

**Calendar No. 564**112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 3313**

To amend title 38, United States Code, to improve the assistance provided by the Department of Veterans Affairs to women veterans, to improve health care furnished by the Department, and for other purposes.

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**IN THE SENATE OF THE UNITED STATES**

JUNE 19, 2012

Mrs. MURRAY (for herself, Mr. TESTER, Mr. BEGICH, Mr. SANDERS, and Ms. MIKULSKI) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

DECEMBER 13, 2012

Reported by Mrs. MURRAY, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**A BILL**

To amend title 38, United States Code, to improve the assistance provided by the Department of Veterans Affairs to women veterans, to improve health care furnished by the Department, 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,*

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

2 (a) **SHORT TITLE.**—This Act may be cited as the  
 3 “Women Veterans and Other Health Care Improvements  
 4 Act of 2012”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for  
 6 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Facilitation of reproduction and infertility research.

Sec. 3. Clarification that fertility counseling and treatment are medical services  
 which the Secretary may furnish to veterans like other medical  
 services.

Sec. 4. Reproductive treatment and care delivery for spouses and surrogates of  
 veterans.

Sec. 5. Requirement to improve Department of Veterans Affairs women vet-  
 erans call center.

Sec. 6. Modification of pilot program on counseling in retreat settings for  
 women veterans newly separated from service in the Armed  
 Forces.

Sec. 7. Pilot programs on assistance for child care for certain veterans.

7 **SEC. 2. FACILITATION OF REPRODUCTION AND INFER-**  
 8 **TILITY RESEARCH.**

9 (a) **IN GENERAL.**—Subchapter H of chapter 73 of  
 10 title 38, United States Code, is amended by adding at the  
 11 end the following new section:

12 **“§ 7330B. Facilitation of reproduction and infertility**  
 13 **research**

14 **“(a) FACILITATION OF RESEARCH REQUIRED.**—The  
 15 Secretary shall facilitate research conducted collabo-  
 16 ratively by the Secretary of Defense and the Director of  
 17 the National Institutes of Health to improve the ability  
 18 of the Department of Veterans Affairs to meet the long-  
 19 term reproductive health care needs of veterans who have

1 a service-connected genitourinary disability or a condition  
 2 that was incurred or aggravated in line of duty in the ac-  
 3 tive military, naval, or air service, such as spinal cord in-  
 4 jury, that affects the veterans' ability to reproduce.

5 “(b) DISSEMINATION OF INFORMATION.—The Sec-  
 6 retary shall ensure that information produced by the re-  
 7 search facilitated under this section that may be useful  
 8 for other activities of the Veterans Health Administration  
 9 is disseminated throughout the Veterans Health Adminis-  
 10 tration.”.

11 (b) CLERICAL AMENDMENT.—The table of sections  
 12 at the beginning of chapter 73 is amended by inserting  
 13 after the item relating to section 7330A the following new  
 14 item:

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

15 (c) REPORT.—Not later than three years after the  
 16 date of the enactment of this Act, the Secretary of Vet-  
 17 erans Affairs shall submit to Congress a report on the re-  
 18 search activities conducted by the Secretary under section  
 19 7330B of title 38, United States Code, as added by sub-  
 20 section (a).

1 **SEC. 3. CLARIFICATION THAT FERTILITY COUNSELING AND**  
 2 **TREATMENT ARE MEDICAL SERVICES WHICH**  
 3 **THE SECRETARY MAY FURNISH TO VET-**  
 4 **ERANS LIKE OTHER MEDICAL SERVICES.**

5 Section 1701(6) of such title is amended by adding  
 6 at the end the following new subparagraph:

7 “(H) Fertility counseling and treatment,  
 8 including treatment using assisted reproductive  
 9 technology.”

