

April 15, 2013

The Honorable Diane Black
U.S. House of Representatives
Washington, DC 20515

The Honorable Danny Davis
U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Black and Congressman Davis:

I am writing today to urge your consideration of The Family Act in your evaluation of the tax code under the direction of the Education and Family Benefits Working Group of the Ways and Means Committee. I appreciate your hard work and the openness of your staffs to discuss these important issues.

First, let me introduce EMD Serono, Inc. We are an international biopharmaceutical company with facilities here in the U.S. in Massachusetts. As a leader in fertility health, EMD Serono is dedicated to providing innovative products designed with the patient in mind, that help treat infertility. While infertility can be an emotionally uncertain and frustrating journey, it can often be successfully treated. Many patients who complete treatment for infertility ultimately succeed in having a child. EMD Serono's fertility portfolio is at the cutting edge of infertility treatment. Through the application of recombinant DNA technology, we have continually advanced infertility treatments.

While I understand that your charge is to evaluate the tax code and search for ways to improve it, I want to bring to your attention this bill that would enhance the Adoption Tax Credit to cover treatment for patients diagnosed as infertile. This bill, described below, would make treatment affordable for middle class families and level the playing field across the country to help pay for treatment of this disease.

The disease of infertility affects more than 7 million Americans and in most cases it is not covered by health insurance. As a result the cost for treatment is high for families and individuals to pay out of pocket. The patients dealing with infertility face a range of challenges – physical, emotional, and financial. The primary factor in a patient not seeking the IVF treatment prescribed by a doctor is cost.



In-vitro fertilization (IVF) is a treatment that addresses a small subset of infertile patients. The specialization of the medical providers and the delicacy of the process set the cost per cycle of IVF at an average of \$12,500. Nearly 85 percent of patients see success after three cycles. In the absence of coverage or incentives, patients have used a number of creative ways to pay to have a family. They have opened new credit cards, taken out second mortgages, borrowed from retirements, procured loans from family members, or foregone other life plans.

There is a solution to this crisis that we believe should be considered by the House – The Family Act. This bill would create a tax credit for middle-income families to help them defray the cost of infertility treatments. This credit, modeled after the Adoption Tax Credit, would require a 50 percent cost share by the patient and would be targeted to those that need it most. This narrow tailoring will make an enormous difference in the lives of so many families. Employers currently benefit from providing their employees with health insurance; and those who itemize their expenses also can benefit by deducting their medical services. But most of the millions of couple who suffer from infertility have no tax benefits available—that must change.

The Family Act amassed 33 bipartisan cosponsors in the House in the last Congress and is expected to be reintroduced this month in both the House and the Senate. We hope you will take seriously the interest of your colleagues and consider this important policy change as you weigh the many competing interests of the tax code. I have attached a handful of documents to this letter to show the support this idea has and to give you a better sense of the mechanics of the addition to the code.

While patients face the harsh impacts of this disease every day, we hope that you will work with us to find a way to help these patients – traditional families struggling with infertility, cancer patients trying to preserve their fertility, and military families who cannot get adequate treatment – to access and afford this life-altering cure.

I hope you will stand with these patients as they face the daunting double challenge of dealing with this disease and finding a way to pay for the necessary treatment. Battling infertility is an emotional issue and experience for so many, and this legislation can help people reach their goal of building a family.

Sincerely,
James Hoyes
President