

119TH CONGRESS
1ST SESSION

S. _____

To improve the reproductive assistance provided by the Department of Defense and the Department of Veterans Affairs to certain members of the Armed Forces, veterans, and their spouses or partners, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mrs. MURRAY (for herself, Ms. DUCKWORTH, Mr. BOOKER, Mr. SCHUMER, Mr. BLUMENTHAL, Mr. MERKLEY, Ms. ROSEN, Ms. WARREN, Mr. SANDERS, Ms. KLOBUCHAR, Mrs. SHAHEEN, Mr. HICKENLOOPER, Mr. WHITEHOUSE, Mr. KING, Ms. SMITH, Mr. WELCH, Mr. HEINRICH, Mrs. GILLIBRAND, Mr. WYDEN, Mr. PADILLA, Mr. GALLEGGO, and Ms. CORTEZ MASTO) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To improve the reproductive assistance provided by the Department of Defense and the Department of Veterans Affairs to certain members of the Armed Forces, veterans, and their spouses or partners, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Veteran Families Health Services Act of 2025”.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REPRODUCTIVE AND FERTILITY PRESERVATION
ASSISTANCE FOR MEMBERS OF THE ARMED FORCES

Sec. 101. Definitions.

Sec. 102. Provision of fertility treatment and counseling to members of the
Armed Forces and spouses, partners, and gestational surro-
gates of such members.

Sec. 103. Establishment of fertility preservation procedures after an injury or
illness.

Sec. 104. Cryopreservation and storage of reproductive genetic material of
members of the Armed Forces on active duty.

Sec. 105. Assistance with and continuity of care regarding reproductive and
fertility preservation services.

Sec. 106. Coordination between Department of Defense and Department of
Veterans Affairs on furnishing of fertility treatment and coun-
seling.

Sec. 107. Regulations.

TITLE II—REPRODUCTIVE AND ADOPTION ASSISTANCE FOR
VETERANS

Sec. 201. Inclusion of fertility treatment and counseling under definition of
medical services.

Sec. 202. Fertility treatment and counseling for certain veterans and spouses,
partners, and gestational surrogates of such veterans.

Sec. 203. Adoption assistance for certain veterans.

Sec. 204. Assistance with and continuity of care regarding reproductive and
fertility preservation services.

Sec. 205. Facilitation of reproduction and infertility research.

Sec. 206. Regulations on furnishing of fertility treatment and counseling and
adoption assistance by Department of Veterans Affairs.

3 **TITLE I—REPRODUCTIVE AND**
4 **FERTILITY PRESERVATION**
5 **ASSISTANCE FOR MEMBERS**
6 **OF THE ARMED FORCES**

7 **SEC. 101. DEFINITIONS.**

8 In this title:

1 (1) ACTIVE DUTY.—The term “active duty” has
2 the meaning given that term in section 101(d)(1) of
3 title 10, United States Code.

4 (2) ARMED FORCES.—The term “Armed
5 Forces” has the meaning given the term “armed
6 forces” in section 101(a)(4) of such title.

7 **SEC. 102. PROVISION OF FERTILITY TREATMENT AND**
8 **COUNSELING TO MEMBERS OF THE ARMED**
9 **FORCES AND SPOUSES, PARTNERS, AND GES-**
10 **TATIONAL SURROGATES OF SUCH MEMBERS.**

11 (a) FERTILITY TREATMENT AND COUNSELING.—

12 (1) IN GENERAL.—The Secretary of Defense
13 shall make available fertility treatment and coun-
14 seling to a member of the Armed Forces or a
15 spouse, partner, or gestational surrogate of such a
16 member.

17 (2) ELIGIBILITY FOR TREATMENT AND COUN-
18 SELING.—Fertility treatment and counseling shall be
19 furnished under paragraph (1) without regard to the
20 sex, sex characteristics, gender identity, sexual ori-
21 entation, infertility diagnosis, or marital status of
22 the member of the Armed Forces or their spouse or
23 partner.

24 (3) IN VITRO FERTILIZATION.—In the case of
25 in vitro fertilization treatment furnished under para-

1 graph (1), the Secretary may furnish to an indi-
2 vidual under such paragraph—

3 (A) not more than three completed oocyte
4 retrievals; and

5 (B) unlimited embryo transfers.

6 (b) PROCUREMENT OF REPRODUCTIVE GENETIC MA-
7 TERIAL.—If a member of the Armed Forces is unable to
8 provide their reproductive genetic material, such as oo-
9 cytes, sperm, or embryos, for purposes of fertility treat-
10 ment under subsection (a), the Secretary shall, at the elec-
11 tion of such member, allow such member to receive such
12 treatment with donated reproductive genetic material and
13 pay or reimburse such member the reasonable costs of pro-
14 curing such material from a donor.

