

Duckworth, Murray, Schumer, Baldwin, Klobuchar Call on Senate Republicans to Help Pass Bill to Protect IVF Access Nationwide

February 27 2024 2:01 PM



WASHINGTON, D.C. – Today, U.S. Senator Tammy Duckworth (D-IL), Chair of the U.S. Senate Committee on Appropriations Patty Murray (D-WA), Senate Majority Leader Chuck Schumer (D-NY), U.S. Senator Tammy Baldwin (D-WI) and U.S. Senator Amy Klobuchar (D-MN) today called on Senate Republicans to get out of the way of Senate Democrats’ efforts to protect access to in-vitro fertilization (IVF) and other assisted reproductive technology (ART) nationwide in the wake of Alabama’s State Supreme Court ruling that frozen embryos created during the IVF process are

“children” under state law. In her remarks, Senator Duckworth announced that she will seek unanimous consent to pass the [*Access to Family Building Act*](#)—legislation that she introduced last month along with Senators Murray and Baldwin—which would establish a federal right to access IVF and other ART services for all Americans who need it, preempting state efforts to limit access and helping ensure no hopeful parent—or their doctors—are punished for trying to start or grow a family. [Video of Senator Duckworth’s remarks can be found on YouTube](#) and [photos from the press conference can be found on Senator Duckworth’s website](#).

“Since the Alabama Supreme Court handed down this ruling that is based in extreme ideology rather than medical science, countless people in Alabama have had their lives thrown into chaos as they’ve been forced to figure out whether they could be criminalized for a treatment that helps create life,” said Senator Duckworth. **“Make no mistake: this ruling is a direct result of Donald Trump’s promise to overturn *Roe v. Wade*—and I’ve been warning that IVF would be next for years. Before any other red states try to follow Alabama’s lead and enact more draconian laws around the country, we must pass my *Access to Family Building Act* to protect every American’s right to become a parent through IVF. And if Republicans truly care about the sanctity of families, then they need to show it by not blocking this bill when I bring it to the floor tomorrow.”**

“Ever since IVF access in Alabama was thrown into jeopardy by Republicans’ extreme ideology, women have been sharing the most heartbreaking stories about how their dreams of becoming a mother have been turned into a complete nightmare,” said Senator Murray. **“It’s almost unbelievable watching Republicans scramble over the weekend to suddenly say they support IVF while many of these same Republicans are literally, right now, cosponsors of legislation that would enshrine fetal personhood—the very concept that caused all this chaos in Alabama—and would scrap IVF nationwide. Women aren’t just going to forget who is responsible for this—who ripped away their dreams of building their families. If Republicans seriously want to help fix the chaos and devastation they have worked so hard to create, they can help us restore the rights enshrined in *Roe*—which they overturned to make all this possible—and they can help us pass legislation to protect the right to IVF care.”**

“Make no mistake, what happened in Alabama and the shameful state of women’s health care and reproductive freedom in this country is a direct consequence of the hard-right MAGA Supreme Court’s decision to overturn *Roe v. Wade*,” said Leader Schumer. **“The American people know who is responsible, and Republicans**

aren't fooling anyone by trying to run away from their record. Republicans own the disasters of *Roe v. Wade*, and Democrats are absolutely committed to doing everything we can to protect women, families, and reproductive freedom."

"Overturning *Roe* and stripping away the right to abortion care has paved the way to devastating consequences across the country — look no further than Alabama where judges told women they do not have the right to IVF. Now, women and families in states across the country are fearful their access to IVF could also be in jeopardy," said Senator Baldwin. "I'm proud to support the *Access to Family Building Act* and urge my colleagues to join us in protecting IVF because every family deserves the freedom to decide if, when, and how to build a family. Period."

"What we are seeing in Alabama is more of the chaos and cruelty that's been unleashed since *Roe v. Wade* was overturned. IVF is a miracle for millions of families, and no politician or court should interfere with that," said Senator Klobuchar. "We must act now to preserve women's reproductive freedom. That's why I'm cosponsoring this bill with Senator Duckworth to ensure IVF remains legal and accessible for Americans who want to start or grow their families. We will keep fighting to put women back in charge of their own health care and their own destiny."

[A copy of the bill text can be found using this link.](#)

The *Access to Family Building Act* builds on [previous legislation](#) introduced by Senator Duckworth in 2022. That year, Duckworth went to the Senate floor and [pleaded](#) with her Republican colleagues to help pass the legislation through unanimous consent. Republicans objected. Her new *Access to Family Building Act* is endorsed by the American Society for Reproductive Medicine (ASRM) and RESOLVE: The National Infertility Association.

