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**Memorandum**

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# The Expansion of In Vitro Fertilization (IVF) and Assisted Reproductive Technologies (ART) in the House and Senate NDAs Raises Serious Ethical and Fiscal Concerns



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## Executive Summary

Both the House and Senate 2026 National Defense Authorization Acts (NDAAs) include language expanding the use of assisted reproductive technologies (ART), including in vitro fertilization (IVF). Said language requires the use of federal funding for technologies that are largely unregulated and have led to myriad harms for families seeking to conceive.

While Liberty Counsel Action first and foremost recognizes the incalculable worth and value of every child born as a result of IVF and ART and extends the utmost compassion to all couples who have faced or are facing challenges to conceive, at the same time, we recognize the core ethical dilemma IVF and ARTs present: Most live births are preceded by an IVF cycle that creates multiple embryos, the majority of which are frozen, discarded, fail to implant, or are lost at various stages of pregnancy.<sup>1</sup> In 2022, a conservative estimate suggests approximately 3.3 million embryos were lost or frozen in perpetuity.<sup>2</sup> By way of comparison, in 2022, 613,383 induced abortions were reported to the Centers for Disease Control and Prevention (CDC).<sup>3</sup>

Additionally, the fertility industry shows a level of gross negligence absent in any other medical field with “never events”<sup>4</sup> — which are events that, per the term, should *never occur* — *occurring regularly*, ranging from freezer failures<sup>5</sup> to “putting the wrong egg with the wrong sperm”<sup>6</sup> to implanting the wrong embryo. In one such case, a woman “immediately” knew the baby she bore via IVF was not hers: She and her sperm donor were white; the baby was black.<sup>7</sup>

Related, the fertility industry practice of surrogacy has led to unconscionable outcomes:

- In Pennsylvania, a Tier 1 registered sex-offender (convicted of child abuse and possession of child pornography) and his male partner recently became parents via surrogacy “without the same intense scrutiny, accountability, and judicial oversight mandated for the adoption process.”<sup>8</sup>
- In California, severe child abuse was discovered in the home of a couple housing 21 children from various surrogate mothers, all of whom have been placed in protective custody.<sup>9</sup>

Alongside this, the cost of the expansion could easily range from \$1-2 billion or more annually, meaning American taxpayers would be forced to fund a risk-laden, unregulated, and for-profit industry that is often unsuccessful (most IVF cycles fail) and fails to address the root causes of an individual’s infertility.

In contrast to the issues surrounding IVF, restorative reproductive medicine has proven hugely successful: root cause treatments have improved chances for fertility by up to 70% in two years.<sup>10</sup> Moreover, “such methods may also increase a couple’s success rates if they decide to still use IVF.”<sup>11</sup> Given this, Liberty Counsel Action proposes that the ART and IVF expansion language in the House and Senate NDAAs be removed, and restorative reproductive medicine be advanced.

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# Lives Created, Placed on Hold: Born After Being Frozen for Decades

In July 2025, a new record was set for the oldest baby born via IVF: Thaddeus Daniel Pierce, conceived in 1994 alongside three other siblings (including a now-30-year-old sister), was frozen for 30 and a half years<sup>12</sup> before being born to adoptive<sup>13</sup> parents Lindsey and Tim Pierce. The Ohio couple shared that they were “open to any” kind of embryo, including those long-frozen. As aptly summarized by his birth and adoptive mother, “it’s like something from a sci-fi movie.”<sup>14</sup>

Indeed, scenarios like the above are becoming more common; numerous children have been born after having been frozen as embryos, sometimes for decades.<sup>15</sup> In another case, parents Rachel and Philip Ridgeway felt called to build a larger family and also chose to do so through embryo “adoption.”<sup>16</sup> Conceived in 1992 and born on October 31, 2022, their twins were “kept in liquid nitrogen at nearly 200 degrees below zero” for nearly three decades before the Ridgeways adopted them.<sup>17</sup> Their mom, Rachel, was 34 at the time — just a few years older than her twins.<sup>18</sup>

