

**SUBSTITUTE FOR THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 1957
OFFERED BY MR. BOST OF ILLINOIS**

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. PROVISION OF ASSISTED REPRODUCTIVE TECH-**
5 **NOLOGY OR ADOPTION REIMBURSEMENTS**
6 **FOR CERTAIN DISABLED VETERANS.**

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

11 **“§ 1720K. Provision of assisted reproductive tech-**
12 **nology or adoption reimbursements for**
13 **certain disabled veterans**

14 “(a) PROVISION OF SERVICES.—Subject to the avail-
15 ability of appropriations, the Secretary may provide—

16 “(1) fertility counseling and treatment using as-
17 sisted reproductive technology to a covered veteran
18 or the spouse of a covered veteran; or

1 “(2) adoption reimbursement to a covered vet-
2 eran.

3 “(b) LIMITATIONS.—Amounts made available for the
4 purposes specified in subsection (a) are subject to the re-
5 quirements for funds contained in section 508 of division
6 H of the Consolidated Appropriations Act, 2017 (Public
7 Law 115–31).

8 “(c) DEFINITIONS.—In this section:

9 “(1) The term ‘adoption reimbursement’ means
10 reimbursement for the adoption-related expenses for
11 an adoption that is finalized after the date of the en-
12 actment of this section under the same terms as
13 apply under the adoption reimbursement program of
14 the Department of Defense, as authorized in De-
15 partment of Defense Instruction 1341.09, including
16 the reimbursement limits and requirements set forth
17 in such instruction, as in effect on the date of the
18 enactment of this section.

19 “(2) The term ‘assisted reproductive tech-
20 nology’ means benefits relating to reproductive as-
21 sistance provided to a member of the Armed Forces
22 who incurs a serious injury or illness on active duty
23 pursuant to section 1074(c)(4)(A) of title 10, as de-
24 scribed in the memorandum on the subject of ‘Policy
25 for Assisted Reproductive Services for the Benefit of

1 Seriously or Severely Ill/Injured (Category II or III)
2 Active Duty Service Members' issued by the Assist-
3 ant Secretary of Defense for Health Affairs on April
4 3, 2012, and the guidance issued to implement such
5 policy, as in effect on the date of the enactment of
6 this section, including any limitations on the amount
7 of such benefits available to such a member, except
8 that—

9 “(A) the periods regarding embryo
10 cryopreservation and storage set forth in part
11 III(G) and in part IV(H) of the first part IV
12 of such memorandum shall not apply; and

13 “(B) such term includes embryo
14 cryopreservation and storage without limitation
15 on the duration of such cryopreservation and
16 storage.

17 “(3) The term ‘covered veteran’ means a vet-
18 eran who is unable to procreate without the use of
19 fertility treatment as a result of—

20 “(A) a service-connected disability; or

21 “(B) hospital care or medical services fur-
22 nished under this chapter.”.

23 (b) EMBRYO ADOPTION.—

24 (1) PLAN.—Not later than 180 days after the
25 date of the enactment of this Act, the Secretary of

1 Veterans Affairs shall submit to the Committees on
2 Veterans' Affairs of the House of Representatives
3 and the Senate a report containing a plan to in-
4 crease awareness of and incentivize the use of em-
5 bryo adoption among veterans pursuant to section
6 1720K of title 38, United States Code, as added by
7 subsection (a).

8 (2) IMPLEMENTATION.—Not later than one
9 year after the date of the enactment of this Act, the
10 Secretary shall commence the implementation of the
11 plan described in paragraph (1).

12 **SEC. 3. MODIFICATION TO COST OF WAR TOXIC EXPOSURES**

13 **FUND.**

14 Section 324 of title 38, United States Code, is
15 amended—

16 (1) in subsection (a), by inserting before the pe-
17 riod at the end the following: “, to provide for in-
18 vestment in the delivery of veterans' health care, re-
19 search, and benefits associated with hazardous expo-
20 sure in service”; and

21 (2) by striking subsections (b) through (f) and
22 inserting the following new subsections:

23 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
24 is authorized to be appropriated to the Fund for fiscal
25 year 2023 and each subsequent fiscal year such sums as

1 are necessary to increase funding, over the fiscal year
2 2021 level, for any expenses incident to the delivery of
3 veterans' health care and benefits associated with expo-
4 sure to environmental hazards in service, including admin-
5 istrative expenses, such as claims processing and appeals,
6 and for medical research related to hazardous exposures.
7 Amounts appropriated to the Fund pursuant to this sub-
8 section shall be counted as direct spending under the Con-
9 gressional Budget and Impoundment Control Act of 1974
10 and any other Act.

11 “(c) ESTIMATES FOR CONGRESSIONAL CONSIDER-
12 ATION.—The Secretary shall include in documents sub-
13 mitted to Congress in support of the President’s budget
14 submitted pursuant to section 1105 of title 31, United
15 States Code, detailed estimates of the sums described in
16 subsection (b) for the applicable fiscal year.

17 “(d) PROCEDURES FOR ESTIMATES.—The Secretary,
18 after consultation with the Committees on Appropriations
19 of the House of Representatives and the Senate, may es-
20 tablish policies and procedures for developing the annual
21 detailed estimates required in subsection (c).”.

