

119TH CONGRESS  
1ST SESSION

# H. R. 4639

To amend the Internal Revenue Code of 1986 to provide an income tax credit for the costs of infertility treatments.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2025

Mr. CAREY (for himself, Mr. LANDSMAN, and Mr. MILLER of Ohio) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Internal Revenue Code of 1986 to provide an income tax credit for the costs of infertility treatments.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Infertility Treatment  
5 Affordability Act of 2025”.

6 **SEC. 2. CREDIT FOR INFERTILITY TREATMENTS.**

7 (a) IN GENERAL.—Subpart A of part IV of sub-  
8 chapter A of chapter 1 of the Internal Revenue Code of  
9 1986 is amended by inserting before section 24 the fol-  
10 lowing new section:

1 **“SEC. 23A. CREDIT FOR INFERTILITY TREATMENTS.**

2 “(a) ALLOWANCE OF CREDIT.—In the case of an eli-  
3 gible individual, there shall be allowed as a credit against  
4 the tax imposed by this chapter for the taxable year an  
5 amount equal to 50 percent of the qualified infertility  
6 treatment expenses paid or incurred during the taxable  
7 year.

8 “(b) LIMITATIONS.—

9 “(1) DOLLAR LIMITATION.—The amount of the  
10 credit under subsection (a) for any taxable year shall  
11 not exceed the excess (if any) of—

12 “(A) the dollar amount in effect under sec-  
13 tion 23(b)(1) for the taxable year, over

14 “(B) the aggregate amount of the credits  
15 allowed under subsection (a) for all preceding  
16 taxable years.

17 “(2) INCOME LIMITATION.—

18 “(A) IN GENERAL.—The amount otherwise  
19 allowable as a credit under subsection (a) for  
20 any taxable year (determined after the applica-  
21 tion of paragraph (1) and without regard to  
22 this paragraph and subsection (c)) shall be re-  
23 duced (but not below zero) by an amount which  
24 bears the same ratio to the amount so allowable  
25 as—

1 “(i) the amount (if any) by which the  
 2 taxpayer’s adjusted gross income exceeds  
 3 the dollar amount in effect under clause (i)  
 4 of section 23(b)(2)(A), bears to

5 “(ii) \$40,000.

6 “(B) DETERMINATION OF ADJUSTED  
 7 GROSS INCOME.—For purposes of subparagraph  
 8 (A), adjusted gross income shall be determined  
 9 without regard to sections 911, 931, and 933.

10 “(3) PORTION OF CREDIT REFUNDABLE.—

11 “(A) IN GENERAL.—So much of the credit  
 12 allowed under subsection (a) for any taxable  
 13 year (determined after the applications of para-  
 14 graphs (1) and (2)) as does not exceed \$5,000  
 15 shall be treated as a credit allowed under sub-  
 16 part C and not as a credit allowed under this  
 17 subpart.

18 “(B) ADJUSTMENTS FOR INFLATION.—

19 “(i) IN GENERAL.—In the case of a  
 20 taxable year beginning after December 31,  
 21 2025, the \$5,000 amount in subparagraph  
 22 (A) shall be increased by an amount equal  
 23 to—

24 “(I) such dollar amount, multi-  
 25 plied by

1 “(II) the cost-of-living adjust-  
2 ment determined under section 1(f)(3)  
3 for the calendar year in which the tax-  
4 able year begins, determined by sub-  
5 stituting ‘calendar year 2024’ for ‘cal-  
6 endar year 2016’ in subparagraph  
7 (A)(ii) thereof.

8 “(ii) ROUNDING.—If any amount as  
9 increased under clause (i) is not a multiple  
10 of \$10, such amount shall be rounded to  
11 the nearest multiple of \$10.

12 “(4) DENIAL OF DOUBLE BENEFIT.—

13 “(A) IN GENERAL.—Any qualified infer-  
14 tility treatment expense taken into account for  
15 purposes of any deduction (or any credit other  
16 than the credit allowed under this section) shall  
17 be reduced by the amount of the credit allowed  
18 under subsection (a) with respect to such ex-  
19 pense.

20 “(B) GRANTS.—No credit shall be allowed  
21 under subsection (a) for any expense to the ex-  
22 tent that reimbursement or other funds in com-  
23 pensation for such expense are received under  
24 any Federal, State, or local program.

