

Duckworth Reminds Republican Senators Claiming To Support IVF That They Can Simply Stop Blocking Her Pro-Freedom Bill To Protect IVF Nationwide

March 21 2024 10:28 AM



WASHINGTON, D.C. – During today’s U.S. Senate Judiciary Committee hearing on continued assaults on reproductive freedom in post-Dobbs America, U.S. Senator Tammy Duckworth (D-IL) chastised Republicans’ dangerous efforts to define a

fertilized egg as a human child, calling them insults to millions of hopeful parents who struggle to conceive and rely on in-vitro fertilization (IVF) to start the family of their dreams. In her testimony, Duckworth shared her own personal experience undergoing multiple rounds of IVF to start her family and underscored why it's so important that Congressional Republicans stop blocking her [Access to Family Building Act](#) immediately, which would establish a federal right to IVF nationwide in the wake of the Alabama Supreme Court ruling and as state Republicans continue pushing so-called "embryonic personhood" bills around the country. Video of Senator Duckworth's full testimony can be found on [YouTube](#) and photos from the hearing can be found on the [Senator's website](#).

"As a Senator whose dream of becoming a mother was made possible through the miracle of medical science that is IVF, I'm thankful for Senator Durbin's leadership in holding today's hearing and providing me with an opportunity to reaffirm the basic principle that we can recognize that fertilized eggs are incredibly valuable and precious and accept the fact that an embryo is not yet a human being," said Senator Duckworth. "The chaos, confusion and outrage in Alabama was only a chilling preview of what awaits us if we fail to act in support of families who struggle to conceive. Congress must pass my pro-family and pro-freedom legislation to enshrine into law a basic right to receive, provide, and cover IVF nationwide."

Duckworth is the lead sponsor of the [Access to Family Building Act](#), legislation that would establish a federal right for patients to access IVF, for healthcare providers to provide IVF if they want to as well as for insurance companies to cover IVF. Last month, Duckworth [led a group of Senate Democrats](#) in calling for the bill's passage through unanimous consent, but U.S. Senator Cindy Hyde-Smith (R-MS) objected, blocking the effort. This is the second time [Senate Republicans have blocked Duckworth-led legislation](#) that would protect access to IVF nationwide. The Access to Family Building Act builds on [previous legislation](#) she introduced in 2022.

Duckworth was the first Senator to give birth while serving in office and had both of her children with the help of IVF. In 2018 she [advocated](#) for the Senate to change its rules so she could bring her infant onto the Senate floor. She has made protecting and expanding access to essential reproductive healthcare a top priority.

Full remarks as delivered by Senator Duckworth can be found below:

Thank you, Mr. Chairman, and thank you Ranking Member Graham.

I am Tammy Duckworth, not Tammy Baldwin. Although I am honored to be mistaken for the chairwoman of the Tammy Caucus in the Senate, Senator Baldwin.

Thank you for holding today's important hearing.

As a Senator whose dream of becoming a mother was made possible through the miracle that is in vitro fertilization (IVF), I am uniquely situated to remind this Committee of a basic principle: we can recognize the value of potential human life, acknowledge that fertilized eggs are incredibly valuable and precious and we can also accept the fact that an embryo is not yet a human being.

No one—and I mean, no one—better understands the hopes and dreams that viable embryos represent than an IVF patient struggling with infertility. No one better understands the pure, unmitigated joy that flows when a successful transfer of embryos results in a pregnancy. And sadly, for us women who have lived through the soul-crushing, bone-deep agony of having that hope destroyed after completing unsuccessful rounds of IVF, or suffering a miscarriage, we experienced—in the most painful manner possible—the fundamental reality that while every fertilized egg is unbelievably precious, unfortunately, not all will become a living, breathing child whose laughter and joy would fill our hearts and enrich our lives.

Federal law wisely reflects this fact by defining the terms person, human being, child and individual, to only include, “...every infant member of the species homo sapiens who is born alive at any stage of development.” Section 8 of title 1 of the United States Code is consistent with Ranking Member Graham’s commonsense observation that, “Nobody’s ever been born in a freezer.”