These stories illustrate the following scientific truth, outlined by Maureen Condic, Ph.D., associate professor of neurobiology at the University of Utah School of Medicine: “The conclusion that human life begins at sperm-egg fusion is uncontested, objective, based on the universally accepted scientific method of distinguishing different cell types from each other and on ample scientific evidence. ... Moreover, it is entirely independent of any specific ethical, moral, political, or religious view of human life or of human embryos.”<sup>19</sup> The American College of Pediatricians corroborates this, asserting that the difference between an adult human and a human in its “zygotic stage” at conception is simply “one of form, not nature.”<sup>20</sup>

In essence, the location of an embryo at the moment of fertilization (in or outside the womb) does not change the fact that said embryo is a unique human being. Given this, the expansion of IVF and ART in TRICARE as proposed in the 2026 House and Senate National Defense Authorization Acts (NDAA) raises several concerns.

## Primary Ethical and Fiscal Concerns

### **1. The proposed expansion fails to address and prevent “never events” resulting from the largely unregulated and risk-laden practices of the fertility industry.<sup>21</sup>**

- Nationwide, as of 2023, only 11 states had “statutes that regulate facilities that collect and transfer human gametes and embryos.”<sup>22</sup> This lack of regulations has more than likely contributed to the gross negligence shown by the industry.
- In perhaps one of the most egregious examples, earlier this year Krystena Murray gave birth to a child she “immediately” knew was not her own: she and her sperm donor are both white; the

baby was black. While she resolved to raise the child, the biological parents discovered the issue and demanded custody. The situation has left Murray “emotionally and physically broken.”<sup>23</sup>

- While closely regulated in every other field of medicine, the fertility industry is exempt from reporting these “never events” (“major, avoidable mistakes”).<sup>24</sup> Indeed, a lawyer whose firm has represented hundreds of people with fertility industry claims summarized the issue well: “Tragically we see very serious errors on a daily basis. These are the wild west days of the American fertility industry ... It can do, basically, whatever it likes.”<sup>25</sup>
- While some IVF providers operate with the best of intentions, the “bad actors” and the unfortunate truth that ART procedures regularly lead to disappointment (miscarriage, stillbirth, or death of the child post-birth) necessitate proper regulations, which the House and Senate NDAA language fail to provide.

## **2. The proposed expansion fails to address the underlying root causes of infertility, which are often far less costly, doing a disservice to our active military men and women.**<sup>26</sup>

- Infertility, defined by the CDC as “not being able to get pregnant (conceive) after one year (or longer) of unprotected sex,”<sup>27</sup> affects 1 in 6 individuals worldwide,<sup>28</sup> 1 in 5 American women, and an estimated 1 in 4 U.S. military service members.<sup>29</sup> Yet rather than investigate these alarmingly high statistics to determine the root causes of infertility (ARTs address symptoms, not causes), the House and Senate language ignores root causes, instead using taxpayer dollars to fund the for-profit and essentially unregulated, risk-laden fertility industry.
- Failing to ensure underlying causes of infertility are addressed will lead active services members struggling with infertility to rely on a costly, often ineffective (most IVF cycles fail) medical fix. Conversely, several single-clinic studies show “adjusted cumulative live birth rates ranging from **29% to 66%**” when “subfertile couples” receive “restorative reproductive medicine ... for up to two years.”<sup>30</sup>
- Restorative reproductive medicine (RRM) is often “far more affordable than IVF”<sup>31</sup> and has also been shown to succeed where IVF fails.<sup>32</sup> For example, a study cited by Emma Waters with the Heritage Foundation found “40% of couples previously diagnosed with infertility conceived naturally after undergoing RRM-based treatments compared with a 24% success rate with IVF.”<sup>33</sup> Another study found 32.1% of women with an average of 2 failed IVF attempts experienced a live birth after undergoing RRM.<sup>34</sup>
- Furthermore, babies born post-RRM treatment tend to be born at term, as compared to babies born post-IVF treatment, which are often pre-term; this results in “healthy babies that may save health care systems considerably.”<sup>35</sup>

### 3. The proposed expansion is fiscally irresponsible, using taxpayer dollars to prop up a \$46 billion<sup>36</sup> for-profit and largely unregulated industry.