1           “(C) INSURANCE REIMBURSEMENT.—No  
2           credit shall be allowed under subsection (a) for  
3           any expense to the extent that payment for  
4           such expense is made, or reimbursement for  
5           such expense is received, under any insurance  
6           policy.

7           “(c) CARRYFORWARDS OF UNUSED CREDIT.—

8           “(1) IN GENERAL.—If the portion of the credit  
9           allowable under subsection (a) which is allowed  
10          under this subpart exceeds the limitation imposed by  
11          section 26(a) for such taxable year reduced by the  
12          sum of the credits allowable under this subpart  
13          (other than this section and section 25D), such ex-  
14          cess shall be carried to the succeeding taxable year  
15          and added to the credit allowable under subsection  
16          (a) for such succeeding taxable year.

17          “(2) LIMITATION.—No credit may be carried  
18          forward under this subsection to any taxable year  
19          after the 5th taxable year after the taxable year in  
20          which the credit arose. For purposes of the pre-  
21          ceding sentence, credits shall be treated as used on  
22          a first-in, first-out basis.

23          “(d) QUALIFIED INFERTILITY TREATMENT EX-  
24          PENSES.—For purposes of this section—

1           “(1) IN GENERAL.—The term ‘qualified infer-  
2           tility treatment expenses’ means amounts paid or in-  
3           curred for the treatment of infertility if such treat-  
4           ment is provided—

5                   “(A) by a physician, or other medical prac-  
6                   titioner, licensed in the United States, and

7                   “(B) pursuant to a diagnosis of infertility  
8                   by a physician licensed in the United States.

9           “(2) TREATMENTS IN ADVANCE OF INFER-  
10           TILITY ARISING FROM MEDICAL TREATMENTS.—For  
11           purposes of this section:

12                   “(A) IN GENERAL.—In the case of ex-  
13                   penses incurred in advance of a diagnosis of in-  
14                   fertility for fertility preservation procedures  
15                   which are conducted prior to medical proce-  
16                   dures that, as determined by a physician li-  
17                   censed in the United States, may cause involun-  
18                   tary infertility or sterilization, such expenses  
19                   shall be treated as qualified infertility treatment  
20                   expenses—

21                           “(i) notwithstanding paragraph  
22                           (1)(B), and

23                           “(ii) without regard to whether a di-  
24                           agnosis of infertility subsequently results.

1           “(B) EXCEPTION FOR PROCEDURES DE-  
2           SIGNED TO RESULT IN INFERTILITY.—Expenses  
3           for fertility preservation procedures in advance  
4           of a procedure designed to result in infertility  
5           or sterilization shall not be treated as qualified  
6           infertility treatment expenses.

7           “(3) INFERTILITY.—The term ‘infertility’—

8                 “(A) means the inability to conceive or to  
9                 carry a pregnancy to live birth,

10                “(B) includes iatrogenic infertility result-  
11                ing from medical treatments such as chemo-  
12                therapy, radiation, or surgery, and

13                “(C) does not include infertility or steri-  
14                lization resulting from a procedure designed for  
15                such purpose.

16           “(e) ELIGIBLE INDIVIDUAL.—For purposes of this  
17           section, the term ‘eligible individual’ means an indi-  
18           vidual—

19                “(1) who has been diagnosed with infertility by  
20                a physician licensed in the United States, or

21                “(2) with respect to whom a physician licensed  
22                in the United States has made the determination de-  
23                scribed in subsection (d)(2)(A).

24           “(f) MARRIED COUPLES MUST FILE JOINT RE-  
25           TURNS.—Rules similar to the rules of paragraphs (2), (3),

1 and (4) of section 21(e) shall apply for purposes of this  
2 section.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) The table of sections for subpart A of part  
5 IV of subchapter A of chapter 1 of the Internal Rev-  
6 enue Code of 1986 is amended by inserting before  
7 the item relating to section 24 the following new  
8 item:

“Sec. 23A. Credit for infertility treatments.”.

9 (2) Section 23(c)(1) of such Code is amended  
10 by striking “section 25D” and inserting “sections  
11 23A and 25D”.

12 (3) Section 25(e)(1)(C) of such Code is amend-  
13 ed by inserting “, 23A,” after “23”.

14 (c) EFFECTIVE DATE.—The amendments made by  
15 this section shall apply to taxable years beginning after  
16 December 31, 2024.

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