of the member is  
22 potentially jeopardized as a result of an injury  
23 or illness described in subsection (a) or will be  
24 potentially jeopardized as a result of treating  
25 such injury or illness;

1 (B) the member lacks the capacity to con-  
 2 sent to the retrieval of gametes and is likely to  
 3 regain such capacity; and

4 (C) the retrieval of gametes under this sec-  
 5 tion is in the medical interest of the member.

6 (c) CONSENT FOR USE OF RETRIEVED GAMETES.—  
 7 Gametes retrieved from a member of the Armed Forces  
 8 under subsection (a) may be used only—

9 (1) with the specific consent of the member; or

10 (2) if the member has lost the ability to consent  
 11 permanently, as determined by a medical profes-  
 12 sional, as specified in an advance directive or testa-  
 13 mentary instrument executed by the member.

14 (d) DISPOSAL OF GAMETES.—In accordance with  
 15 regulations prescribed by the Secretary for purpose of this  
 16 subsection, the Secretary shall dispose of gametes re-  
 17 trieved from a member of the Armed Forces under sub-  
 18 section (a)—

19 (1) with the specific consent of the member; or

20 (2) if the member—

21 (A) has lost the ability to consent perma-  
 22 nently, as determined by a medical professional;  
 23 and

1 (B) has not specified the use of their  
 2 gametes in an advance directive or testa-  
 3 mentary instrument executed by the member.

4 **SEC. 104. CRYOPRESERVATION AND STORAGE OF GAMETES**  
 5 **OF MEMBERS OF THE ARMED FORCES ON AC-**  
 6 **TIVE DUTY.**

7 (a) IN GENERAL.—The Secretary of Defense shall  
 8 provide members of the Armed Forces on active duty in  
 9 the Armed Forces with the opportunity to cryopreserve  
 10 and store their gametes prior to—

11 (1) deployment to a combat zone; or

12 (2) a duty assignment that includes a haz-  
 13 ardous assignment, as determined by the Secretary.

14 (b) PERIOD OF TIME.—

15 (1) IN GENERAL.—The Secretary shall provide  
 16 for the cryopreservation and storage of gametes of  
 17 any member of the Armed Forces under subsection  
 18 (a) in a facility of the Department of Defense or of  
 19 a private entity and the transportation of such  
 20 gametes, at no cost to the member, until the date  
 21 that is one year after the retirement, separation, or  
 22 release of the member from the Armed Forces.

23 (2) CONTINUED CRYOPRESERVATION AND  
 24 STORAGE.—At the end of the one-year period speci-  
 25 fied in paragraph (1), the Secretary shall permit an

1 individual whose gametes were cryopreserved and  
2 stored in a facility of the Department as described  
3 in that paragraph to select, including pursuant to an  
4 advance medical directive or military testamentary  
5 instrument completed under subsection (c), one of  
6 the following options:

7 (A) To continue such cryopreservation and  
8 storage in such facility with the cost of such  
9 cryopreservation and storage borne by the indi-  
10 vidual.

11 (B) To transfer the gametes to a private  
12 cryopreservation and storage facility selected by  
13 the individual.

14 (C) To transfer the gametes to a facility of  
15 the Department of Veterans Affairs if cryopre-  
16 servation and storage is available to the indi-  
17 vidual at such facility.

18 (3) DISPOSAL OF GAMETES.—If an individual  
19 described in paragraph (2) does not make a selection  
20 under subparagraph (A), (B), or (C) of such para-  
21 graph, the Secretary may dispose of the gametes of  
22 the individual not earlier than the date that is 90  
23 days after the end of the one-year period specified  
24 in paragraph (1) with respect to the individual.

1       (c) ADVANCE MEDICAL DIRECTIVE AND MILITARY  
 2 TESTAMENTARY INSTRUMENT.—A member of the Armed  
 3 Forces who elects to cryopreserve and store their gametes  
 4 under this section must complete an advance medical di-  
 5 rective, as defined in section 1044c(b) of title 10, United  
 6 States Code, and a military testamentary instrument, as  
 7 defined in section 1044d(b) of such title, that explicitly  
 8 specifies the use of their cryopreserved and stored gametes  
 9 if such member dies or otherwise loses the capacity to con-  
 10 sent to the use of their cryopreserved and stored gametes.