Last year, Duckworth also joined Murray in reintroducing the [Reproductive Healthcare Accessibility Act](#), legislation to help people with disabilities—who face discrimination and extra barriers when seeking care—receive better access to reproductive healthcare and the informed care they need to control their reproductive lives. Additionally, Duckworth and U.S. Representative Gerald Connolly (D-VA-11) [urged](#) the Office of Personnel Management to require Federal Employees Health Benefit (FEHB) Programs to cover IVF. This resulted in the first nationally available healthcare plan to offer IVF coverage for federal employees insured by the FEHB program.

Duckworth was the first Senator to give birth while serving in office and 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. She joined her colleagues to [applaud](#) the Biden Administration's landmark decision to allow the Veterans Health Administration (VHA) to provide abortion care to Veterans and their eligible dependents to protect the health and life of the person and in cases of rape or incest.

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

I've been called a lot of names in my life: "Tammy." "Lieutenant Colonel." "Senator." And a few others that I can't mention in polite company.

"Mommy," though, is without a doubt my favorite.

It's the one my five-year-old uses when she runs into the house after dance class and pulls on my sleeve, eager to show me what she learned during her lesson.

It's the one my nine-year-old says when she announces her latest idea of what she wants to be when she grows up—right now, she's leaning toward becoming an Army cyber warrior.

My girls are my everything. But I likely would've never been able to have them if I hadn't had access to the basic reproductive rights that Americans—up until recently—had been depending on for decades.

Because after a decade of struggling with infertility my service in Iraq, I was only able to get pregnant through IVF.

IVF is the reason that I've gotten to experience the chaos and beauty... the stress and joy... that is motherhood.

IVF is the reason that my husband and I aren't just "Tammy and Bryan." We're "*Mommm* and *Daaaad*."

But for countless hopeful parents, that desperately-sought-after dream of becoming a parent just became so much harder.

Last week, Alabama's Supreme Court ruled that frozen embryos created through IVF should be considered children under state law...

A ruling based on extreme ideology rather than medical science...

And one that throws IVF access into chaos for countless women as they and their doctors try to figure out whether they might be criminalized for simply trying to start a family.

If you're thinking that this makes no sense, you're right.

The very people who claim to be “defending family values” are actively trying to enact policies that would actually prevent Americans from creating families.

IVF providers around the state have already paused treatments out of fear that their doctors and patients could be criminally punished.

And now that the first domino has fallen, it may only be a matter of time before more hospitals make the same call... before more courts issue similar rulings putting more women at risk.

You know, I was stationed in Alabama for a bit when I was in the Army.

I didn't know it at the time, but infertility would become one of the most heartbreaking struggles of my life—my miscarriage more painful than any wound I earned on the battlefield.

So it's a little personal when a majority-male court suggests that people like me who aren't able to have kids without the help of modern medicine should be in jail cells not nurseries.

I know I'm not alone when I struggle to understand how politicians who support this kind of policy can call themselves “pro-life.”

After *Roe v. Wade* was overturned—actually, even before then, when Donald Trump promised to only appoint justices who would overturn it—I warned that red states would come for IVF.

Now they have.

But they aren't going to stop in Alabama.

Mark my words: If we don't act now, it will only get worse.

That's why, tomorrow, I'm headed to the Senate floor to call on my colleagues to pass via unanimous consent my *Access to Family Building Act*...

Which would ensure that every American's right to become a parent via treatments like IVF is fully protected, regardless of what state they live in—guaranteeing that no hopeful parent or doctor is punished.

We face a lot of tough calls as Senators. This just isn't one of them.

One in four married women have difficulty getting pregnant or carrying a pregnancy to term. *One in four*.

So to my Republican colleagues, please:

Think about how many women that 1 in 4 equates to in your state...

Women willing to go through expensive, painful treatments just for a chance to experience the most banal moments of parenthood...

Just to have a newborn to swaddle... a toddler whose shoes to tie.

If you believe that they should have the right to be called "mom" without also being called a criminal, then all you have to do to prove it is let us pass this should-be-obvious legislation when we bring it to the floor tomorrow.

Because in this nightmarish moment, it's nowhere near enough to send out a vaguely worded tweet suggesting that you care about women's rights, despite a voting record to the contrary.

No. Instead, if you truly care about the sanctity of families... if you are genuinely, actually, honestly interested in protecting IVF... then you need to show it by not blocking this bill on the floor tomorrow. It's that simple.