- The Congressional Budget Office (CBO) estimated this provision would cost approximately \$1.8 billion over three years, which includes \$300 million per year for IVF cycles.<sup>37</sup>
- While some may contend this is an overestimate (the CBO states their estimate is subject to “considerable uncertainty”<sup>38</sup>), it is more likely an underestimate, considering the following:
  - The estimate was based on an IVF cycle priced at \$12,000, which is a low-end estimate; the actual cost of a cycle can easily exceed \$30,000,<sup>39</sup> a figure that would more than double the CBO’s estimate for IVF from \$900 million over three years to \$2.25 billion over three years.
  - The CBO also estimates that for the “900,000 married service members and unmarried female members” the DoD would cover 25,000 IVF cycles. This is likely a vast underestimate, considering that (as proponents of the language point out) 1 in 4 active duty service members or their spouses struggle with infertility,<sup>40</sup> which would equate to 225,000 individuals. Even if one assumes just half of said individuals (112,500) will seek IVF, and using the low-end estimate of \$12,000 per cycle, the cost for IVF alone (not including other services covered under the provision, e.g., intrauterine insemination, embryo storage, etc.) increases to approximately \$4 billion (estimated) over three years.
  - **Combining the above points** (112,500 IVF cycles priced between \$12,000 and \$30,000), **the cost for IVF alone over 3 years would range from \$4 billion – \$1 trillion.**
  - Furthermore, the language would allow single servicemen to hire surrogates,<sup>41</sup> which is not accounted for in the estimate, and is often far more costly than IVF alone (paying surrogacy fees, etc.<sup>42</sup>). It also carries numerous additional risks to mother and child, detailed below.
  - The House and Senate language provides for (at least) three egg retrievals per year, meaning a single individual could undergo multiple (potentially unlimited) cycles of egg freezing or IVF.
- Related, the House and Senate language largely disregard the CDC’s medical definition of infertility,<sup>43</sup> instead defining “infertility” to include “the inability of an individual to reproduce without medical intervention ... as a single individual.” In other words, this language provides IVF coverage for a single individual whether they have an actual, underlying medical condition causing infertility or not, a clear misuse of taxpayer funds.
- **In short, the cost to implement this provision in the specified time frame could easily be upwards of \$5 billion.**

### 4. The proposed expansion exacerbates the fertility industry’s current commodification of children and exploitation of women via surrogacy.

- Current estimates suggest there are 1.5 million frozen embryos nationwide.<sup>44</sup> The proposed language expands this (often indefinite) practice of placing lives on hold.
- Under the Senate language, federal funding for genetic testing and selection, currently offered by over 90% of ART clinics for characteristics ranging from eye color to sex and even IQ<sup>45</sup> (with 73% explicitly offering sex-selection<sup>46</sup>), would be expanded. Such testing to select “desirable” embryos is the epitome of **eugenics**, widely accepted as a failed science post the horror of the

Nazi regime in Germany. Some seek to justify the current practice of eugenics by distinguishing the reasons for it, but the outcome is the same: individuals die if they don't make the grade.<sup>47</sup>

- The House and Senate NDAA language expand the practice of surrogacy, which enables individuals to “buy” an egg or a sperm, “rent” a womb, and (as would be permitted under the Senate language) “create” a child or “designer baby”<sup>48</sup> with traits to their liking. By design, it severs the “natural maternal bonding that takes place during pregnancy,” which can lead to difficulties in adjustment for children,<sup>49</sup> and often deprives a child of either a mother or a father.<sup>50</sup>
- In the current patchwork regulatory structure, children are at risk of exploitation as well: A California couple who owned a surrogacy operation were recently found to be housing 21 children from various surrogate mothers — all of whom have been placed in protective custody after the discovery of severe child abuse inside the home. As stated by one of the surrogate mothers, “it's horrific, it's disturbing, it's damaging emotionally.”<sup>51</sup>
- Referring to such surrogacy agencies, Kallie Fell, executive director of the Center of Bioethics and Culture states, “Anything goes. And these clinics, these agencies are not regulated by any governing body.”<sup>52</sup>
- Related, surrogate mothers are also at risk of exploitation<sup>53</sup> (including being trafficked<sup>54</sup>) and have a higher risk of postpartum depression<sup>55</sup> and severe maternal morbidities,<sup>56</sup> compared to those who conceived without the use of ART.<sup>57</sup>

