

**SUBSTITUTE FOR THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 4892
OFFERED BY MS. BROWNLEY OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Women Veterans and
3 Families Health Services Act of 2016”.

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

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

9 **“§ 1720H. In vitro fertilization for certain disabled**
10 **veterans**

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

1 “(b) LIMITATION ON CYCLES AND ATTEMPTS.—In
2 furnishing in vitro fertilization to a covered individual
3 under this section, the Secretary may provide not more
4 than three in vitro fertilization cycles that result in a total
5 of not more than six implantation attempts.

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

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

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

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

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

4 “(A) shall be solely responsible for—

5 “(i) the custody of the gametes, zygotes, or
6 embryos; and

7 “(ii) the payment of any costs relating to
8 the cryogenic storage of the gametes, zygotes,
9 or embryos; and

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

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

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

20 “(1) provide any benefits or services relating to
21 surrogacy;

22 “(2) furnish in vitro fertilization that includes
23 mitochondrial donation;

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

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

3 “(e) ACKNOWLEDGMENT OF REQUIREMENTS.—The
4 Secretary may not furnish in vitro fertilization to a cov-
5 ered individual under this section unless the covered indi-
6 vidual acknowledges, in writing—

7 “(1) the limitation described in subsection (b);
8 and

9 “(2) the period of cryogenic storage of gametes,
10 zygotes, and embryos described in subsection (c)(1)
11 and the responsibilities of the covered individual
12 under subsection (c)(3) after such period.

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

21 “(2) Each report submitted under paragraph (1)
22 shall include the following:

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

1 “(i) The number of covered individuals
2 who sought in vitro fertilization under this sec-
3 tion.

4 “(ii) An identification, in aggregate form
5 and excluding individually identifying informa-
6 tion, of the service-connected conditions de-
7 scribed in subsection (g)(1)(A)(ii) of such cov-
8 ered individuals.

9 “(iii) The cost of furnishing in vitro fer-
10 tilization under this section and a comparison
11 of such cost to the cost to a covered individual
12 of obtaining in vitro fertilization through the
13 private sector without assistance from the De-
14 partment.

15 “(iv) The number of successful implanta-
16 tions or births that occurred through the use of
17 in vitro fertilization furnished under this sec-
18 tion.

19 “(v) The number of individuals that the
20 Secretary determined were ineligible for in vitro
21 fertilization furnished under this section, in-
22 cluding the reasons for such ineligibility.

23 “(B) The total number, in aggregate form and
24 excluding individually identifying information, of in
25 vitro fertilization cycles and implantation attempts

1 furnished to covered individuals under this section
2 and the total number of such cycles and attempts
3 that such covered individuals have remaining.

4 “(g) DEFINITIONS.—In this section:

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

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

7 “(i) is enrolled in the system of an-
8 nual patient enrollment established and op-
9 erated by the Secretary under section
10 1705(a) of this title; and

11 “(ii) has a service-connected condition
12 and such condition results in the veteran
13 being unable to procreate without the use
14 of in vitro fertilization; and

15 “(B) a spouse of a veteran described in
16 subparagraph (A).

17 “(2) The term ‘service-connected condition’
18 means a condition that was incurred or aggravated
19 in line of duty in the active military, naval, or air
20 service.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of chapter 17 of such title is amended
23 by inserting after the item relating to section 1720G the
24 following new item:

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

1 **SEC. 3. ADOPTION ASSISTANCE FOR CERTAIN DISABLED**
2 **VETERANS.**

3 (a) IN GENERAL.—Subchapter II of chapter 17 of
4 title 38, United States Code, as amended by section 2,
5 is further amended by adding at the end the following new
6 section:

7 **“§ 1720I. Adoption assistance for certain disabled vet-**
8 **erans**

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

13 “(b) DEFINITIONS.—In this section:

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

16 “(A) is enrolled in the system of annual
17 patient enrollment established and operated by
18 the Secretary under section 1705(a) of this
19 title; and

20 “(B) has a service-connected condition and
21 such condition results in the veteran being un-
22 able to procreate without the use of in vitro fer-
23 tilization.

24 “(2) The term ‘limitation amount’ means the
25 amount equal to the cost the Department would

1 incur by paying the expenses of three adoptions by
2 covered veterans, as determined by the Secretary.

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

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

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

11 **SEC. 4. EXTENSION OF REDUCTION IN AMOUNT OF PEN-**
12 **SION FURNISHED BY DEPARTMENT OF VET-**
13 **ERANS AFFAIRS FOR CERTAIN VETERANS**
14 **COVERED BY MEDICAID PLANS FOR SERV-**
15 **ICES FURNISHED BY NURSING FACILITIES.**

16 Section 5503(d)(7) of title 38, United States Code,
17 is amended by striking “September 30, 2024” and insert-
18 ing “September 30, 2025”.