10 **SEC. 4. REPRODUCTIVE TREATMENT AND CARE DELIVERY**  
 11 **FOR SPOUSES AND SURROGATES OF VET-**  
 12 **ERANS.**

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

16 **“§ 1787. Reproductive treatment and care for spouses**  
 17 **and surrogates of veterans**

18 “(a) IN GENERAL.—The Secretary shall furnish fer-  
 19 tility counseling and treatment, including through the use  
 20 of assisted reproductive technology, to a spouse or surro-  
 21 gate of a severely wounded veteran who has an infertility  
 22 condition incurred or aggravated in line of duty in the ac-  
 23 tive military, naval, or air service and who is enrolled in  
 24 the health care system established under section 1705(a)  
 25 of this title if the spouse and the veteran apply jointly

1 for such counseling and treatment through a process pre-  
 2 scribed by the Secretary.

3       “(b) COORDINATION OF CARE FOR OTHER SPOUSES  
 4 AND SURROGATES.—In the case of a spouse or surrogate  
 5 of a veteran not described in subsection (a) who is seeking  
 6 fertility counseling and treatment, the Secretary may co-  
 7 ordinate fertility counseling and treatment for such spouse  
 8 or surrogate.”.

9       (b) CLERICAL AMENDMENT.—The table of sections  
 10 at the beginning of chapter 17 of such title is amended  
 11 by inserting after the item relating to section 1786 the  
 12 following new section:

“1787. Reproductive treatment and care for spouses and surrogates of vet-  
 erans.”.

13       (c) REGULATIONS.—Not later than one year after the  
 14 date of the enactment of this Act, the Secretary of Vet-  
 15 erans Affairs shall prescribe regulations to carry out sec-  
 16 tion 1787 of title 38, United States Code, as added by  
 17 paragraph (1).

18 **SEC. 5. REQUIREMENT TO IMPROVE DEPARTMENT OF VET-**  
 19 **ERANS AFFAIRS WOMEN VETERANS CALL**  
 20 **CENTER.**

21       The Secretary of Veterans Affairs shall enhance the  
 22 capabilities of the Department of Veterans Affairs women  
 23 veterans call center—

1           (1) to respond to requests by women veterans  
2           for assistance with accessing health care and bene-  
3           fits furnished under laws administered by the Sec-  
4           retary; and

5           (2) for referral of such veterans to community  
6           resources to obtain assistance with services not fur-  
7           nished by the Department.

8 **SEC. 6. MODIFICATION OF PILOT PROGRAM ON COUN-**  
9           **SELING IN RETREAT SETTINGS FOR WOMEN**  
10           **VETERANS NEWLY SEPARATED FROM SERV-**  
11           **ICE IN THE ARMED FORCES.**

12           (a) **INCREASE IN NUMBER OF LOCATIONS.**—Sub-  
13           section (c) of section 203 of the Caregivers and Veterans  
14           Omnibus Health Services Act of 2010 (Public Law 111-  
15           163; 38 U.S.C. 1712A note) is amended by striking “three  
16           locations” and inserting “14 locations”.

17           (b) **EXTENSION OF DURATION.**—Subsection (d) of  
18           such section is amended by striking “2-year” and insert-  
19           ing “four-year”.

20 **SEC. 7. PILOT PROGRAMS ON ASSISTANCE FOR CHILD**  
21           **CARE FOR CERTAIN VETERANS.**

22           (a) **MODIFICATION OF DURATION OF PILOT PRO-**  
23           **GRAM ON ASSISTANCE FOR CHILD CARE FOR CERTAIN**  
24           **VETERANS RECEIVING HEALTH CARE.**—Subsection (c) of  
25           section 205 of the Caregivers and Veterans Omnibus

1 Health Services Act of 2010 (Public Law 111-163; 38  
2 U.S.C. 1710 note) is amended to read as follows:

3 “(e) DURATION.—A child care center that is estab-  
4 lished as part of the pilot program may operate until the  
5 date that is two years after the date on which the pilot  
6 program is established in the third Veterans Integrated  
7 Service Network required by subsection (d).”