11       (d) AGREEMENTS.—To carry out this section, the  
 12 Secretary may enter into agreements with private entities  
 13 that provide cryopreservation, transportation, and storage  
 14 services for gametes.

15 **SEC. 105. ASSISTANCE WITH AND CONTINUITY OF CARE RE-**  
 16 **GARDING REPRODUCTIVE AND FERTILITY**  
 17 **PRESERVATION SERVICES.**

18       The Secretary of Defense shall ensure that employees  
 19 of the Department of Defense assist members of the  
 20 Armed Forces—

21           (1) in navigating the services provided under  
 22       this title;

23           (2) in finding a provider that meets the needs  
 24       of such members with respect to such services; and

1           (3) in continuing the receipt of such services  
2       without interruption during a permanent change of  
3       station for such members.

4 **SEC. 106. COORDINATION BETWEEN DEPARTMENT OF DE-**  
5 **FENSE AND DEPARTMENT OF VETERANS AF-**  
6 **FAIRS ON FURNISHING OF FERTILITY TREAT-**  
7 **MENT AND COUNSELING.**

8       (a) IN GENERAL.—The Secretary of Defense and the  
9       Secretary of Veterans Affairs shall share best practices  
10      and facilitate referrals, as they consider appropriate, on  
11      the furnishing of fertility treatment and counseling to in-  
12      dividuals eligible for the receipt of such counseling and  
13      treatment from the Secretaries.

14      (b) MEMORANDUM OF UNDERSTANDING.—The Sec-  
15      retary of Defense and the Secretary of Veterans Affairs  
16      shall enter into a memorandum of understanding—

17           (1) providing that the Secretary of Defense will  
18      ensure access by the Secretary of Veterans Affairs  
19      to gametes of veterans stored by the Department of  
20      Defense for purposes of furnishing fertility treat-  
21      ment under section 1720K of title 38, United States  
22      Code, as added by section 202(a); and

23           (2) authorizing the Department of Veterans Af-  
24      fairs to compensate the Department of Defense for

1 the cryopreservation, transportation, and storage of  
 2 gametes of veterans under section 104.

3 **TITLE II—REPRODUCTIVE AND**  
 4 **ADOPTION ASSISTANCE FOR**  
 5 **VETERANS**

6 **SEC. 201. INCLUSION OF FERTILITY TREATMENT AND**  
 7 **COUNSELING UNDER THE DEFINITION OF**  
 8 **MEDICAL SERVICES IN TITLE 38.**

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

12 “(I) Fertility treatment and counseling, in-  
 13 cluding treatment using assisted reproductive  
 14 technology.”.

15 **SEC. 202. FERTILITY TREATMENT AND COUNSELING FOR**  
 16 **CERTAIN VETERANS AND SPOUSES, PART-**  
 17 **NERS, AND GESTATIONAL SURROGATES OF**  
 18 **SUCH VETERANS.**

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

1   **“§ 1720K. Fertility treatment and counseling for cer-**  
2                   **tain veterans and spouses, partners, and**  
3                   **gestational surrogates of such veterans**

4           “(a) IN GENERAL.—(1) The Secretary shall furnish  
5 fertility treatment and counseling, including through the  
6 use of assisted reproductive technology, to a covered vet-  
7 eran or a spouse, partner, or gestational surrogate of a  
8 covered veteran if the veteran, and the spouse, partner,  
9 or gestational surrogate of the veteran, as applicable,  
10 apply jointly for such treatment and counseling through  
11 a process prescribed by the Secretary.

12          “(2) Fertility treatment and counseling shall be fur-  
13 nished under paragraph (1) without regard to the sex,  
14 gender identity, sexual orientation, or marital status of the  
15 covered veteran.

16          “(3) In the case of in vitro fertilization treatment fur-  
17 nished under paragraph (1), the Secretary may furnish  
18 not more than three completed cycles or six attempted cy-  
19 cles of in vitro fertilization, whichever occurs first, to an  
20 individual under such paragraph.

21          “(b) PROCUREMENT OF GAMETES.—If a covered vet-  
22 eran is unable to provide their gametes for purposes of  
23 fertility treatment under subsection (a), the Secretary  
24 shall, at the election of such member, allow such veteran  
25 to receive such treatment with donated gametes and pay

1 or reimburse such veteran the reasonable costs of pro-  
 2 curing gametes from a donor.

