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119TH CONGRESS
2D SESSION

H. R. 7293

To prohibit covered sex offenders from obtaining children through surrogacy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2026

Ms. MACE introduced the following bill; which was referred to the Committee on the Judiciary

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A BILL

To prohibit covered sex offenders from obtaining children through surrogacy, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting Children in Surrogacy Act''.

SEC. 2. PROHIBITION ON SEX OFFENDERS OBTAINING A CHILD THROUGH SURROGACY.

Chapter 110 of title 18, United States Code, is amended by adding at the end the following:

"§ 2260B. Prohibition on sex offenders obtaining a child through surrogacy

''(a) IN GENERAL.—Whoever, in a circumstance described in subsection (b), being a covered sex offender, knowingly obtains a child through surrogacy or enters into a surrogacy contract as an intended parent shall be fined under this title, imprisoned not more than 10 years, or both.

''(b) CIRCUMSTANCES DESCRIBED.—For the purposes of subsection (a), the circumstances described in this subsection are that—

''(1) the intended parent, surrogate mother, or child traveled in interstate or foreign commerce, or traveled using a means, channel, facility, or instrumentality of interstate or foreign commerce, in furtherance of or in connection with the conduct described in subsection (a);

''(2) the intended parent used a means, channel, facility, or instrumentality of interstate or foreign commerce in furtherance of or in connection with the conduct described in subsection (a);

''(3) any payment of any kind was made, directly or indirectly, in furtherance of or in connection with the conduct described in subsection (a) using any means, channel, facility, or instrumen-

tality of interstate or foreign commerce or in or affecting interstate or foreign commerce;

''(4) the intended parent transmitted in interstate or foreign commerce any communication relating to or in furtherance of the conduct described in subsection (a) using any means, channel, facility, or instrumentality of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means or in any manner, including by computer, mail, wire, or electromagnetic transmission;

''(5) any equipment, item, or other object that has traveled in interstate or foreign commerce was used to perform the conduct described in subsection (a);

''(6) the conduct described in subsection (a) occurred within the special maritime and territorial jurisdiction of the United States, or any territory or possession of the United States; or

''(7) the conduct described in subsection (a) otherwise occurred in or affected interstate or foreign commerce.

''(c) NONENFORCEMENT.—A Federal court may not enforce any surrogacy contract in which an intended parent of a child is a covered sex offender.

''(d) DEFINITIONS.—In this section:

''(1) The term 'covered sex offender' means a sex offender who is, or at any time was, required to register on the National Sex Offender Registry under section 113 of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20913).

''(2) The term 'obtain' means to acquire legal or physical custody, guardianship, or parental rights over a child, through surrogacy, a surrogacy contract, or any other formal or informal mechanism.

''(3) The term 'child' means an individual who has not attained 18 years of age.

''(4) The term 'surrogacy' means an arrangement or agreement whereby a surrogate mother agrees to conceive and bear a child for the purpose of transferring custody or parental rights to one or more intended parent upon or after the birth of the child.

''(5) The term 'surrogacy contract' means a contract setting forth the terms and conditions for the conception and birth of a child to a surrogate mother with the intent of all parties being that such child shall enter into the permanent custody of one or more intended parent.

''(6) The term 'intended parent' means any individual who is a party to a surrogacy contract and

who is the party who will take permanent custody of a child born pursuant to such contract.

''(7) The term 'surrogate mother' means a female who is a party to a surrogacy contract and who is the party who will bear the child pursuant to such contract.

''(8) The term 'female' means an individual who has, had, will have, or would have, but for a developmental or genetic anomaly or historical accident, a reproductive system that at some point produces, transports, and utilizes eggs for fertilization.''.

SEC. 3. JURISDICTION OF THE COURTS.

(a) IN GENERAL.—Chapter 85 of title 28, United States Code, is amended by adding at the end the following:

''§ 1370. Surrogacy contracts

''(a) JURISDICTION.—The district courts shall have original jurisdiction of all civil actions where the matter in controversy is a surrogacy contract (as such term is defined in section 5 of the Protecting Children in Surrogacy Act) in a circumstance described in section 2(b) of such Act.

''(b) DEFINITIONS.—In this section:

''(1) The term 'child' means an individual who has not attained 18 years of age.

''(2) The term 'surrogacy' means an arrangement or agreement whereby a surrogate mother agrees to conceive and bear a child for the purpose of transferring custody or parental rights to one or more intended parent upon or after the birth of the child.

''(3) The term 'surrogacy contract' means a contract setting forth the terms and conditions for the conception and birth of a child to a surrogate mother with the intent of all parties being that such child shall enter into the permanent custody of one or more intended parent.

''(4) The term 'intended parent' means any individual who is a party to a surrogacy contract and who is the party who will take permanent custody of a child born pursuant to such contract.

''(5) The term 'surrogate mother' means a female who is a party to a surrogacy contract and who is the party who will bear the child pursuant to such contract.

''(6) The term 'female' means an individual who has, had, will have, or would have, but for a developmental or genetic anomaly or historical accident, a reproductive system that at some point produces, transports, and utilizes eggs for fertilization.''.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by adding at the end the following:

"1370. Surrogacy contracts.".

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