## **5. The proposed expansion fails to adequately address the health risks (to mother and child) of IVF and ART.**

- The majority of women undergoing IVF often experience intense, painful treatments for months or years, only to suffer the devastation of (at least one, if not numerous) failures to implant, miscarriages, stillbirths, or deaths of children post-birth.<sup>58</sup> Indeed, while live birth rates vary,<sup>59</sup> one study found that only 33% of women experienced a live birth following their first IVF cycle.<sup>60</sup>
- Women undergoing IVF also face a higher risk of numerous pregnancy complications, such as vascular complications (e.g. irregular heartbeat and kidney injury) and preterm birth.<sup>61</sup>
- Tragically, for the children that are born alive, a Swedish study demonstrates that they likely have “higher infant mortality risks” compared to those born without the use of ART.<sup>62</sup>
- Children conceived through IVF have a higher risk of stillbirth, fetal anomalies, “any type of childhood cancer,” leukemia, hepatic tumors, and more.<sup>63</sup>

## **6. The proposed expansion could lead to increased federal funding of ethically questionable practices.**

- While the House language bans preimplantation genetic screening (the Senate language does not), it does not ban genetic modification. While this may be because the use of genetically modified embryos intended for pregnancy is banned by an annual appropriations bill rider,<sup>64</sup> there are no guarantees it will be renewed. Furthermore, there are calls to remove the ban,<sup>65</sup> which could make the following permissible nationwide:<sup>66</sup>

- Creation of, and the sale or purchase of, genetically modified embryos for implantation purposes, including three-parent embryos,<sup>67</sup> enabling polyamorous “throuples” to have a child related to all parents.
- Creation of human-animal chimeras, which have already been created by scientists in China.<sup>68</sup>
- Advancements in technology present further ethically questionable practices, including in vitro gametogenesis (IVG), “which involves custom-making human eggs and sperm in the laboratory from any cell in a person's body” and “is on the precipice of materialization.”<sup>69</sup> This could enable lesbian, homosexual, and transgender couples to have babies that are genetically related to both partners, and a single person to have a “uni-baby.”<sup>70</sup> While the proposed House and Senate language bans the use of human cloning and artificial wombs, a future Congress could easily remove said bans, leading to the potential for a male to self-procreate without the assistance of a biological woman.
- Perhaps most appallingly, the current lack of regulations surrounding ART has **allowed a Tier 1 registered Pennsylvania sex-offender and his male partner to become parents via surrogacy** “without the same intense scrutiny, accountability, and judicial oversight mandated for the adoption process.”<sup>71</sup> The sex-offender-now-surrogate-father, Brandon Keith Riley-Mitchell, was convicted in 2016 for “sexual abuse of children” and “pleaded guilty to felony possession of child pornography.”<sup>72</sup> He was sentenced to a maximum of 23 months of prison time, with a minimum of three months in confinement.
- The above case serves to highlight the unethical outcomes permitted by the unregulated fertility industry. While a PA district attorney is “calling for legislative action ... noting current state law did not preclude Riley-Mitchell from becoming a father,” until such loopholes are corrected, the federal government should by no means provide funding for an industry that accommodates such unconscionable practices.<sup>73</sup>

## Recommendation: Advance Restorative Reproductive Medicine (RRM)

Proponents of the ART expansion in the House and Senate NDAA’s rightly claim it is hypocritical for Congress to deny members of the military the same ART coverage they benefit from. The solution, however, is not expanding bad policy. Rather, Congress needs to address the abhorrent lack of regulatory structure over the fertility industry and pass legislation that values life, prevents the commodification of children and exploitation of women, and ensures couples are aware of the risks related to ART and the myriad restorative health options available, the latter of which would be achieved by passage of the Reproductive Empowerment and Support through Optimal Restoration (RESTORE) Act, recently re-introduced in both the House and Senate.<sup>74</sup>

For further information, including more detailed recommendations, see Liberty Counsel Action's [White Paper](#), "Current Fertility Industry Practices Call for Strict Oversight, Promotion of Restorative Reproductive Medicine."