3 “(c) COORDINATION OF CARE FOR OTHER INDIVID-  
 4 UALS.—In the case of a veteran or a spouse, partner, or  
 5 gestational surrogate of a veteran not described in sub-  
 6 section (a) who is seeking fertility treatment and coun-  
 7 seling, the Secretary may coordinate fertility treatment  
 8 and counseling for such veteran, spouse, partner, or gesta-  
 9 tional surrogate.

10 “(d) OUTREACH AND TRAINING.—The Secretary  
 11 shall carry out an outreach and training program to en-  
 12 sure veterans and health care providers of the Department  
 13 are aware of—

14 “(1) the availability of and eligibility require-  
 15 ments for fertility treatment and counseling under  
 16 this section; and

17 “(2) any changes to fertility treatment and  
 18 counseling covered under this section.

19 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-  
 20 tion shall be construed to require the Secretary—

21 “(1) to find or certify a gestational surrogate  
 22 for a covered veteran or to connect a gestational sur-  
 23rogate with a covered veteran; or

24 “(2) to furnish maternity care to a covered vet-  
 25 eran or spouse, partner, or gestational surrogate of

1 a covered veteran in addition to what is otherwise  
2 required by law.

3 “(f) DEFINITIONS.—In this section:

4 “(1) The term ‘assisted reproductive tech-  
5 nology’ includes in vitro fertilization and other fer-  
6 tility treatments in which both eggs and sperm are  
7 handled when clinically appropriate.

8 “(2) The term ‘covered veteran’ means a vet-  
9 eran who—

10 “(A) has an infertility condition, unless the  
11 Secretary can show that the veteran was com-  
12 pletely infertile before service in the active mili-  
13 tary, naval, or air service; and

14 “(B) is enrolled in the system of annual  
15 patient enrollment established under section  
16 1705(a) of this title.

17 “(3) The term ‘fertility treatment’ includes the  
18 following:

19 “(A) Procedures that use assisted repro-  
20 ductive technology.

21 “(B) Sperm retrieval.

22 “(C) Egg retrieval.

23 “(D) Artificial insemination.

24 “(E) Embryo transfer.

1           “(F) Such other treatments as the Sec-  
2           retary considers appropriate.

3           “(4) The term ‘infertility condition’ includes—

4           “(A) a diagnosis of infertility; or

5           “(B) the inability to conceive or safely  
6           carry a pregnancy to term, including as a result  
7           of treatment for another condition.

8           “(5) The term ‘partner’, with respect to a vet-  
9           eran, means an individual selected by the veteran  
10          who agrees to share with the veteran the parental  
11          responsibilities with respect to any child born as a  
12          result of the use of any fertility treatment under this  
13          section.”.

14          (b) CLERICAL AMENDMENT.—The table of sections  
15          at the beginning of subchapter II of chapter 17 of such  
16          title is amended by inserting after the item relating to sec-  
17          tion 1720J the following new item:

            “1720K. Fertility treatment and counseling for certain veterans and spouses,  
            partners, and gestational surrogates of such veterans.”.

18       **SEC. 203. ADOPTION ASSISTANCE FOR CERTAIN VETERANS.**

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

22       **“§ 1789. Adoption assistance**

23          “(a) IN GENERAL.—The Secretary may pay an  
24          amount, not to exceed the limitation amount, to assist a

1 covered veteran in the adoption of one or more children,  
 2 without regard to the sex, gender identity, sexual orienta-  
 3 tion, or marital status of the covered veteran.

4 “(b) LIMITATION AMOUNT.—For purposes of this  
 5 section, the limitation amount is the amount equal to the  
 6 cost the Department would incur by paying the expenses  
 7 of three adoptions by covered veterans, as determined by  
 8 the Secretary.

9 “(c) COVERED VETERAN DEFINED.—In this section,  
 10 the term ‘covered veteran’ has the meaning given that  
 11 term in section 1720K(f) of this title.”.

12 (b) CLERICAL AMENDMENT.—The table of sections  
 13 at the beginning of subchapter VIII of chapter 17 of such  
 14 title is amended by inserting after the item relating to sec-  
 15 tion 1788 the following new item:

“1789. Adoption assistance.”.

