

119TH CONGRESS
2D SESSION

H. R. 9868

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

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2026

Mr. OGLES (for himself, Mrs. MILLER of Illinois, Mr. SELF, Ms. BOEBERT, Mrs. BIGGS of South Carolina, and Mr. BRECHEEN) 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 2026”.

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-
10 er to have an abortion at the request of any in-

1 tended parent, party to a surrogacy contract, or
2 agent of any party to a surrogacy contract; and

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

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

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

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

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

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

23 **“§ 1370. Surrogacy contracts**

24 “The district courts shall have original jurisdiction
25 of all civil actions where the matter in controversy is a

1 surrogacy contract (as such term is defined in section 4
 2 of the Preventing Forced Abortions Act of 2026) in or
 3 affecting interstate or foreign commerce.”.

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

“1370. Surrogacy contracts.”.

7 **SEC. 4. DEFINITIONS.**

8 In this Act:

9 (1) ABORTION.—The term “abortion” means
 10 the use or prescription of any instrument, medicine,
 11 drug, or any other substance or device—

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

14 (B) to intentionally terminate the preg-
 15 nancy of a woman known to be pregnant, with
 16 an intention other than—

17 (i) after viability to produce a live
 18 birth and preserve the life and health of
 19 the child born alive; or

20 (ii) to remove a dead unborn child.

21 (2) FEMALE.—The term “female” means an in-
 22 dividual who has, had, will have, or would have, but
 23 for a developmental or genetic anomaly or historical
 24 accident, a reproductive system that at some point

1 produces, transports, and utilizes eggs for fertiliza-
2 tion.

3 (3) INTENDED PARENT.—The term “intended
4 parent” means any individual who is a party to a
5 surrogacy contract and who is the party who will
6 take permanent custody of a child born pursuant to
7 such contract.

8 (4) SURROGACY CONTRACT.—The term
9 “surrogacy contract” means an agreement setting
10 forth the terms and conditions for the conception
11 and birth of a child to a female with the intent of
12 all parties being that such child shall immediately
13 thereafter enter into the permanent custody of an-
14 other individual.

15 (5) SURROGATE MOTHER.—The term “surro-
16 gate mother” means a female who is a party to a
17 surrogacy contract and who is the party who will
18 bear the child pursuant to such contract.

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