

Veteran Families Health Services Act of 2021

Sponsored by Senator Patty Murray (D-WA) and Congressman Rick Larsen (D-WA)

Background:

After almost two decades of war, thousands of servicemembers and veterans still cannot access adequate reproductive health services such as fertility treatment and counseling from the Department of Defense (DoD) and the Department of Veterans Affairs (VA). While VA and DoD offer some forms of fertility treatment and counseling, far too often they fail to meet the needs of these servicemembers and veterans. Today, servicemembers are faced with the choice of pursuing these treatments before leaving service or paying thousands of dollars out of pocket later.

- DoD currently provides some *in vitro* fertilization (IVF) – the most popular and successful assisted reproductive technology (ART) – to some servicemembers but still excludes far too many from eligibility for this and other treatments.
- VA has only temporary, limited authority to provide IVF that needs to be re-appropriated each fiscal year because of the agency's 1992 ban on IVF.

Widespread use of improvised explosive devices and harsh deployment conditions have resulted in greater rates of genitourinary, blast, spinal, and brain injuries than in past conflicts. Beyond these physical wounds, mental health injuries can have equally detrimental effects on a servicemember's or veteran's fertility and reproductive health. Current VA policy is tied to DoD's 2012 policy and has not kept up with the needs of an increasingly diverse population. This policy excludes veterans who would need to use donated gametes and unmarried veterans. In addition, the reliance on re-appropriating funds each fiscal year to overcome VA's 1992 ban on IVF adds unnecessary uncertainty and anxiety to servicemembers and veterans in an already sensitive process.

Legislative Summary:

The **Veteran Families Health Services Act** would expand VA and DoD's current fertility treatment and counseling offerings and empower servicemembers and veterans to start families when the time is right for them. This legislation would:

- Allow servicemembers to cryopreserve their gametes before deployment to a combat zone or hazardous duty assignment and after an injury or illness.
- Permanently authorize fertility treatment and counseling, including assisted reproductive technology like IVF, for veterans and servicemembers and allow for the use of donated gametes.
- Ensure that veterans' and servicemembers' spouses, partners, and gestational surrogates are appropriately included in eligibility rules.
- Provide support for servicemembers and veterans to navigate their options, find a provider that meets their needs, and ensure continuity of care after a permanent change of station or relocation.
- Expand options for veterans with infertility by allowing VA to provide adoption assistance.
- Require VA and DoD to facilitate research on the long-term reproductive health needs of veterans.