## Endnotes

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<sup>2</sup> Public Health, "ART Surveillance," U.S. Centers for Disease Control and Prevention, December 10, 2024, <https://www.cdc.gov/art/php/surveillance/index.html>; Emma Waters, "Why the IVF Industry Must be Regulated," The Heritage Foundation, March 19, 2024, <https://www.heritage.org/life/report/why-the-ivf-industry-must-be-regulated>; and "How is IVF Done—Step by Step?," ARC Fertility, 2025, <https://www.arcfertility.com/how-is-ivf-done-step-by-step/>. NB: Data from the CDC indicates there were **435,426** assisted reproductive technology cycles in 2022—which resulted in 98,289 live-born infants. The CDC further notes that 184,423 of the ART cycles "were egg or embryo banking." Presuming half of those were for egg banking (92,212), that leaves 343,214 ART cycles in which embryos were created. If one uses a conservative estimate that 10 embryos were created per cycle (NB: According to ARC Fertility, an average IVF cycle retrieves 10-20 eggs; this presumes just half become embryos), that equates to approximately 3.4 million embryos created – and approximately 3.3 million embryos lost or frozen. NB: According to the CDC, ART procedures generally involve the creation of embryos, though they can also include egg and embryo freezing and embryo donation. See: "About ART," U.S. Centers for Disease Control and Prevention, December 10, 2024, <https://www.cdc.gov/art/about/index.html>.

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<sup>7</sup> Associated Press, "Woman Sues Fertility Clinic, Saying She Gave Birth to Another Patient's Baby," *U.S. News and World Report*, February 18, 2025, <https://www.usnews.com/news/us/articles/2025-02-18/woman-sues-fertility-clinic-saying-she-gave-birth-to-another-patients-baby>.

<sup>8</sup> Joshua Rhet Miller, "'Loophole' Allowing Child Sex Offender to Adopt by Surrogacy Faces Scrutiny," *Newsweek*, July 31, 2025, <https://www.newsweek.com/pennsylvania-sex-offender-surrogacy-loophole-brandon-keith-riley-mitchell-2107138>.

<sup>9</sup> Rob Hayes, "21 children - all with surrogate mothers - taken from SoCal couple amid investigation," July 16, 2025, ABC 7 News, <https://abc7news.com/post/surrogacy-scandal-21-children-surrogate-mothers-taken-arcadia-california-couple-amid-investigation/17149058/>.

<sup>10</sup> "Hyde-Smith Introduces Bill to Help Fight Infertility," U.S. Senator Cindy Hyde-Smith, June 13, 2024, <https://www.hydesmith.senate.gov/hyde-smith-introduces-bill-help-fight-infertility>.

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<sup>12</sup> Jessica Hamzelou, "Exclusive: A record-breaking baby has been born from an embryo that's over 30 years old," MIT Technology Review, July 29, 2025, <https://www.technologyreview.com/2025/07/29/1120769/exclusive-record-breaking-baby-born-embryo-over-30-years-old/>.

<sup>13</sup> Note: Embryo "adoption," unlike formal adoptions, is "a type of embryo donation in which both donors and recipients have a say in whom they 'place' their embryos with." *Ibid*.

<sup>14</sup> *Ibid*.

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<sup>35</sup> “RRM Shows New Hope for Couples After Failed IVF,” International Institute for Restorative Reproductive Medicine, accessed July 30, 2025, <https://iirm.org/hope-after-ivf-rrm/>.

<sup>36</sup> “Fertility Services Market Report by Cause of Infertility (Male Infertility, Female Infertility), Procedure (In Vitro Fertilization with Intracytoplasmic Sperm Injection (IVF with ICSI), Surrogacy, In Vitro Fertilization Without Intracytoplasmic Sperm Injection (IVF without ICSI), Intrauterine Insemination (IUI), and Others), Service (Fresh Non-Donor, Frozen Non-Donor, Egg and Embryo Banking, Fresh Donor, Frozen Donor), End-User (Fertility Clinics, Hospitals, Surgical Centres, Clinical Research, Institutes, Cryobanks), and Region 2024-2032,” *Imarc*, accessed August 1, 2025, <https://www.imarcgroup.com/fertility-services-market>.

<sup>37</sup> Congressional Budget Office, “Cost Estimate, H.R. 3838, Streamlining Procurement for Effective Execution and Delivery and National Defense Authorization Act for Fiscal Year 2026,” August 13, 2025, [https://www.cbo.gov/system/files/2025-08/hr3838\\_0.pdf](https://www.cbo.gov/system/files/2025-08/hr3838_0.pdf).

