



(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide coverage for infertility treatment and standard fertility preservation services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. BROWNLEY of California introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide coverage for infertility treatment and standard fertility preservation services, 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.**

4 This Act may be cited as the “Veterans Infertility
5 Treatment Act of 2021”.

1 **SEC. 2. INFERTILITY TREATMENTS FOR VETERANS.**

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

5 **“§ 1720K. Infertility treatment and standard fertility**
6 **preservation services**

7 “(a) TREATMENT AND SERVICES.—(1) In furnishing
8 medical services under this chapter, the Secretary shall
9 furnish infertility treatments (including through the use
10 of assisted reproductive technology), standard fertility
11 preservation services, or both, to a covered veteran or a
12 partner of a covered veteran, if the veteran and the part-
13 ner of the veteran apply jointly for such treatments or
14 services, or both, through a process prescribed by the Sec-
15 retary.

16 “(2) 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 that result in live
19 birth or six attempted cycles of in vitro fertilization,
20 whichever occurs first, to an individual under such para-
21 graph.

22 “(3) The Secretary may furnish in vitro fertilization
23 treatment under paragraph (1) using donated gametes or
24 embryos.

25 “(b) RULE OF CONSTRUCTION.—Nothing in this sec-
26 tion shall be construed to require the Secretary to furnish

1 maternity care to a covered veteran or partner of a covered
2 veteran, in addition to what is otherwise required by sec-
3 tion 1786 of this title or other provisions of law.

4 “(c) DEFINITIONS.—In this section:

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

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

11 “(A) has infertility; and

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

15 “(3) The term ‘infertility’—

16 “(A) means a disease or condition charac-
17 terized by—

18 “(i) the failure to conceive a preg-
19 nancy or to carry a pregnancy to live birth
20 after one year of regular, unprotected sex-
21 ual intercourse; or

22 “(ii) the inability of a person to repro-
23 duce either as an individual or with the
24 partner of the individual; and

1 “(B) includes instances in which a person
2 is at risk of being described in clauses (i) or (ii)
3 of subparagraph (A), as determined by a li-
4 censed physician based on—

5 “(i) the medical, sexual, and repro-
6 ductive history, age, physical findings, or
7 diagnostic testing, or a combination there-
8 of, of the person; or

9 “(ii) any planned medication therapy,
10 surgery, radiation, chemotherapy, or other
11 medical treatment.

12 “(4) 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 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of chapter 17 of such title is amended
20 by inserting after the item relating to section 1720J the
21 following new item:

 “1720K. Infertility treatment and standard fertility preservation services.”.

1 **SEC. 3. REGULATIONS ON FURNISHING OF INFERTILITY**
2 **TREATMENT BY DEPARTMENT OF VETERANS**
3 **AFFAIRS.**

4 (a) REGULATIONS.—Not later than 18 months after
5 the date of the enactment of this Act, the Secretary of
6 Veterans Affairs shall prescribe regulations to carry out
7 section 1720K of title 38, United States Code, as added
8 by section 2.

9 (b) INTERIM POLICIES.—During the period begin-
10 ning 180 days after the date of the enactment of this Act
11 and the date on which the regulations are prescribed
12 under subsection (a), the Secretary shall ensure that fer-
13 tility counseling and treatment furnished pursuant to sec-
14 tion 234(a)(1) of the Military Construction, Veterans Af-
15 fairs, and Related Agencies Appropriations Act, 2021 (di-
16 vision J of Public Law 116–260) or other provisions of
17 law administered by the Secretary include the following
18 elements:

19 (1) The Secretary may furnish such counseling
20 and treatment to the partner of a veteran covered by
21 such provision without regard to whether the partner
22 and veteran are married.

23 (2) The Secretary may furnish such counseling
24 and treatment using donated gametes or embryos.

25 (c) PARTNER DEFINED.—In this section, the term
26 “partner” has the meaning given that term in section

- 1 1720K of title 38, United States Code, as added by section
- 2 2.