15 (c) RULES OF CONSTRUCTION.—

16 (1) IMPACT ON EXISTING AUTHORITY.—Noth-
17 ing in this section shall be construed to rescind the
18 authority of the Secretary to provide in vitro fer-
19 tilization benefits pursuant to section 1074(c)(4) of
20 title 10, United States Code.

21 (2) SOURCING OF GESTATIONAL SURROGATE OR
22 REPRODUCTIVE GENETIC MATERIAL.—Nothing in
23 this section shall be construed to require the Sec-
24 retary—

1 (A) to find or certify a gestational surro-
2 gate for a member of the Armed Forces or to
3 connect a gestational surrogate with such a
4 member; or

5 (B) to find or certify reproductive genetic
6 material, such as oocytes, sperm, or embryos,
7 from a donor for a member of the Armed
8 Forces or to connect such a member with repro-
9 ductive genetic material from a donor.

10 (d) DEFINITIONS.—In this section:

11 (1) FERTILITY TREATMENT.—The term “fer-
12 tility treatment” includes the following:

13 (A) Preservation of human oocytes, sperm,
14 or embryos.

15 (B) Artificial insemination, including
16 intravaginal insemination, intracervical insemi-
17 nation, and intrauterine insemination.

18 (C) Assisted reproductive technology, in-
19 cluding in vitro fertilization and other treat-
20 ments or procedures in which reproductive ge-
21 netic material, such as oocytes, sperm, or em-
22 bryos, are handled, when clinically appropriate.

23 (D) Genetic testing of embryos.

24 (E) Medications prescribed or obtained
25 over-the-counter, as indicated for fertility.

1 (F) Gamete donation.

2 (G) Such other information, referrals,
3 treatments, procedures, medications, laboratory
4 testing, technologies, and services relating to
5 fertility as the Secretary of Defense determines
6 appropriate.

7 (2) GESTATIONAL SURROGATE.—The term
8 “gestational surrogate” means an adult, who is not
9 the intended parent, who enters into a surrogacy
10 agreement to become pregnant through in vitro fer-
11 tilization using gametes that are not the gametes of
12 that individual.

13 (3) PARTNER.—The term “partner”, with re-
14 spect to a member of the Armed Forces, means an
15 individual selected by the member who agrees to be
16 a parent, with the member, of a child born as a re-
17 sult of the use of any fertility treatment under this
18 section.

19 **SEC. 103. ESTABLISHMENT OF FERTILITY PRESERVATION**
20 **PROCEDURES AFTER AN INJURY OR ILLNESS.**

21 (a) IN GENERAL.—The Secretary of Defense, acting
22 through the Assistant Secretary of Defense for Health Af-
23 fairs, shall establish procedures for the retrieval of repro-
24 ductive genetic material, such as sperm or oocytes, as soon
25 as medically appropriate, from a member of the Armed

1 Forces in cases in which the fertility of such member is
2 potentially jeopardized as a result of an injury or illness
3 incurred or aggravated while serving on active duty in the
4 Armed Forces in order to preserve the medical options of
5 such member.

6 (b) INCLUSION OF INFORMATION IN ADVANCED DI-
7 RECTIVES AND MILITARY TESTAMENTARY INSTRU-
8 MENTS.—The Secretary of Defense shall ensure that any
9 advance medical directive, as defined in section 1044c(b)
10 of title 10, United States Code, or military testamentary
11 instrument, as defined in section 1044d(b) of such title,
12 completed by a member of the Armed Forces includes
13 questions about the consent of the member to fertility
14 preservation procedures under subsection (a) and about
15 rights, ownership, and use of reproductive genetic mate-
16 rial.

17 **SEC. 104. CRYOPRESERVATION AND STORAGE OF REPRO-**
18 **DUCTIVE GENETIC MATERIAL OF MEMBERS**
19 **OF THE ARMED FORCES ON ACTIVE DUTY.**

20 (a) IN GENERAL.—The Secretary of Defense shall
21 provide members of the Armed Forces on active duty with
22 the opportunity for retrieval, testing, cryopreservation,
23 shipping, and storage of their reproductive genetic mate-
24 rial, such as sperm or oocytes, prior to—

25 (1) deployment to a combat zone; or

1 (2) a duty assignment that includes a haz-
2 ardous assignment, including—

3 (A) assignments resulting in exposure to
4 perfluoroalkyl or polyfluoroalkyl substances;
5 and

6 (B) such other assignments as determined
7 by the Secretary.