16 **SEC. 204. ASSISTANCE WITH AND CONTINUITY OF CARE RE-**  
 17 **GARDING REPRODUCTIVE AND FERTILITY**  
 18 **PRESERVATION SERVICES.**

19 The Secretary of Veterans Affairs shall ensure that  
 20 employees of the Department of Veterans Affairs assist  
 21 veterans—

22 (1) in navigating the services provided under  
 23 this title and the amendments made by this title;

24 (2) in finding a provider that meets the needs  
 25 of such veterans with respect to such services; and

1           (3) in continuing the receipt of such services  
 2           without interruption if such veterans move to a dif-  
 3           ferent geographic location.

4 **SEC. 205. FACILITATION OF REPRODUCTION AND INFER-**  
 5 **TILITY RESEARCH.**

6           (a) IN GENERAL.—Subchapter II of chapter 73 of  
 7 title 38, United States Code, is amended by adding at the  
 8 end the following new section:

9 **“§ 7330D. Facilitation of reproduction and infertility**  
 10 **research**

11           “(a) FACILITATION OF RESEARCH REQUIRED.—The  
 12 Secretary shall facilitate research conducted collabo-  
 13 ratively by the Secretary of Defense and the Secretary of  
 14 Health and Human Services to improve the ability of the  
 15 Department of Veterans Affairs to meet the long-term re-  
 16 productive health care needs of veterans who have a geni-  
 17 tourinary service-connected disability or a condition that  
 18 was incurred or aggravated in line of duty in the active  
 19 military, naval, or air service, such as a spinal cord injury,  
 20 military sexual trauma, or a mental health condition, that  
 21 affects the ability of the veteran to reproduce.

22           “(b) DISSEMINATION OF INFORMATION.—The Sec-  
 23 retary shall ensure that information produced by the re-  
 24 search facilitated under this section that may be useful  
 25 for other activities of the Veterans Health Administration

1 is disseminated throughout the Veterans Health Adminis-  
2 tration.”.

3 (b) CLERICAL AMENDMENT.—The table of sections  
4 at the beginning of subchapter II of chapter 73 of such  
5 title is amended by inserting after the item relating to sec-  
6 tion 7330C the following new item:

“7330D. Facilitation of reproduction and infertility research.”.

7 (c) REPORT.—

8 (1) IN GENERAL.—Not later than three years  
9 after the date of the enactment of this Act, the Sec-  
10 retary of Veterans Affairs shall submit to Congress  
11 a report on the research activities conducted by the  
12 Secretary under section 7330D of title 38, United  
13 States Code, as added by subsection (a).

14 (2) ELEMENTS.—The report submitted under  
15 paragraph (1) shall include demographic data on  
16 veterans included in the research conducted under  
17 section 7330D of title 38, United States Code, as  
18 added by subsection (a), disaggregated by age, race,  
19 ethnicity, sex, gender identity, sexual orientation,  
20 marital status, type of disability (if applicable), and  
21 geographic location of such veterans.

1 **SEC. 206. ANNUAL REPORT ON FERTILITY TREATMENT AND**  
2 **COUNSELING FURNISHED BY DEPARTMENT**  
3 **OF VETERANS AFFAIRS.**

4 (a) IN GENERAL.—Not later than one year after the  
5 date of the enactment of this Act, and not less frequently  
6 than annually thereafter, the Secretary of Veterans Af-  
7 fairs shall submit to the Committee on Veterans' Affairs  
8 of the Senate and the Committee on Veterans' Affairs of  
9 the House of Representatives a report on the fertility  
10 treatment and counseling furnished by the Department of  
11 Veterans Affairs, including through non-Department pro-  
12 viders, during the year preceding the submittal of the re-  
13 port.

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

17 (1) The number of veterans who were diagnosed  
18 with clinical infertility, disaggregated by age, race,  
19 ethnicity, sex, gender identity, sexual orientation,  
20 marital status, type of disability (if applicable), geo-  
21 graphic location, era of military service, and, to the  
22 extent possible to determine, the cause of infertility  
23 of such veterans.

24 (2) The number of veterans who received fer-  
25 tility treatment or counseling furnished by the De-  
26 partment of Veterans Affairs, including through

1 non-Department providers, disaggregated by age,  
2 race, ethnicity, sex, gender identity, sexual orienta-  
3 tion, marital status, type of disability (if applicable),  
4 geographic location, era of military service, and, to  
5 the extent possible to determine, the cause of infer-  
6 tility of such veterans.

