

June 11, 2024

(202) 378-8863

**RE: Scorecard Advisory – S.4445, the so-called “Right to IVF Act”**

Dear Senator:

S.4445, the so-called “Right to IVF Act,” has been hastily cobbled together, and has gone through none of the regular legislative processes. It has been drafted to extend far past merely guaranteeing in vitro fertilization (IVF) as the title suggests. Fertility treatments, including IVF, are widely available and legal in every state. This bill is political theater and should be opposed in this form.

S.4445 includes a definition of “assisted reproductive technology” that is so expansive, it can be reasonably interpreted to impose a new right to human cloning, among other objectionable items. S.4445 would overwrite any state law which deals with the destruction of embryos, and includes provisions which run roughshod over conscience rights. The legislation creates a nationwide right to not only human cloning, but also the genetic engineering of embryos including human-animal hybrids, or chimeras.

***For these reasons, the National Right to Life Committee opposes the “Right to IVF Act” (S.4445) and will include votes related to S.4445 in our scorecard of key right-to-life votes of the 118th Congress.***

The legislation funds assisted reproductive technologies with virtually no safeguards. S.4445 would impose a new right to assisted reproductive technology defined to include IVF, but also “...other treatments or procedures in which reproductive genetic material, such as oocytes, sperm, fertilized eggs, and embryos, are handled...” It is not a stretch to believe this definition could be used to impose a nationwide right, overriding numerous state laws, to cloning human beings.

The expansive definition of what constitutes a “fertility treatment” contains two provisions requiring, “(D) Genetic testing of embryos....(G) Such other information, referrals, treatments, procedures, medications, laboratory testing, technologies, and services relating to fertility as the Secretary of Health and Human Services determines appropriate.” This definition could be easily understood to create a situation where embryos could be tested for sex, eye-color, and a myriad of other characteristics. S. 4445 is setting up a scheme wherein referral for destruction of embryos or for the referral for selective reduction (in the case of a woman becoming pregnant with multiple babies) would be mandated. S.4445 would trample the conscience rights of providers, requiring them not only to participate in the destruction of human embryos, but having them do so on discriminatory grounds.

The unlimited ability to destroy human embryos, which is what this bill would require, is NOT essential for IVF. S. 4445 prohibits any state from limiting the ability to dispose of embryos, directly forbidding any commonsense limits on the “disposition of reproductive genetic material, such as oocytes, sperm,

fertilized eggs, and embryos.” S. 4445 would also override any sort of state law that placed rational requirements on IVF practices. In Louisiana, for example, an embryo protection act has been in effect for decades, and IVF continues to be routinely practiced in the state.

Legislation should balance the value of human life with fertility treatments. This legislation would override even the most commonsense state laws protecting parents from the exploitation of a largely unregulated IVF industry and can be understood to mandate the unlimited creation and destruction of embryos (including ones created using human cloning) as well as the creation of chimeras using animal and human “genetic materials.”

***For these reasons, the National Right to Life Committee opposes the “Right to IVF Act” (S.4445) and will include votes related to S.4445 in our scorecard of key right-to-life votes of the 118th Congress.***

Should you have any questions, please contact us at (202) 378-8863, or via e-mail at [jpopik@nrlc.org](mailto:jpopik@nrlc.org). Thank you for your consideration of NRLC’s position on this important matter.



Carol Tobias  
President



Scott Fischbach  
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