8 (b) PERIOD OF TIME.—

9 (1) IN GENERAL.—The Secretary shall provide
10 for the retrieval, testing, cryopreservation, shipping,
11 and storage of reproductive genetic material of any
12 member of the Armed Forces under subsection (a),
13 at no cost to the member, until the date that is one
14 year after the retirement, separation, or release of
15 the member from the Armed Forces.

16 (2) CONTINUED CRYOPRESERVATION AND
17 STORAGE.—At the end of the one-year period speci-
18 fied in paragraph (1), the Secretary shall permit an
19 individual whose reproductive genetic material was
20 cryopreserved and stored as described in that para-
21 graph to select, including pursuant to an advance
22 medical directive or military testamentary instru-
23 ment completed under subsection (c), one of the fol-
24 lowing options:

1 (A) To continue such cryopreservation and
2 storage in such facility with the cost of such
3 cryopreservation and storage borne by the indi-
4 vidual.

5 (B) To transfer the material to a private
6 cryopreservation and storage facility selected by
7 the individual.

8 (c) ADVANCE MEDICAL DIRECTIVE AND MILITARY
9 TESTAMENTARY INSTRUMENT.—A member of the Armed
10 Forces who elects to cryopreserve and store their repro-
11 ductive genetic material under this section must complete
12 an advance medical directive, as defined in section
13 1044c(b) of title 10, United States Code, and a military
14 testamentary instrument, as defined in section 1044d(b)
15 of such title, that explicitly specifies the use of their
16 cryopreserved and stored reproductive genetic material if
17 such member dies or otherwise loses the capacity to con-
18 sent to the use of their cryopreserved and stored reproduc-
19 tive genetic material.

20 **SEC. 105. ASSISTANCE WITH AND CONTINUITY OF CARE RE-**
21 **GARDING REPRODUCTIVE AND FERTILITY**
22 **PRESERVATION SERVICES.**

23 The Secretary of Defense shall ensure that employees
24 of the Department of Defense assist members of the
25 Armed Forces—

1 (1) in navigating the services provided under
2 this title;

3 (2) in finding a provider that meets the needs
4 of such members with respect to such services; and

5 (3) in continuing the receipt of such services
6 without interruption during a permanent change of
7 station for such members.

8 **SEC. 106. COORDINATION BETWEEN DEPARTMENT OF DE-**
9 **FENSE AND DEPARTMENT OF VETERANS AF-**
10 **FAIRS ON FURNISHING OF FERTILITY TREAT-**
11 **MENT AND COUNSELING.**

12 (a) IN GENERAL.—The Secretary of Defense and the
13 Secretary of Veterans Affairs shall share best practices
14 and facilitate referrals, as they consider appropriate, on
15 the furnishing of fertility treatment and counseling to in-
16 dividuals eligible for the receipt of such counseling and
17 treatment from each such Secretary.

18 (b) MEMORANDUM OF UNDERSTANDING.—The Sec-
19 retary of Defense and the Secretary of Veterans Affairs
20 shall enter into a memorandum of understanding—

21 (1) regarding coordination of fertility preserva-
22 tion care and continuation of coverage, without
23 interruption, for a member of the Armed Forces who
24 is transitioning to veteran status; and

(2) authorizing the Department of Veterans Affairs to compensate the Department of Defense for the cryopreservation, transportation, and storage of reproductive genetic material of veterans under section 104(b)(2)(A).

6 SEC. 107. REGULATIONS.

Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to carry out this title.

10 **TITLE II—REPRODUCTIVE AND**
11 **ADOPTION ASSISTANCE FOR**
12 **VETERANS**

13 SEC. 201. INCLUSION OF FERTILITY TREATMENT AND
14 COUNSELING UNDER DEFINITION OF MED-
15 ICAL SERVICES.

Section 1701(6) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

19 “(J) Fertility treatment and counseling
20 under section 1720M of this title.”.

1 **SEC. 202. FERTILITY TREATMENT AND COUNSELING FOR**
2 **CERTAIN VETERANS AND SPOUSES, PART-**
3 **NERS, AND GESTATIONAL SURROGATES OF**
4 **SUCH VETERANS.**

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

8 **“§ 1720M. Fertility treatment and counseling for cer-**
9 **tain veterans and spouses, partners, and**
10 **gestational surrogates of such veterans**

11 **“(a) REQUIREMENT.—**

12 **“(1) IN GENERAL.—**Notwithstanding any other
13 provision of law, including the surrogacy laws of any
14 State, the Secretary shall furnish fertility treatment
15 and counseling for the benefit of a covered veteran
16 to the veteran and the spouse, partner, gamete
17 donor, or gestational surrogate of the veteran if the
18 veteran, and the spouse, partner, gamete donor, or
19 gestational surrogate of the veteran, as applicable,
20 each provide informed consent for such treatment
21 and counseling, including for each cycle of treatment
22 authorized under this section, through a process pre-
23 scribed by the Secretary.

