

be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The majority leader.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2011—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 14, H.R. 1.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

Motion to proceed to H.R. 1, a bill making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business until 4:30 p.m. today, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

WOMEN VETERANS AND OTHER HEALTH CARE IMPROVEMENTS ACT OF 2012

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 564, S. 3313.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (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, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women Veterans and Other Health Care Improvements Act of 2012".

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

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

"(H) Fertility counseling and treatment, including treatment using assisted reproductive technology."

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

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

"§1788. Reproductive treatment and care for spouses and surrogates of veterans

"(a) IN GENERAL.—The Secretary shall furnish fertility counseling and treatment, includ-

ing through the use of assisted reproductive technology, to a spouse or surrogate of a severely wounded, ill, or injured veteran who has an infertility condition incurred or aggravated in line of duty in the active military, naval, or air service and who is enrolled in the system of annual patient enrollment established under section 1705(a) of this title if the spouse or surrogate and the veteran apply jointly for such counseling and treatment through a process prescribed by the Secretary.

"(b) COORDINATION OF CARE FOR OTHER SPOUSES AND SURROGATES.—In the case of a spouse or surrogate of a veteran not described in subsection (a) who is seeking fertility counseling and treatment, the Secretary may coordinate fertility counseling and treatment for such spouse or surrogate.

"(c) CONSTRUCTION.—Nothing in this section shall be construed to require the Secretary to find or certify a surrogate for a veteran or to connect a surrogate with an injured veteran."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1787 the following new item:

"1788. Reproductive treatment and care for spouses and surrogates of veterans."

SEC. 4. ADOPTION ASSISTANCE.

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

"§1789. Adoption assistance

"(a) IN GENERAL.—The Secretary may pay an amount, not to exceed the limitation amount, to assist a covered veteran in the adoption of one or more children.

"(b) COVERED VETERAN.—For purposes of this section, a covered veteran is any severely wounded, ill, or injured veteran who—

"(1) has an infertility condition incurred or aggravated in line of duty in the active military, naval, or air service; and

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

"(c) LIMITATION AMOUNT.—For purposes of this section, the limitation amount is the amount equal to the lesser of—

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

"(2) the cost the Department would incur by paying the expenses of three adoptions by covered veterans, as determined by the Secretary."

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

"1789. Adoption assistance."

SEC. 5. REPORT ON PROVISION OF FERTILITY COUNSELING AND TREATMENT.

(a) IN GENERAL.—Each year, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the fertility counseling and treatment furnished by the Department of Veterans Affairs during the year preceding the submittal of the report.

(b) ELEMENTS.—Each report submitted under subsection (a) shall include, for the period covered by the report, the following:

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

(2) The number of spouses and surrogates of veterans who received fertility counseling or treatment furnished by the Department.

(3) The cost to the Department of furnishing fertility counseling and treatment,

disaggregated by cost of services and administration.

(4) The average cost to the Department per recipient of such counseling and treatment.

(5) In cases in which the Department furnished fertility treatment through the use of assisted reproductive technology, the average number of cycles per person furnished.

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

SEC. 6. REGULATIONS ON FURNISHING OF FERTILITY COUNSELING AND TREATMENT AND ADOPTION ASSISTANCE.

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

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

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

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

(b) LIMITATION.—Notwithstanding any other provision of law, during the period beginning on the date of the enactment of this Act and ending on the date on which the Secretary prescribes regulations under subsection (a), the Secretary may not furnish—

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

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

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

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

The Secretary of Veterans Affairs shall coordinate the furnishing of fertility counseling and treatment by the Department of Veterans Affairs with the furnishing of fertility counseling and treatment by the Department of Defense.

Mr. COCHRAN. Mr. President, I will not object to the request made by the Senior Senator from Washington, and I do not object to the policy provisions in this bill. However, I must point out that this bill indiscriminately diverts Overseas Contingency Operations funds, which are necessary to ensure resources, equipment, and supplies are available to our servicemembers deployed across the globe. This is not how the provisions of this bill should be paid for. Taking away funds intended for our men and women who are currently serving could, in time, place some of the veterans that this bill intends to help at greater risk. This legislation could also divert funding intended for the security of our Ambassadors, Foreign Service Officers, and other State Department officials, placing them at additional risk.

Quality healthcare for those who have honorably served our country is something that I think all Senators, including me, support. If the provisions of this legislation are a priority for this body, we should be deliberate in determining how we should pay for them. The Senior Senator from Washington has put forward a thoughtful bill that merits consideration, but I think this body would prefer to consider other means to pay for new programs that do not divert funds intended to keep our troops well-equipped and safe.