

118TH CONGRESS
2D SESSION

H. R. 8985

To provide for certain conditions on the enforcement of surrogacy contracts.

IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2024

Mr. OGLES (for himself, Mr. GOSAR, Mr. PENCE, Mr. SELF, Mr. BIGGS, Mrs. MILLER of Illinois, Mr. PALMER, Mr. DUNCAN, Mr. LAMBORN, Mr. STEUBE, Mr. MOORE of Alabama, Mr. MOONEY, and Ms. BOEBERT) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for certain conditions on the enforcement of
surrogacy contracts.

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 “Preventing Forced
5 Abortions Act of 2024”.

6 **SEC. 2. IN GENERAL.**

7 A Federal court—

8 (1) may not enforce any provision in a
9 surrogacy contract that requires the surrogate moth-

1 er to have an abortion at the request of any in-
2 tended parent, party to a surrogacy contract, or
3 agent of any party to a surrogacy contract; and

4 (2) shall enforce any clause requiring the pay-
5 ment of a surrogate mother of any compensation
6 agreed to in a surrogacy contract, notwithstanding
7 any provision that requires the surrogate mother to
8 have an abortion at the request of any intended par-
9 ent, party to a surrogacy contract, or agent of any
10 party to a surrogacy contract, including any provi-
11 sion providing for—

12 (A) liquidated damages based on a refusal
13 to get an abortion;

14 (B) reduction of payment based on a re-
15 fusal to get an abortion; or

16 (C) otherwise requiring the surrogate
17 mother to have an abortion at the request of
18 any party or agent of any party to a surrogacy
19 contract.

20 **SEC. 3. JURISDICTION OF THE COURTS.**

21 (a) IN GENERAL.—Chapter 85 of title 28, United
22 States Code, is amended by adding at the end the fol-
23 lowing:

1 **“§ 1370. Surrogacy contracts**

2 “The district courts shall have original jurisdiction
3 of all civil actions where the matter in controversy is a
4 surrogacy contract (as such term is defined in section 4
5 of the Preventing Forced Abortions Act of 2024) in or
6 affecting interstate or foreign commerce.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 for such chapter is amended by adding at the end the fol-
9 lowing:

“1370. Surrogacy contracts.”.

10 **SEC. 4. DEFINITIONS.**

11 In this Act:

12 (1) The term “intended parent” means any in-
13 dividual who is a party to a surrogacy contract and
14 who is the party who will take permanent custody of
15 a child born pursuant to such contract.

16 (2) The term “surrogacy contract” means an
17 agreement setting forth the terms and conditions for
18 the conception and birth of a child to a female with
19 the intent of all parties being that such child shall
20 immediately thereafter enter into the permanent cus-
21 tody of another individual.

22 (3) The term “surrogate mother” means a fe-
23 male who is a party to a surrogacy contract and who
24 is the party who will bear the child pursuant to such
25 contract.

1 (4) The term “female” means an individual who
2 has, had, will have, or would have, but for a develop-
3 mental or genetic anomaly or historical accident, a
4 reproductive system that at some point produces,
5 transports, and utilizes eggs for fertilization.

6 (5) The term “abortion” means the use or pre-
7 scription of any instrument, medicine, drug, or any
8 other substance or device—

9 (A) to intentionally kill the unborn child of
10 a woman known to be pregnant; or

11 (B) to intentionally terminate the preg-
12 nancy of a woman known to be pregnant, with
13 an intention other than—

14 (i) after viability to produce a live
15 birth and preserve the life and health of
16 the child born alive; or

17 (ii) to remove a dead unborn child.

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