24 **“(2) PROVISION OF TREATMENT AND COUN-**
25 **SELING.—**Fertility treatment and counseling shall be
26 furnished under paragraph (1) without regard to the

1 sex, sexual characteristics, gender identity, sexual
2 orientation, infertility diagnosis, or marital status of
3 the covered veteran or their spouse or partner.

4 “(3) IN VITRO FERTILIZATION.—In the case of
5 in vitro fertilization treatment furnished under para-
6 graph (1), the Secretary may furnish to an indi-
7 vidual under such paragraph—

8 “(A) not more than three completed oocyte
9 retrievals; and

10 “(B) unlimited embryo transfers.

11 “(4) COPAYMENT.—The Secretary shall only
12 furnish fertility treatment and counseling under
13 paragraph (1) to a covered veteran who is required
14 to pay to the United States a copayment amount as
15 a condition for the receipt of hospital care, medical
16 services, or medications under this chapter if the
17 covered veteran agrees to pay such applicable copay-
18 ment amount to the United States for such treat-
19 ment and counseling.

20 “(b) PROCUREMENT OF REPRODUCTIVE GENETIC
21 MATERIAL.—

22 “(1) IN GENERAL.—If a covered veteran is un-
23 able to provide their reproductive genetic material
24 for purposes of fertility treatment under subsection

1 (a), the Secretary shall, at the election of such vet-
2 eran—

3 “(A) allow such veteran to receive such
4 treatment with donated reproductive genetic
5 material, if the donor provides informed consent
6 for use of such material; and

7 “(B) pay or reimburse the veteran, donor,
8 or a party acting on behalf of the donor the
9 reasonable costs of procuring such material
10 from the donor.

11 “(2) OTHER EXPENSES.—The Secretary may
12 pay or reimburse a covered veteran a reasonable
13 amount for personal travel and incidental expenses
14 associated with procuring material from a donor
15 under paragraph (1).

16 “(c) OUTREACH AND TRAINING.—The Secretary
17 shall carry out an outreach and training program to en-
18 sure veterans and health care providers of the Department
19 are aware of—

20 “(1) the availability of and eligibility require-
21 ments for fertility treatment and counseling under
22 this section; and

23 “(2) any changes to fertility treatment and
24 counseling covered under this section.

1 “(d) OWNERSHIP, USE, OR DISPOSITION OF REPRO-
2 DUCTIVE GENETIC MATERIAL.—

3 “(1) IN GENERAL.—Issues or disputes regard-
4 ing ownership of reproductive genetic material or fu-
5 ture use or disposition of such material shall be the
6 sole responsibility of the covered veteran and the
7 spouse, partner, or gestational surrogate of the vet-
8 eran, as applicable, and the private facility storing
9 such material.

10 “(2) ROLE OF DEPARTMENT.—The role of the
11 Secretary under this section is limited to furnishing
12 the treatment and counseling required under this
13 section when requested by a covered veteran and de-
14 termined necessary by the Secretary.

15 “(3) OWNERSHIP AND CUSTODY OF REPRODUC-
16 TIVE GENETIC MATERIAL.—The Secretary will not
17 have ownership or custody of any reproductive ge-
18 netic material obtained pursuant to treatment under
19 this section and will not be involved in the ultimate
20 disposition of such material or disputes between or
21 among any parties with respect to such material.

22 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion shall be construed to require the Secretary—

1 “(1) to find or certify a gestational surrogate
2 for a covered veteran or to connect a gestational sur-
3 rogate with a covered veteran; or

4 “(2) to furnish maternity care to a covered vet-
5 eran or spouse, partner, or gestational surrogate of
6 a covered veteran beyond what is otherwise required
7 or authorized by law.

8 “(f) DEFINITIONS.—In this section:

9 “(1) The term ‘covered veteran’ means a vet-
10 eran who is enrolled in the system of annual patient
11 enrollment established under section 1705(a) of this
12 title.

13 “(2) The term ‘fertility treatment’ includes the
14 following:

15 “(A) Preservation of human oocytes,
16 sperm, or embryos.

17 “(B) Artificial insemination, including
18 intravaginal insemination, intracervical insemi-
19 nation, and intrauterine insemination.

