

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 4087
OFFERED BY MS. BROWNLEY OF CALIFORNIA**

Strike section 4.

Redesignate section 5 as section 4.

Add at the end the following:

1 **SEC. 5. IN VITRO FERTILIZATION FOR CERTAIN DISABLED**
2 **VETERANS.**

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

6 **“§ 1720H. In vitro fertilization for certain disabled**
7 **veterans**

8 “(a) IN GENERAL.—In addition to any fertility treat-
9 ment otherwise furnished by the Secretary under this title,
10 if the Secretary determines that in vitro fertilization is
11 medically necessary, the Secretary shall furnish in vitro
12 fertilization to the covered individual upon the joint re-
13 quest of the covered individual and the spouse of the cov-
14 ered individual.

15 “(b) LIMITATION ON CYCLES AND ATTEMPTS.—In
16 furnishing in vitro fertilization to a covered individual

1 under this section, the Secretary may provide not more
2 than three in vitro fertilization cycles that result in a total
3 of not more than six implantation attempts.

4 “(c) STORAGE AND DISPOSITION OF GAMETES,
5 ZYGOTES, AND EMBRYOS.—(1) In carrying out this sec-
6 tion, the Secretary may provide for cryogenic storage of
7 the gametes, zygotes, and embryos of a covered individual
8 only for a period not to exceed three years.

9 “(2) During the period of cryogenic storage of the
10 gametes, zygotes, or embryos of a covered individual under
11 paragraph (1)—

12 “(A) any determination regarding the disposi-
13 tion of the gametes, zygotes, or embryos shall be
14 made by the covered individual in accordance with
15 the laws of the State in which the gametes, zygotes,
16 or embryos are located; and

17 “(B) the Secretary shall ensure that any activi-
18 ties relating to the custody or disposition of the
19 gametes, zygotes, or embryos are carried out in ac-
20 cordance with the laws of the State in which the
21 gametes, zygotes, or embryos are located.

22 “(3) After the period of cryogenic storage of the
23 gametes, zygotes, or embryos of a covered individual under
24 paragraph (1), the covered individual—

25 “(A) shall be solely responsible for—

1 “(i) the custody of the gametes, zygotes, or
2 embryos; and

3 “(ii) the payment of any costs relating to
4 the cryogenic storage of the gametes, zygotes,
5 or embryos; and

6 “(B) shall, with respect to any action or inac-
7 tion by the covered individual relating to custody
8 under subparagraph (A)(i) or costs under subpara-
9 graph (A)(ii), be subject to the laws of the State in
10 which the gametes, zygotes, or embryos are located.

11 “(4) The Secretary may not possess or store the
12 gametes, zygotes, or embryos of a covered individual at
13 a facility of the Department.

14 “(d) PROHIBITIONS.—In carrying out this section,
15 the Secretary may not—

16 “(1) provide any benefits or services relating to
17 surrogacy;

18 “(2) furnish in vitro fertilization that includes
19 mitochondrial donation;

20 “(3) assist with obtaining a donation of
21 gametes, zygotes, or embryos from a third party; or

22 “(4) use gametes, zygotes, or embryos for re-
23 search or cloning.

24 “(e) ACKNOWLEDGMENT OF REQUIREMENTS.—The
25 Secretary may not furnish in vitro fertilization to a cov-

1 ered individual under this section unless the covered indi-
2 vidual acknowledges, in writing—

3 “(1) the limitation described in subsection (b);

4 and

5 “(2) the period of cryogenic storage of gametes,

6 zygotes, and embryos described in subsection (c)(1)

7 and the responsibilities of the covered individual

8 under subsection (c)(3) after such period.

9 “(f) ANNUAL REPORT.—(1) Not later than one year
10 after the date of the enactment of the Women Veterans
11 and Families Health Services Act of 2015, and not less
12 frequently than annually thereafter, the Secretary shall
13 submit to the Committee on Veterans’ Affairs of the Sen-
14 ate and the Committee on Veterans’ Affairs of the House
15 of Representatives a report on in vitro fertilization fur-
16 nished to covered individuals under this section.

17 “(2) Each report submitted under paragraph (1)
18 shall include the following:

19 “(A) With respect to the year preceding the
20 submittal of the report, the following:

21 “(i) The number of covered individuals
22 who sought in vitro fertilization under this sec-
23 tion.

24 “(ii) An identification, in aggregate form
25 and excluding individually identifying informa-

1 tion, of the service-connected conditions de-
2 scribed in subsection (g)(1)(A)(ii) of such cov-
3 ered individuals.

4 “(iii) The cost of furnishing in vitro fer-
5 tilization under this section and a comparison
6 of such cost to the cost to a covered individual
7 of obtaining in vitro fertilization through the
8 private sector without assistance from the De-
9 partment.

10 “(iv) The number of successful implanta-
11 tions or births that occurred through the use of
12 in vitro fertilization furnished under this sec-
13 tion.

14 “(v) The number of individuals that the
15 Secretary determined were ineligible for in vitro
16 fertilization furnished under this section, in-
17 cluding the reasons for such ineligibility.

18 “(B) The total number, in aggregate form and
19 excluding individually identifying information, of in
20 vitro fertilization cycles and implantation attempts
21 furnished to covered individuals under this section
22 and the total number of such cycles and attempts
23 that such covered individuals have remaining.

24 “(g) DEFINITIONS.—In this section:

25 “(1) The term ‘covered individual’ means—

1 “(A) a veteran, regardless of sex, who—

2 “(i) is enrolled in the system of an-
3 nual patient enrollment established and op-
4 erated by the Secretary under section
5 1705(a) of this title; and

6 “(ii) has a service-connected condition
7 and such condition results in the veteran
8 being unable to procreate without the use
9 of in vitro fertilization; and

10 “(B) a spouse of a veteran described in
11 subparagraph (A).

12 “(2) The term ‘service-connected condition’
13 means a condition that was incurred or aggravated
14 in line of duty in the active military, naval, or air
15 service.”.

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 1720G the
19 following new item:

“1720H. In vitro fertilization for certain disabled veterans.”.

20 **SEC. 6. ADOPTION ASSISTANCE FOR CERTAIN DISABLED**
21 **VETERANS.**

22 (a) IN GENERAL.—Subchapter II of chapter 17 of
23 title 38, United States Code, as amended by section 5,
24 is further amended by adding at the end the following new
25 section:

1 **“§ 1720I. Adoption assistance for certain disabled vet-**
2 **erans**

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

7 “(b) DEFINITIONS.—In this section:

8 “(1) The term ‘covered veteran’ means a vet-
9 eran, regardless of sex, who—

10 “(A) is enrolled in the system of annual
11 patient enrollment established and operated by
12 the Secretary under section 1705(a) of this
13 title; and

14 “(B) has a service-connected condition and
15 such condition results in the veteran being un-
16 able to procreate without the use of in vitro fer-
17 tilization.

18 “(2) The term ‘limitation amount’ means the
19 amount equal to the cost the Department would
20 incur by paying the expenses of three adoptions by
21 covered veterans, as determined by the Secretary.

22 “(3) The term ‘service-connected condition’
23 means a condition that was incurred or aggravated
24 in line of duty in the active military, naval, or air
25 service.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 17 of such title, as amended
3 by section 2, is further amended by inserting after the
4 item relating to section 1720H the following new item:

“1720I. Adoption assistance for certain disabled veterans.”.