8 (b) REQUIREMENT FOR PILOT PROGRAM ON ASSIST-  
9 ANCE FOR CHILD CARE FOR CERTAIN VETERANS RECEIV-  
10 ING READJUSTMENT COUNSELING AND RELATED MEN-  
11 TAL HEALTH SERVICES.—

12 (1) PILOT PROGRAM REQUIRED.—The Sec-  
13 retary of Veterans Affairs shall carry out a pilot  
14 program to assess the feasibility and advisability of  
15 providing, subject to paragraph (2), assistance to  
16 qualified veterans described in paragraph (3) to ob-  
17 tain child care so that such veterans can receive re-  
18 adjustment counseling and related mental health  
19 services.

20 (2) LIMITATION ON PERIOD OF PAYMENTS.—  
21 Assistance may only be provided to a qualified vet-  
22 eran under the pilot program required by paragraph  
23 (1) for receipt of child care during the period that  
24 the qualified veteran receives readjustment coun-

1       seling and related health care services at a Vet Cen-  
2       ter.

3           (3) ~~QUALIFIED VETERANS.~~—For purposes of  
4       this subsection, a qualified veteran is a veteran who  
5       is—

6           (A) the primary caretaker of a child or  
7       children; and

8           (B)(i) receiving from the Department reg-  
9       ular readjustment counseling and related men-  
10      tal health services; or

11          (ii) in need of readjustment counseling and  
12      related mental health services from the Depart-  
13      ment, and but for lack of child care services,  
14      would receive such counseling and services from  
15      the Department.

16          (4) ~~LOCATIONS.~~—The Secretary shall carry out  
17      the pilot program under this subsection in no fewer  
18      than three Readjustment Counseling Service Regions  
19      selected by the Secretary for purposes of the pilot  
20      program.

21          (5) ~~DURATION.~~—The pilot program under this  
22      subsection shall be carried out until the end of the  
23      two-year period beginning on the day on which the  
24      Secretary begins carrying out the pilot program at  
25      the last Readjustment Counseling Service Region se-



1 lected under paragraph (4) at which the Secretary  
2 begins carrying out the pilot program.

3 (6) FORMS OF CHILD CARE ASSISTANCE.—

4 (A) IN GENERAL.—Child care assistance  
5 under this subsection may include the following:

6 (i) Stipends for the payment of child  
7 care offered by licensed child care centers  
8 (either directly or through a voucher pro-  
9 gram) which shall be, to the extent prac-  
10 ticable, modeled after the Department of  
11 Veterans Affairs Child Care Subsidy Pro-  
12 gram established pursuant to section 630  
13 of the Treasury and General Government  
14 Appropriations Act, 2002 (Public Law  
15 107–67; 115 Stat. 552).

16 (ii) Payments to private child care  
17 agencies.

18 (iii) Collaboration with facilities or  
19 programs of other Federal departments or  
20 agencies.

21 (iv) Such other forms of assistance as  
22 the Secretary considers appropriate.

23 (B) AMOUNTS OF STIPENDS.—In the case  
24 that child care assistance under this subsection  
25 is provided as a stipend under subparagraph

1           (A)(i), such stipend shall cover the full cost of  
2           such child care.

3           (7) REPORT.—Not later than 180 days after  
4           the completion of the pilot program required by  
5           paragraph (1), the Secretary shall submit to Con-  
6           gress a report on the pilot program. The report shall  
7           include the findings and conclusions of the Secretary  
8           as a result of the pilot program, and shall include  
9           such recommendations for the continuation or ex-  
10          pansion of the pilot program as the Secretary con-  
11          siders appropriate.

12          (8) AUTHORIZATION OF APPROPRIATIONS.—  
13          There is authorized to be appropriated to the Sec-  
14          retary of Veterans Affairs to carry out the pilot pro-  
15          gram required by paragraph (1) \$1,000,000 for each  
16          of fiscal years 2014 and 2015.

17          (9) VET CENTER DEFINED.—In this section,  
18          the term “Vet Center” means a center for readjust-  
19          ment counseling and related mental health services  
20          for veterans under section 1712A of title 38, United  
21          States Code.