<sup>38</sup> *Ibid.*

<sup>39</sup> “Fact Sheet: In Vitro Fertilization (IVF) Use Across the United States,” U.S. Department of Health and Human Services, [https://www.hhs.gov/about/news/2024/03/13/fact-sheet-in-vitro-fertilization-ivf-use-across-unitedstates.html#footnote35\\_8g1x7d5](https://www.hhs.gov/about/news/2024/03/13/fact-sheet-in-vitro-fertilization-ivf-use-across-unitedstates.html#footnote35_8g1x7d5), see also: Jeanette Tomasion, “IVF cost: Understanding the expenses of in vitro fertilization,” *Carrot*, July 6, 2023, <https://www.get-carrot.com/blog/ivf-cost-understanding-the-expenses-of-in-vitro-fertilization>, which estimates the average cost of an IVF cycle at over \$20,000.

<sup>40</sup> “Duckworth, Jacobs Introduce Bicameral Legislation to Help Cover IVF Costs for Servicemembers and Military Families,” ...

<sup>41</sup> While both the House and Senate language prohibit payments for international surrogacy, the language would permit domestic surrogacy; specifically, the language includes “fertility treatment coordination” in its definition of “fertility treatment,” which could be interpreted to allow the coordination of hiring a surrogate. Furthermore, both the House and Senate language allow the Secretary of Defense to determine whether other “services facilitating reproduction” are appropriate, which would include surrogacy.

<sup>42</sup> As outlined by one fertility website, surrogacy typically costs between \$125,000 to \$200,000 (for agency fees, surrogacy compensation, etc.). While altruistic arrangements can be made (wherein the surrogate does not gain financially), that only eliminates the carrier compensation fees. See: “Funding the cost of gestational surrogacy,” *Carrot*, September 1, 2024, <https://www.get-carrot.com/blog/funding-your-gestational-carrier-journey>.

<sup>43</sup> “Infertility: Frequently Asked Questions,” U.S. Centers for Disease and Control Prevent, May 15, 2024, <https://www.cdc.gov/reproductive-health/infertility-faq/index.html>.

<sup>44</sup> Joshua Sharfstein, “The Alabama Supreme Court’s Ruling on Frozen Embryos,” John Hopkins Bloomberg School of Public Health, February 27, 2024, <https://publichealth.jhu.edu/2024/the-alabama-supreme-courts-ruling-on-frozen-embryos>.

<sup>45</sup> Hannah Devlin, Tom Burgis, David Pegg, and Jason Wilson, “US startup charging couples to ‘screen embryos for IQ,’” *The Guardian*, October 18, 2024, <https://archive.is/urFkV>.

<sup>46</sup> Emma Waters, “Babies Aren’t Disposable, at Any Stage,” *The Heritage Foundation*, February 15, 2023, <https://www.heritage.org/life/commentary/babies-arent-disposable-any-stage>.

<sup>47</sup> Vera Lúcia Raposo, “From Public Eugenics to Private Eugenics: What Does the Future Hold?” *National Library of Medicine*, October 2022, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9635610/>.

<sup>48</sup> The *Cambridge Dictionary* defines a designer baby as one “whose genes have been chosen by its parents and doctors so that it has particular characteristics.” *Cambridge Advanced Learner’s Dictionary & Thesaurus*, (Cambridge University Press), “Designer Baby,” entry, [https://dictionary.cambridge.org/us/dictionary/english/designer-baby#google\\_vignette](https://dictionary.cambridge.org/us/dictionary/english/designer-baby#google_vignette).

<sup>49</sup> “Three Things You Should Know About Third Party Assisted Reproduction,” *The Center for Bioethics and Culture Network*, accessed October 23, 2024, <https://cbc-network.org/faq/>.

<sup>50</sup> Private and often unregulated surrogacy arrangements highlight a deeper cultural crisis, that of same-sex adoption, which “deliberately and unapologetically deprives a child of either a mother or a father,” exposing children to “confused and destructive” sexual ethics. Paul Batura, “Baby Should Be Immediately Removed from Convicted Child Predator,” *Daily Citizen*, August 1, 2025, <https://dailycitizen.focusonthefamily.com/baby-should-be-immediately-removed-from-convicted-child-predator/>.

