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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Mr. OGLES introduced the following bill; which was referred to the Committee
on _____

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 fusals 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.