22   **SECTION 1. SHORT TITLE.**

23           *This Act may be cited as the “Women Veterans and*  
24   *Other Health Care Improvements Act of 2012”.*

1 **SEC. 2. CLARIFICATION THAT FERTILITY COUNSELING AND**  
 2 **TREATMENT ARE MEDICAL SERVICES WHICH**  
 3 **THE SECRETARY MAY FURNISH TO VETERANS**  
 4 **LIKE OTHER MEDICAL SERVICES.**

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

8 *“(H) Fertility counseling and treatment,*  
 9 *including treatment using assisted reproductive*  
 10 *technology.”.*

11 **SEC. 3. REPRODUCTIVE TREATMENT AND CARE FOR**  
 12 **SPOUSES AND SURROGATES OF VETERANS.**

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

16 **“§ 1788. Reproductive treatment and care for spouses**  
 17 **and surrogates of veterans**

18 *“(a) IN GENERAL.—The Secretary shall furnish fer-*  
 19 *tility counseling and treatment, including through the use*  
 20 *of assisted reproductive technology, to a spouse or surrogate*  
 21 *of a severely wounded, ill, or injured veteran who has an*  
 22 *infertility condition incurred or aggravated in line of duty*  
 23 *in the active military, naval, or air service and who is en-*  
 24 *rolled in the system of annual patient enrollment estab-*  
 25 *lished under section 1705(a) of this title if the spouse or*  
 26 *surrogate and the veteran apply jointly for such counseling*

1 *and treatment through a process prescribed by the Sec-*  
 2 *retary.*

3       “(b) *COORDINATION OF CARE FOR OTHER SPOUSES*  
 4 *AND SURROGATES.—In the case of a spouse or surrogate*  
 5 *of a veteran not described in subsection (a) who is seeking*  
 6 *fertility counseling and treatment, the Secretary may co-*  
 7 *ordinate fertility counseling and treatment for such spouse*  
 8 *or surrogate.*

9       “(c) *CONSTRUCTION.—Nothing in this section shall be*  
 10 *construed to require the Secretary to find or certify a surro-*  
 11 *gate for a veteran or to connect a surrogate with an injured*  
 12 *veteran.”.*

13       (b) *CLERICAL AMENDMENT.—The table of sections at*  
 14 *the beginning of chapter 17 of such title is amended by in-*  
 15 *serting after the item relating to section 1787 the following*  
 16 *new item:*

“1788. *Reproductive treatment and care for spouses and surrogates of veterans.”.*

17 **SEC. 4. ADOPTION ASSISTANCE.**

18       (a) *IN GENERAL.—Subchapter VIII of chapter 17 of*  
 19 *title 38, United States Code, as amended by section 3, is*  
 20 *further amended by adding at the end the following new*  
 21 *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*  
 25 *covered veteran in the adoption of one or more children.*

1       “(b) *COVERED VETERAN.*—For purposes of this sec-  
 2       tion, a covered veteran is any severely wounded, ill, or in-  
 3       jured veteran who—

4               “(1) has an infertility condition incurred or ag-  
 5       gravated in line of duty in the active military, naval,  
 6       or air service; and

7               “(2) is enrolled in the system of annual patient  
 8       enrollment established under section 1705(a) of this  
 9       title.

10       “(c) *LIMITATION AMOUNT.*—For purposes of this sec-  
 11       tion, the limitation amount is the amount equal to the lesser  
 12       of—

13               “(1) the cost the Department would incur if the  
 14       Secretary were to provide a covered veteran with one  
 15       cycle of in vitro fertilization, as determined by the  
 16       Secretary; and

17               “(2) the cost the Department would incur by  
 18       paying the expenses of three adoptions by covered vet-  
 19       erans, as determined by the Secretary.”.

20       “(b) *CLERICAL AMENDMENT.*—The table of sections at  
 21       the beginning of chapter 17 of such title, as amended by  
 22       section 3, is further amended by inserting after the item  
 23       relating to section 1788 the following new item:

“1789. Adoption assistance.”.