<sup>51</sup> Rob Hayes, “21 children - all with surrogate mothers - taken from SoCal couple amid investigation,” July 16, 2025, ABC 7 News, <https://abc7news.com/post/surrogacy-scandal-21-children-surrogate-mothers-taken-arcadia-california-couple-amid-investigation/17149058/>.

<sup>52</sup> *Ibid.*

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- <sup>53</sup> Kathryn Jean Lopez, "Please, Can We Pause for the Death of a Wife and Mother of Two?" *National Review*, January 20, 2020, <https://www.nationalreview.com/2020/01/please-can-we-pause-for-the-death-of-a-wife-and-mother-of-two/>.
- <sup>54</sup> Special Rapporteur on the sale and sexual exploitation of children, "Report on safeguards for the protection of the rights of children born from surrogacy arrangements," United Nations Human Rights Office of the High Commissioner, July 15, 2019, <https://www.ohchr.org/en/calls-for-input/report-safeguards-protection-rights-children-born-surrogacy-arrangements>. Note: While both the House and Senate language prohibit payments for international surrogacy, trafficked women serving as surrogates could already be in the U.S.
- <sup>55</sup> "Jennifer Lahl Speaks to U.S. Senate," *The Center for Bioethics and Culture Network*, July 2024, <https://cbc-network.org/2024/07/jennifer-lahl-speaks-to-us-senate/>.
- <sup>56</sup> These "can result in significant short- or long-term health consequences." See: "Maternal Infant Health," The Center for Disease Control, accessed November 12, 2024, <https://www.cdc.gov/maternal-infant-health/php/severe-maternal-morbidity/index.html>.
- <sup>57</sup> Maria P. Velez, et. al., "Severe Maternal and Neonatal Morbidity Among Gestational Carriers: A Cohort Study," *Annals of Internal Medicine*, September 24, 2024, <https://www.acpjournals.org/doi/10.7326/M24-0417>.
- <sup>58</sup> For example, see: Deepa Dongarwar and Hamisu Mohammed Salihu, "Risk of Stillbirth after Infertility Treatment in the United States: 2014-2017," *International Journal of Maternal and Child Health and Aids*, February 2020, <https://mchandaids.org/risk-of-stillbirth-after-infertility-treatment-in-the-united-states-2014-2017/>.
- <sup>59</sup> For example, the Society for Assisted Reproductive Technology (SART) reported that in 2023, for intended egg retrievals and first-time embryo transfers (with a patient's own eggs), live birth rates ranged from 2.8% (over age 42) to 35.5% (under age 35). The chance of a live birth doing IVF as a new patient in a clinic ranged from 4.2% (over age 42) to 50.8% (under age 35). See: "All SART Member Clinics | Preliminary National Summary Report for 2023," the Society for Assisted Reproductive Technology, accessed August 1, 2025, <https://sartcorsonline.com/Csr/Public?ClinicPKID=0&reportingYear=2023&newReport=True>.
- <sup>60</sup> Georgine Chambers, "Women now have clearer statistics on whether IVF is likely to work," UNSW Sydney, July 24, 2017, <https://www.unsw.edu.au/newsroom/news/2017/07/women-now-have-clearer-statistics-on-whether-ivf-is-likely-to-work>.
- <sup>61</sup> Ibid. See also, "Common infertility treatments may increase risks for pregnancy, vascular complications," *Journal of the American Heart Association Report*, February 22, 2022, <https://newsroom.heart.org/news/common-infertility-treatments-may-increase-risks-for-pregnancy-vascular-complications>.
- <sup>62</sup> Kenny A Rodriguez-Wallberg et. al., "Mortality from infancy to adolescence in singleton children conceived from assisted reproductive techniques versus naturally conceived singletons in Sweden," *Fertility and Sterility*, 113, No. 3, March 2020, [https://www.fertstert.org/article/S0015-0282\(19\)32488-4/fulltext](https://www.fertstert.org/article/S0015-0282(19)32488-4/fulltext).
- <sup>63</sup> Deepa Dongarwar and Hamisu Mohammed Salihu, "Risk of Stillbirth after Infertility Treatment in the United States: 2014-2017," *International Journal of Maternal and Child Health and Aids*, February 2020, <https://mchandaids.org/risk-of-stillbirth-after-infertility-treatment-in-the-united-states-2014-2017/>; "Jennifer Lahl Speaks to US Senate," *The Center for Bioethics and Culture Network*, July 23, 2024, <https://cbc-network.org/2024/07/jennifer-lahl-speaks-to-us-senate/>; Shiue-Shan Weng et. al., "Assisted Reproductive Technology and Risk of Childhood Cancers," *JAMA Network*, August 31, 2022, <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2795793>; Leah Lawrence, "Assisted Reproductive Technology Linked to Increased Risk of Leukemia," *Cancer Therapy Advisor*, May 6, 2024, <https://www.cancertherapyadvisor.com/news/assisted-reproductive-technology-leukemia/>.
- <sup>64</sup> Kirstin R W Matthews and Daniel Morali, "Can we do that here? An analysis of US federal and state policies guiding human embryo and embryoid research," *Journal of Law and the Biosciences*, June 9, 2022, <https://academic.oup.com/jlb/article/9/1/ljac014/6604445>. For the most recent ban, see The Consolidated Appropriations Act, 2024, section 737, <https://www.congress.gov/bill/118th-congress/house-bill/4366/text>.
- <sup>65</sup> Emily Mullin, "Patient advocates and scientists launch push to lift ban on 'three-parent IVF,'" *STAT*, April 16, 2019, <https://www.statnews.com/2019/04/16/mitochondrial-replacement-three-parent-ivf-ban/>. See also: Andrew Joseph, "Congress Revives Ban on Altering the DNA of Human Embryos Used for Pregnancies," *Scientific American*, June 5, 2019, <https://www.scientificamerican.com/article/congress-revives-ban-on-altering-the-dna-of-human-embryos-used-for-pregnancies/> and Rob Stein, "House Committee Votes To Continue Ban On Genetically Modified Babies," *NPR*, June 4, 2019, <https://www.npr.org/sections/health-shots/2019/06/04/729606539/house-committee-votes-to-continue-research-ban-on-genetically-modified-babies>.
- <sup>66</sup> This is concerning given, in addition, the proposed language permits the Secretary of Defense to determine whether "other ... treatments, procedures, testing ... laboratory services, technologies, and services facilitating reproduction" are appropriate.

