

119TH CONGRESS
2D SESSION

H. R. 9132

To prohibit foreign nationals from entering into or enforcing surrogacy contracts in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 2026

Mr. PERRY (for himself, Mr. BIGGS of Arizona, Mrs. BIGGS of South Carolina, Mr. BURCHETT, Mr. FINE, Mr. GOSAR, Mrs. HARSHBARGER, Mr. HARRIS of North Carolina, Mrs. MILLER of Illinois, Mr. MOORE of Alabama, Mr. SELF, and Mr. STEUBE) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To prohibit foreign nationals from entering into or enforcing surrogacy contracts in the United States, and for other purposes.

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 Inter-
5 national Surrogacy Exploitation Act”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) PURPOSES.—The purposes of this Act are to—

1 (1) invalidate surrogate parentage contracts be-
2 tween prospective parents with citizenship or perma-
3 nent residence in a foreign country and a surrogate
4 mother in the United States; and

5 (2) impose criminal penalties on surrogacy bro-
6 kers who commercially facilitate such invalid agree-
7 ments.

8 (b) FINDINGS.—Congress finds as follows:

9 (1) Currently, unrestricted surrogacies allow
10 foreign nationals, including those residing in adver-
11 sarial countries to the United States, to obtain a
12 surrogate mother transported to or residing in the
13 United States for the purpose of giving birth to a
14 child.

15 (2) Upon receiving automatic United States
16 citizenship, many infants born through an inter-
17 national surrogate contract are flown to adversarial
18 countries to be raised abroad by their respective par-
19 ent(s).

20 (3) Children born through an international sur-
21 rogate contract remain eligible to vote in United
22 States elections, access sensitive government posi-
23 tions, and eventually sponsor their respective parents
24 for immigrant visas once they turn 21 years old.

1 (4) In the current unregulated environment,
2 even foreign nationals in countries friendly to the
3 United States are still susceptible to bribery and in-
4 fluence from adversarial countries' efforts to disrupt
5 United States national security.

6 (5) Recent reporting has shown more than 107
7 Chinese-owned surrogacy agencies are currently op-
8 erating in Southern California.

9 (6) Many countries, including Australia, Brazil,
10 Britain, Canada, China, Denmark, France, Ger-
11 many, India, Italy, Nepal, New Zealand, Portugal,
12 Spain, Thailand, and Taiwan, have banned inter-
13 national commercial surrogacy altogether.

14 **SEC. 3. DEFINITIONS.**

15 In this Act:

16 (1) FOREIGN NATIONAL.—The term “foreign
17 national” means an alien (as such term is defined in
18 section 101 of the Immigration and Nationality Act
19 (8 U.S.C. 1101)).

20 (2) IMMIGRATION LAWS.—The term “immigra-
21 tion laws” has the meaning given such term in sec-
22 tion 101 of the Immigration and Nationality Act (8
23 U.S.C. 1101).

24 (3) PROSPECTIVE PARENT.—The term “pro-
25 spective parent” means an individual who, directly

1 or indirectly, enters into a surrogacy agreement to
2 become the legal or custodial parent of a child
3 birthed by a surrogate parent.

4 (4) SURROGACY AGREEMENT.—

5 (A) IN GENERAL.—The term “surrogacy
6 agreement” means a contract, agreement, or ar-
7 rangement, without regard to whether it is oral
8 or written or is direct or brokered, between 1
9 or more prospective parents and a surrogate
10 parent, under which the surrogate parent
11 agrees to become pregnant and give birth to a
12 child, and, subject to subparagraph (B), to re-
13 linquish all parental rights and responsibilities
14 to the prospective parent or parents.

15 (B) PRESUMPTION.—With respect to a
16 surrogacy agreement under which a surrogacy
17 parent agrees to become pregnant and give
18 birth to a child, that does not expressly address
19 parental or custodial rights, there shall be a
20 presumption that—

21 (i) the surrogate parent has agreed to
22 relinquish her parental or custodial rights;
23 and

24 (ii) the contract, agreement, or ar-
25 rangement is a surrogacy agreement if the

1 contract, agreement, or arrangement is
2 with one or more prospective parents who
3 is a foreign national.

4 (5) SURROGACY BROKER.—The term
5 “surrogacy broker” means any individual or entity
6 that induces, arranges, procures, facilitates, or oth-
7 erwise assists in the formation or execution of a
8 surrogacy agreement.

9 (6) SURROGATE PARENT.—The term “surro-
10 gate parent” means a person who agrees to become
11 pregnant and give birth to a child, and to relinquish
12 all parental rights and responsibilities to another
13 person under the terms of a surrogacy agreement.

14 **SEC. 4. CERTAIN INTERNATIONAL SURROGATE PARENT-**
15 **AGE CONTRACTS VOID AND UNENFORCE-**
16 **ABLE.**

17 (a) IN GENERAL.—Subject to subsection (b), a
18 surrogacy agreement shall be void and unenforceable if the
19 agreement is between a surrogate parent who is in the
20 United States at the time of birth or who is a citizen or
21 lawful permanent resident of the United States and—

22 (1) a prospective parent who is a foreign na-
23 tional; or

1 (2) a surrogacy broker that arranges a
2 surrogacy agreement with a prospective parent who
3 is a foreign national.

4 (b) EXCEPTION.—Subsection (a) shall not invalidate
5 a surrogacy agreement between a surrogate parent and
6 2 prospective parents, if—

7 (1) the 2 prospective parents are legally mar-
8 ried; and

9 (2) at least 1 prospective parent is a citizen or
10 lawful permanent resident of the United States.

11 **SEC. 5. COMMERCIAL FACILITATION OF FOREIGN**
12 **SURROGACY PROHIBITED; PENALTY.**

13 A surrogacy broker who knowingly or recklessly in-
14 duces, arranges, procures, facilitates, or otherwise assists
15 in the formation or execution of a surrogacy agreement
16 that is void and unenforceable under section 4 shall be
17 fined under title 18, United States Code, imprisoned for
18 not more than 10 years, or both.

19 **SEC. 6. CUSTODY OF CHILD WHEN INTERNATIONAL SURRO-**
20 **GATE PARENTAGE CONTRACTS ARE VOID**
21 **AND UNENFORCEABLE.**

22 Legal custody of a child born pursuant to a surrogacy
23 agreement that is void and unenforceable under section
24 4 shall be decided based on a determination of the best
25 interests of the child under the law of the State where

1 the surrogate parent resides, with no effect given to the
2 surrogacy agreement or any other purported agreement,
3 contract, or understanding concerning the custody of the
4 child.

5 **SEC. 7. LIMITATION ON ELIGIBILITY FOR IMMIGRATION**
6 **BENEFITS.**

7 Notwithstanding any other provision of law, a foreign
8 national who is a parent of a citizen of the United States
9 born pursuant to a surrogacy agreement that is unenforce-
10 able under section 4, may not, by virtue of their parentage
11 of such citizen, be accorded any right, privilege, or status
12 under the immigration laws.

13 **SEC. 8. APPLICABILITY.**

14 This Act shall apply with respect to surrogacy agree-
15 ments entered into on or after the date of enactment of
16 this Act.

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