7 (3) The number of veterans who self-reported  
8 difficulty becoming pregnant or successfully carrying  
9 a pregnancy to term to a health care provider of the  
10 Department or a non-Department provider, disag-  
11 gregated by age, race, ethnicity, sex, gender identity,  
12 sexual orientation, marital status, type of disability  
13 (if applicable), and geographic location of such vet-  
14 erans.

15 (4) The number of veterans who were exposed  
16 to hazardous chemical or biological agents during  
17 service in the Armed Forces who—

18 (A) received a clinical diagnosis of infer-  
19 tility; or

20 (B) self-reported difficulty becoming preg-  
21 nant or successfully carrying a pregnancy to  
22 term.

23 (5) The number of spouses, partners, and ges-  
24 tational surrogates of veterans who received fertility

1 treatment or counseling furnished by the Depart-  
 2 ment, including through non-Department providers.

3 (6) The cost to the Department of furnishing  
 4 fertility treatment and counseling, including through  
 5 non-Department providers, disaggregated by cost of  
 6 services and administration.

7 (7) The average cost to the Department per re-  
 8 cipient of fertility treatment and counseling.

9 (8) In cases in which the Department furnished  
 10 fertility treatment through the use of assisted repro-  
 11 ductive technology, including through non-Depart-  
 12 ment providers, the average number of cycles per  
 13 person furnished, disaggregated by type of treat-  
 14 ment.

15 (9) A description of how fertility treatment and  
 16 counseling services of the Department, including  
 17 those services provided through non-Department  
 18 providers, are coordinated with similar services of  
 19 the Department of Defense, including the average  
 20 wait time for veterans to transfer from the health  
 21 system of the Department of Defense to the Vet-  
 22 erans Health Administration.

23 (c) DEFINITIONS.—In this section, the terms “as-  
 24 sisted reproductive technology” and “partner” have the

1 meanings given those terms in section 1720K(f) of title  
 2 38, United States Code, as added by section 202(a).

3 **SEC. 207. REPORT ON TIMELINESS AND ADEQUACY OF AC-**  
 4 **CESS BY VETERANS TO FERTILITY TREAT-**  
 5 **MENT AND COUNSELING SERVICES FUR-**  
 6 **NISHED BY DEPARTMENT OF VETERANS AF-**  
 7 **FAIRS.**

8 (a) IN GENERAL.—Not later than 180 days after the  
 9 date of the enactment of this Act, and not less frequently  
 10 than every 180 days thereafter, the Secretary of Veterans  
 11 Affairs shall submit to Congress a report containing data  
 12 on the timeliness and adequacy of access by veterans to  
 13 fertility treatment and counseling services furnished by  
 14 the Department of Veterans Affairs, including through  
 15 non-Department providers.

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

19 (1) The average number of days from when a  
 20 veteran first seeks fertility treatment to when a re-  
 21 ferral for such treatment is made and the average  
 22 number of days from when such referral is made to  
 23 when an appointment for such treatment occurs,  
 24 disaggregated by facility of the Department or non-  
 25 Department provider.

1           (2) The average number of days from when a  
 2           veteran first seeks fertility counseling to when a re-  
 3           ferral for such counseling is made and the average  
 4           number of days from when such referral is made to  
 5           when an appointment for such counseling occurs,  
 6           disaggregated by facility of the Department or non-  
 7           Department provider.

8           (3) The number of available providers of the  
 9           Department and non-Department providers for fer-  
 10          tility treatment and counseling in each State or ter-  
 11          ritory, disaggregated by facility.

12          (4) The average number of days it takes for the  
 13          Secretary to pay claims for fertility treatment and  
 14          counseling services from non-Department providers  
 15          under section 1703D of title 38, United States Code.

16 **SEC. 208. REGULATIONS ON FURNISHING OF FERTILITY**  
 17 **TREATMENT AND COUNSELING AND ADOPT-**  
 18 **ION ASSISTANCE BY DEPARTMENT OF VET-**  
 19 **ERANS AFFAIRS.**

20          Not later than 18 months after the date of the enact-  
 21          ment of this Act, the Secretary of Veterans Affairs shall  
 22          prescribe regulations—

23               (1) to carry out section 1720K of title 38,  
 24          United States Code, as added by section 202(a); and

- 1           (2) to carry out section 1789 of such title, as
- 2       added by section 203(a).

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