Attempting to deny this reality, attempting to rewrite State constitutions and laws to define a fertilized egg as a human child—which is what the embryonic personhood crusade achieved in Alabama— is an affront to the millions of aspiring parents who struggle to conceive. It is a threat to the separation of Church and State. It is a betrayal of our great American spirit that reveres scientific discovery and progress.

Those seeking to ban IVF will not stop at one medical procedure. Their ultimate mission is to extinguish the legacy of American ingenuity that was born in the experiments of Benjamin Franklin and continued through the groundbreaking IVF conception and subsequent birth of Elizabeth Carr on December of 1981.

Look, every American has a right to personally believe an embryo is a human child, and to live their life in accordance with such beliefs by refusing to receive, or provide, IVF services. Just as every American should have the right to decide whether, when and how to build family. But Congress must draw a line against the personhood movement’s abuse of government power to force every American to live their life in accordance with that movement’s moral beliefs.

Opponents of IVF are being dishonest in claiming that the Alabama Supreme Court never banned IVF. Defining the cluster of cells that comprise an embryo to be a human being—and even the single cell that is fertilized prior to it becoming an embryo—they are defining that as a child entitled to all the legal rights and protections of a person. This may not be an explicit IVF ban. But make no mistake, as we witnessed in Alabama, it's an awfully effective way to ban IVF.

After all, Alabama's criminal code defines murder as intentionally causing the death of a person. And just like $1 + 1 = 2$. When Alabama defined a fertilized egg to be a person and their code defines murder as intentionally causing the death of a person, the intentional disposal of an embryo—even a nonviable one that would cause a miscarriage if you were to implant it, which is a common practice in IVF—that disposal became a class A felony. The flawed solution Alabama Republicans crafted to restore IVF validates this fact by branding women and doctors that receive or provide IVF as de facto criminals, in need of broad criminal and civil immunity simply because they require medical help to start a family.

So let me say again, the law that was passed in Alabama does not negate the fact that the destruction of an embryo is a destruction of a human being. All that state law that was recently signed into law says is that we're just not going to prosecute you.

The chaos, confusion and outrage in Alabama was a chilling preview of the dystopian future that awaits us if Congress fails to pass IVF protections that are effective and enforceable. That is why any Senator that claims to support nationwide IVF protections should join me, and the 48 Senators cosponsoring my bill, in voting to pass the Access to Family Building Act

Our pro-family, pro-freedom bill would establish a nationwide right for patients to receive IVF, it would allow insurers to cover IVF and it would also allow for doctors to provide IVF services, in accordance with—and I make it clear that we state this in the bill—widely-accepted and evidence-based medical standards of care.

Unfortunately, there is a bad faith effort to confuse the public about my bill, using absurd hypotheticals that are an insult to families struggling with infertility. So, let's be clear, under S. 3612, no health care provider would be forced to provide IVF, period. That's because my bill's statutory definition of "health care provider" excludes providers that do not provide, or do not seek to provide, IVF.

In addition, my bill only intends to protect IVF services provided in accordance with widely-accepted and evidence-based medical standards of care. Wild-eyed hypotheticals, like creating gene-edited, "designer" babies. And I can't believe I have to say this, but it was brought up by my colleague who stood up to oppose my move for

unanimous consent to pass the bill—she said that my bill would actually allow for the creation of human-animal chimeras, such as a half-human, half-horse hybrids. Neither are widely-accepted nor consistent with evidence-based, medical standards of care for IVF. Thus, S. 3612 would not protect such procedures.

Bottom line, Congress has the power to prevent what happened to those families in Alabama from ever happening again. So, let's come together and achieve that goal by passing the Access to Family Building Act to enshrine in Federal law the right to receive, to provide and cover IVF so that more families like mine can hold their precious babies after all those long years of struggling with infertility and finally have that child that they've dreamed of for decades.

Thank you, I yield back.