

119TH CONGRESS
1ST SESSION

S. 797

To amend title 5, United States Code, to protect and expand access to fertility treatment under the health insurance program carried out under chapter 89 of that title, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2025

Ms. DUCKWORTH (for herself, Mr. WELCH, Ms. WARREN, Mr. PADILLA, Mr. MERKLEY, Mr. BOOKER, Mr. COONS, and Mr. KAINE) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend title 5, United States Code, to protect and expand access to fertility treatment under the health insurance program carried out under chapter 89 of that title, and for other purposes.

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 “Family Building
5 FEHB Fairness Act”.

1 **SEC. 2. FERTILITY TREATMENT BENEFITS.**

2 (a) IN GENERAL.—Section 8904 of title 5, United
3 States Code, is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1), by adding at the end
6 the following:

7 “(G) Fertility treatment benefits.”; and

8 (B) in paragraph (2)—

9 (i) by redesignating subparagraph (F)
10 as subparagraph (G); and

11 (ii) by inserting after subparagraph
12 (E) the following:

13 “(F) Fertility treatment benefits.”; and

14 (2) by adding at the end the following:

15 “(c) In this section, the term ‘fertility treatment’ in-
16 cludes the following:

17 “(1) Preservation of human oocytes, sperm, or
18 embryos for later reproductive use.

19 “(2) Artificial insemination, including
20 intravaginal insemination, intracervical insemination,
21 and intrauterine insemination.

22 “(3) Assisted reproductive technology, including
23 in vitro fertilization and other treatments or proce-
24 dures in which reproductive genetic material, such as
25 oocytes, sperm, fertilized eggs, and embryos, are
26 handled, when clinically appropriate.

1 “(4) Genetic testing of embryos.

2 “(5) Medications prescribed or obtained over-
3 the-counter, as indicated for fertility.

4 “(6) Gamete donation.

5 “(7) Such other information, referrals, treat-
6 ments, procedures, medications, laboratory services,
7 technologies, and services relating to fertility as the
8 Director of the Office of Personnel Management, in
9 coordination with the Secretary of Health and
10 Human Services, determines appropriate.”.

11 (b) EFFECTIVE DATE.—The amendments made by
12 this section shall take effect on the date that is 1 year
13 after the date of enactment of this Act.

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