1 **SEC. 5. REPORT ON PROVISION OF FERTILITY COUNSELING**  
2 **AND TREATMENT.**

3 (a) *IN GENERAL.*—Each year, the Secretary of Vet-  
4 erans Affairs shall submit to the Committee on Veterans’  
5 Affairs of the Senate and the Committee on Veterans’ Af-  
6 fairs of the House of Representatives a report on the fertility  
7 counseling and treatment furnished by the Department of  
8 Veterans Affairs during the year preceding the submittal  
9 of the report.

10 (b) *ELEMENTS.*—Each report submitted under sub-  
11 section (a) shall include, for the period covered by the re-  
12 port, the following:

13 (1) *The number of veterans who received fertility*  
14 *counseling or treatment furnished by the Department*  
15 *of Veterans Affairs, disaggregated by era of military*  
16 *service of such veterans.*

17 (2) *The number of spouses and surrogates of vet-*  
18 *erans who received fertility counseling or treatment*  
19 *furnished by the Department.*

20 (3) *The cost to the Department of furnishing fer-*  
21 *tility counseling and treatment, disaggregated by cost*  
22 *of services and administration.*

23 (4) *The average cost to the Department per re-*  
24 *recipient of such counseling and treatment.*

25 (5) *In cases in which the Department furnished*  
26 *fertility treatment through the use of assisted repro-*

1        *ductive technology, the average number of cycles per*  
 2        *person furnished.*

3            *(6) A description of how fertility counseling and*  
 4        *treatment services of the Department are coordinated*  
 5        *with similar services of the Department of Defense.*

6    **SEC. 6. REGULATIONS ON FURNISHING OF FERTILITY**  
 7                    **COUNSELING AND TREATMENT AND ADOPTI-**  
 8                    **ON ASSISTANCE.**

9        *(a) IN GENERAL.—Not later than 540 days after the*  
 10       *date of the enactment of this Act, the Secretary of Veterans*  
 11       *Affairs shall prescribe regulations—*

12            *(1) on the furnishing of fertility treatment to*  
 13        *veterans using assisted reproductive technology;*

14            *(2) to carry out section 1788 of title 38, United*  
 15        *States Code, as added by section 3; and*

16            *(3) to carry out section 1789 of such title, as*  
 17        *added by section 4.*

18        *(b) LIMITATION.—Notwithstanding any other provi-*  
 19       *sion of law, during the period beginning on the date of the*  
 20       *enactment of this Act and ending on the date on which the*  
 21       *Secretary prescribes regulations under subsection (a), the*  
 22       *Secretary may not furnish—*

23            *(1) to any veteran, any fertility treatment using*  
 24        *assisted reproductive technology;*

1           (2) *any fertility counseling or treatment under*  
2           *section 1788 of title 38, United States Code, as added*  
3           *by section 3; or*

4           (3) *any assistance under section 1789 of such*  
5           *title, as added by section 4.*

6 **SEC. 7. COORDINATION WITH DEPARTMENT OF DEFENSE**  
7                           **ON FURNISHING OF FERTILITY COUNSELING**  
8                           **AND TREATMENT.**

9           *The Secretary of Veterans Affairs shall coordinate the*  
10 *furnishing of fertility counseling and treatment by the De-*  
11 *partment of Veterans Affairs with the furnishing of fertility*  
12 *counseling and treatment by the Department of Defense.*

Amend the title so as to read: “A bill to amend title 38, United States Code, to improve the reproductive assistance provided by the Department of Veterans Affairs to severely wounded, ill, or injured veterans and their spouses, and for other purposes.”.





**Calendar No. 564**

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 3313**

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**A BILL**

To amend title 38, United States Code, to improve the assistance provided by the Department of Veterans Affairs to women veterans, to improve health care furnished by the Department, and for other purposes.

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DECEMBER 13, 2012

Reported with an amendment and an amendment to the title