

AMENDMENT TO H.R. 1957
OFFERED BY Ms. Brownley

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Veterans Infertility
3 Treatment Act of 2022”.

4 SEC. 2. INFERTILITY TREATMENTS FOR VETERANS.

5 (a) **AUTHORITY.**—Chapter 17 of title 38, United
6 States Code, is amended by inserting after section 1720J
7 the following new section (and conforming the table of sec-
8 tions at the beginning of such chapter accordingly):

9 **“§ 1720K. Infertility treatment and standard fertility**
10 **preservation services**

11 “(a) **TREATMENT AND SERVICES.**—(1) In furnishing
12 medical services under this chapter, at the election of a
13 covered individual and subject to paragraph (4), the Sec-
14 retary shall furnish to the covered individual infertility
15 treatments (including through the use of assisted repro-
16 ductive technology), standard fertility preservation serv-
17 ices, or both.

18 “(2) In the case of in vitro fertilization treatment fur-
19 nished under paragraph (1), the Secretary may furnish

1 to a covered individual under such paragraph not more
2 than three completed in vitro fertilization cycles that re-
3 sult in live birth or 10 attempted in vitro fertilization cy-
4 cles, whichever occurs first.

5 “(3) The Secretary may furnish in vitro fertilization
6 treatment under paragraph (1) using donated gametes or
7 embryos.

8 “(4) The Secretary may not furnish to a covered indi-
9 vidual an in vitro fertilization cycle or other treatment or
10 service under paragraph (1) unless the Secretary receives
11 consent for such cycle, treatment, or service from each of
12 the following:

13 “(A) The covered individual.

14 “(B) If the covered individual is a partner of a
15 covered veteran, the covered veteran.

16 “(C) If applicable, the third-party donor.

17 “(b) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion shall be construed to require the Secretary to furnish
19 maternity care to a covered individual, in addition to what
20 is otherwise required by section 1786 of this title or other
21 provisions of law.

22 “(c) RELATIONSHIP TO STATE LAW.—The legal sta-
23 tus, custody, future use, donation, disposition, or destruc-
24 tion, of gametes or embryos relating to treatment or serv-
25 ices furnished under this section shall be determined in

1 accordance with the law of the State in which the gametes
2 or embryos are located.

3 “(d) PAYMENTS FOR BENEFICIARY TRAVEL FOR
4 PARTNERS.—For purposes of paying travel expenses
5 under section 111 of this title for treatment or services
6 furnished under this section to a partner of a covered vet-
7 eran, the Secretary shall deem the partner to be a veteran
8 receiving treatment or care under this chapter.

9 “(e) DEFINITIONS.—In this section:

10 “(1) The term ‘assisted reproductive tech-
11 nology’ includes in vitro fertilization and other infer-
12 tility treatments.

13 “(2) The term ‘covered individual’ means a cov-
14 ered veteran or a partner of a covered veteran.

15 “(3) The term ‘covered veteran’ means a vet-
16 eran who is enrolled in the system of annual patient
17 enrollment established under section 1705(a) of this
18 title and—

19 “(A) has infertility; or

20 “(B) is at risk of having infertility, as de-
21 termined by a licensed physician based on—

22 “(i) the medical, sexual, and repro-
23 ductive history, age, physical findings, or
24 diagnostic testing, or a combination there-
25 of, of the veteran; or

1 “(ii) any planned medication therapy,
2 surgery, radiation, chemotherapy, or other
3 medical treatment.

4 “(4) The term ‘infertility’ means a disease, con-
5 dition, or status characterized by—

6 “(A) the inability of a person to reproduce
7 either as an individual or with the partner of
8 the individual; or

9 “(B) the failure to conceive a pregnancy or
10 to carry a pregnancy to live birth after one year
11 of regular, unprotected sexual intercourse.

12 “(5) The term ‘partner’, with respect to a vet-
13 eran, means an individual selected by the veteran
14 who agrees to share with the veteran the parental
15 responsibilities with respect to any child born as a
16 result of the use of any infertility treatment under
17 this section.

18 “(6) The term ‘standard fertility preservation
19 service’ includes the procurement, cryopreservation,
20 and storage of gametes and embryos.”.

21 (b) APPLICABILITY; REGULATIONS.—

22 (1) APPLICABILITY.—Except as provided by
23 paragraph (3)(A), section 1720K of title 38, United
24 States Code, as added by subsection (a), shall apply
25 with respect to infertility treatment and standard

1 fertility preservation services furnished by the Sec-
2 retary of Veterans Affairs beginning on the date on
3 which the Secretary prescribes regulations under
4 paragraph (2).

5 (2) REGULATIONS.—Not later than one year
6 after the date of the enactment of this Act, the Sec-
7 retary shall prescribe regulations to carry out section
8 1720K of title 38, United States Code, as added by
9 subsection (a).

10 (3) INTERIM POLICIES.—

11 (A) CONTINUITY OF SERVICES.—Except as
12 provided by subparagraph (B), an individual
13 who on the day before the date on which the
14 Secretary prescribes regulations under para-
15 graph (2) is receiving counseling and treatment
16 furnished by the Secretary pursuant to existing
17 infertility authority may elect to—

18 (i) continue receiving such counseling
19 and services pursuant to the existing infer-
20 tility authority, subject to the limitations
21 of that authority; or

22 (ii) begin receiving such counseling
23 and services pursuant to section 1720K of
24 title 38, United States Code, as added by
25 subsection (a), subject to the limitations of

1 that section that shall be applied in a man-
2 ner that recognizes such counseling and
3 services previously furnished under the ex-
4 isting infertility authority.

5 (B) EXPANSION OF SERVICES.—During
6 the period beginning 180 days after the date of
7 the enactment of this Act and ending on the
8 date on which the Secretary prescribes regula-
9 tions under paragraph (2), the Secretary shall
10 ensure that counseling and treatment furnished
11 pursuant to existing infertility authority include
12 the following elements:

13 (i) The Secretary may furnish such
14 counseling and treatment to the partner of
15 a veteran covered by such provision with-
16 out regard to whether the partner and vet-
17 eran are married.

18 (ii) The Secretary may furnish such
19 counseling and treatment using donated
20 gametes or embryos.

21 (4) DEFINITIONS.—In this subsection:

22 (A) The term “existing infertility author-
23 ity” means section 234(a)(1) of the Military
24 Construction, Veterans Affairs, and Related
25 Agencies Appropriations Act, 2022 (division J

1 of Public Law 117–103; 136 Stat. 556), or
2 other provisions of law administered by the Sec-
3 retary of Veterans Affairs enacted before the
4 date of the enactment of this Act that provide
5 authority to the Secretary to furnish fertility
6 counseling and treatment.

7 (B) The term “partner” has the meaning
8 given that term in section 1720K of title 38,
9 United States Code, as added by subsection (a).