20 “(C) Assisted reproductive technology, in-
21 cluding in vitro fertilization and other treat-
22 ments or procedures in which reproductive ge-
23 netic material, such as oocytes, sperm, or em-
24 bryos, are handled, when clinically appropriate.

25 “(D) Genetic testing of embryos.

1 “(E) Medications prescribed or obtained
2 over-the-counter, as indicated for fertility.

3 “(F) Gamete donation.

4 “(G) Such other information, referrals,
5 treatments, procedures, medications, laboratory
6 testing, technologies, and services relating to
7 fertility as the Secretary determines appro-
8 priate.

9 “(3) The term ‘gestational surrogate’ means an
10 adult, who is not the intended parent, who enters
11 into a surrogacy agreement to become pregnant
12 through in vitro fertilization using gametes that are
13 not the gametes of that individual.

14 “(4) The term ‘partner’, with respect to a cov-
15 ered veteran, means an individual selected by the
16 veteran who agrees to be a parent, with the veteran,
17 of a child born as a result of the use of any fertility
18 treatment under this section.”.

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

 “1720M. Fertility treatment and counseling for certain veterans and spouses,
 partners, and gestational surrogates of such veterans.”.

23 (c) SUNSET OF EXISTING AUTHORITY.—The author-
24 ity under section 234 of the Military Construction, Vet-

1 erans Affairs, and Related Agencies Appropriations Act,
2 2024 (division A of Public Law 118–42), or any similar
3 authority subsequently enacted by law, shall cease on the
4 effective date of regulations prescribed to carry out section
5 1720M of title 38, United States Code, as added by sub-
6 section (a).

7 **SEC. 203. ADOPTION ASSISTANCE FOR CERTAIN VETERANS.**

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

11 **“§ 1790. Adoption assistance**

12 “(a) IN GENERAL.—The Secretary may pay an
13 amount, not to exceed the limitation amount, to assist a
14 covered veteran in the adoption of one or more children,
15 without regard to the sex, gender identity, sexual orienta-
16 tion, or marital status of the covered veteran.

17 “(b) LIMITATION AMOUNT.—For purposes of this
18 section, the limitation amount is the amount equal to the
19 cost the Department would incur by paying the expenses
20 of not more than three adoptions by covered veterans, as
21 determined by the Secretary.

22 “(c) COVERED VETERAN DEFINED.—In this section,
23 the term ‘covered veteran’ has the meaning given that
24 term in section 1720M(f) of this title.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 17 of such title is amended
3 by inserting after the item relating to section 1789 the
4 following new item:

“1790. Adoption assistance.”.

5 **SEC. 204. ASSISTANCE WITH AND CONTINUITY OF CARE RE-**
6 **GARDING REPRODUCTIVE AND FERTILITY**
7 **PRESERVATION SERVICES.**

8 The Secretary of Veterans Affairs shall ensure that
9 employees of the Department of Veterans Affairs assist
10 veterans—

11 (1) in navigating the services provided under
12 this title and the amendments made by this title;

13 (2) in finding a provider that meets the needs
14 of such veterans with respect to such services; and

15 (3) in continuing the receipt of such services
16 without interruption if such veterans move to a dif-
17 ferent geographic location.

18 **SEC. 205. FACILITATION OF REPRODUCTION AND INFER-**
19 **TILITY RESEARCH.**

20 (a) IN GENERAL.—Subchapter II of chapter 73 of
21 title 38, United States Code, is amended by adding at the
22 end the following new section:

1 **“§ 7330E. Facilitation of reproduction and infertility**
2 **research**

3 “(a) FACILITATION OF RESEARCH REQUIRED.—The
4 Secretary shall facilitate research conducted collabo-
5 ratively by the Secretary of Defense and the Secretary of
6 Health and Human Services to improve the ability of the
7 Department of Veterans Affairs to meet the long-term re-
8 productive health care needs of veterans who have a condi-
9 tion that affects the ability of the individual to reproduce.

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

16 (b) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of chapter 73 of such title is amended
18 by inserting after the item relating to section 7330D the
19 following new item:

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

1 **SEC. 206. REGULATIONS ON FURNISHING OF FERTILITY**
2 **TREATMENT AND COUNSELING AND ADOP-**
3 **TION ASSISTANCE BY DEPARTMENT OF VET-**
4 **ERANS AFFAIRS.**

5 Not later than two years after the date of the enact-
6 ment of this Act, the Secretary of Veterans Affairs shall
7 prescribe regulations—

8 (1) to carry out section 1720M of title 38,
9 United States Code, as added by section 202(a); and

10 (2) to carry out section 1790 of such title, as
11 added by section 203(a).