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<sup>67</sup> Jessica Hamzelou, “Three-parent baby technique could create babies at risk of severe disease,” *MIT Technology Review*, March 2, 2023, <https://www.technologyreview.com/2023/03/02/1069296/three-parent-baby-technique-risk-of-disease/>. The long-term effects are unknown.

<sup>68</sup> Alice Park, “Scientists Report Creating the First Embryo With Human and Non-Human Primate Cells,” *Time*, April 15, 2021, <https://time.com/5954818/first-human-monkey-chimera-embryo/>.

<sup>69</sup> Rob Stein, “Creating a sperm or egg from any cell? Reproduction revolution on the horizon,” *NPR*, May 27, 2023, <https://www.npr.org/sections/health-shots/2023/05/27/1177191913/sperm-or-egg-in-lab-breakthrough-in-reproduction-designer-babies-ivg>.

<sup>70</sup> *Ibid.* Also note, while similar, IVG is distinct from human cloning.

<sup>71</sup> Joshua Rhett Miller, “‘Loophole’ Allowing Child Sex Offender to Adopt by Surrogacy Faces Scrutiny,” *Newsweek*, July 31, 2025, <https://www.newsweek.com/pennsylvania-sex-offender-surrogacy-loophole-brandon-keith-riley-mitchell-2107138>.

<sup>72</sup> *Ibid.*

<sup>73</sup> *Ibid.*

<sup>74</sup> “Hyde-Smith Reintroduces Bill to Strengthen Support for Families Struggling with Infertility,” News Releases; Cindy Hyde-Smith | Proudly Representing the People of Mississippi, May 22, 2025, <https://www.hydesmith.senate.gov/hyde-smith-reintroduces-bill-strengthen-support-families-struggling-infertility>.