NATIONAL WOMEN'S LAW CENTER

Justice for Her. Justice for All.

JUNE 2026 | FACT SHEET

Why the Trump Administration is Calling Embryos "Children" & Why It's Dangerous

UPDATE: In September 2026, the Trump administration issued two $920,000 grants under the Embryo Adoption Awareness and Services program. In line with the updated grant language, both awards went to religious institutions. The first grant was made to the National Embryo Donation Center (NEDC), a Christian non-profit that limits embryo donations to couples with "a genetic male and a genetic female married for a minimum of 2 years" – which means single individuals and same-sex couples cannot receive an embryo donation through their program. The second grant was made to Nightlight Christian Adoptions, another Christian non-profit that believes "life begins at conception."

In June 2026, the Trump administration quietly revised a federal grant program to help give rights and benefits to embryos, a move that is aligned with a key legal strategy of the anti-abortion movement. That strategy is one that would ban abortion nationwide, could restrict access to other reproductive and pregnancy-related care like IVF and contraception, and puts pregnant people and people who can become pregnant at even greater risk of surveillance, investigation, and criminalization.

Here's what happened and why it matters:

- The administration issued a new notice of funding opportunity for a program called the Embryo Adoption Awareness and Services program. The program is administered by the Department of Health and Human Services Office of Population Affairs and was created in 2002 to make sure that prospective parents who are experiencing infertility are aware of embryo donation as an option.

- The Trump administration is using this innocuous public awareness program to advance its ideological anti-abortion agenda. It is using the notice of funding opportunity for the program to shift its goals from being a program that primarily benefits prospective parents in their fertility journey, into one that primarily "serves the needs of a child already in existence, offering that child the opportunity for life within a stable and loving family." The program, which is offering grant awards that total approximately $2 million, says that it "places the best interests of the child at the center of all activities."

- The administration's notice redesigns the program to prioritize the needs of the embryo: "Rather than addressing the reproductive needs of prospective parents, it serves the needs of a child already in existence, offering that child the opportunity for life within a stable and loving family. This distinction is fundamental to the design and purpose of this program."

- The redesign of the Embryo Adoption and Services program in this notice of funding opportunity is a significant deviation from past notices. For example, a 2021 notice of funding opportunity makes no mention of "child[ren] already in existence" or "the best interests of the child." Rather, it makes clear that the goal of the program is to "provide individuals adopting embryos the medical and administrative services deemed necessary for such adoptions." Similarly, a 2017 notice states that the goal of the program is to make frozen embryo donation "more practically accessible to infertile couples."

- In this notice of funding opportunity, the Trump administration is redefining frozen embryos as "children" and assigning benefits to those frozen embryos, an anti-abortion strategy that could ultimately lead to stripping pregnant people of the right to make their own decisions about their bodies, lives, and futures.

- This notice of funding opportunity deviates from previous years in other important ways, too.
    - The 2026 notice eliminated language contained in the 2021 notice that the program "prioritizes advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality."
    - The 2026 notice includes new language prioritizing faith-based organizations. Although faith-based groups have always been part of the program, the notice makes an explicit appeal for them to apply for grants.
    - The 2026 notice requires recipients to subject prospective parents to "complete adoption-equivalent screening prior to placement, including home studies, background checks, reference checks, and physical and mental health evaluations, as well as post-placement supervision." While some embryo donation entities already required such screening, the administration is now incentivizing intrusive surveillance of people seeking to receive donated embryos.

Assigning rights and benefits to embryos and fetuses is part of the anti-abortion plan to ban abortion everywhere, for everyone, under every circumstance.

- For decades, anti-abortion extremists have tried to establish rights for embryos and fetuses under various laws and policies, with the goal of using those laws and policies as evidence to support their argument that embryos and fetuses are "persons" under the U.S. Constitution.

- They ultimately hope to secure a U.S. Supreme Court decision ruling that embryos and fetuses are "persons" under the U.S. Constitution – a ruling that would override any federal or state laws protecting abortion and ultimately lead to a nationwide ban on abortion.

- Such a ruling could also have a range of other harmful impacts – including curtailing access to birth control, fertility care, and other pregnancy-related care. It would also lead to a dramatic expansion of surveillance and criminalization of pregnancies.

- This strategy is not just dangerous, but also unpopular. A majority of likely voters oppose policies that grant legal rights to fertilized eggs, embryos, and fetuses.

When embryos and fetuses are granted rights, pregnant people and people who can become pregnant lose rights. By defining frozen embryos as "children" in the Embryo Adoption Awareness and Services program, the Trump administration is contributing to the anti-abortion movement's decades-long crusade to create a new legal pathway to ban abortion and restrict reproductive health care rights and access.