

119TH CONGRESS  
2D SESSION

# H. R. 7040

To prevent citizens of foreign adversarial nations from entering into or enforcing surrogacy contracts in the United States.

---

## IN THE HOUSE OF REPRESENTATIVES

JANUARY 13, 2026

Mr. MOORE of Utah (for himself, Mr. MOOLENAAR, Mrs. KIGGANS of Virginia, Mr. ADERHOLT, Mr. DUNN of Florida, Mr. MORAN, Mr. GOSAR, Mrs. HARSHBARGER, Mr. MCCORMICK, Mr. RULLI, Mr. McDOWELL, Mr. KENNEDY of Utah, Mr. MCGUIRE, Mr. SESSIONS, Mr. SHREVE, Mr. ROSE, and Mr. OWENS) introduced the following bill; which was referred to the Committee on the Judiciary

---

## A BILL

To prevent citizens of foreign adversarial nations from entering into or enforcing surrogacy contracts in the United States.

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 “Stopping Adversarial  
5 Foreign Exploitation of Kids In Domestic Surrogacy Act”  
6 or the “SAFE KIDS Act”.

7 **SEC. 2. FINDINGS AND PURPOSES.**

8 (a) FINDINGS.—Congress finds the following:

1           (1) Citizens of foreign entities of concern are  
2       exploiting commercial surrogacy laws in the United  
3       States.

4           (2) Many developed countries ban international  
5       commercial surrogacy altogether. The United States,  
6       however, presently allows even citizens of foreign en-  
7       tities of concern to solicit and pay financially dis-  
8       tressed Americans to give birth to their children in  
9       the United States and then send these infants  
10      abroad.

11          (3) This presents an acute national security  
12      threat, and recent events in Arcadia, California re-  
13      veal that surrogacy is even being used to facilitate  
14      human trafficking.

15      (b) PURPOSES.—This Act—

16          (1) acknowledges that foreign persons (includ-  
17      ing nationals of foreign entities of concern) are  
18      abusing surrogacy agreements to exploit women in  
19      the United States and to obtain United States citi-  
20      zenship for their children;

21          (2) invalidates surrogate parentage contracts  
22      between prospective parents from foreign entities of  
23      concern and a surrogate mother in the United  
24      States; and

1           (3) imposes criminal penalties on surrogacy  
2       brokers who commercially facilitate such invalid  
3       agreements.

4   **SEC. 3. DEFINITIONS.**

5       In this Act:

6           (1) FOREIGN ENTITY OF CONCERN.—The term  
7       “foreign entity of concern” means any foreign nation  
8       listed under section 4872(f)(2) of title 10, United  
9       States Code.

10          (2) PROSPECTIVE PARENT.—The term “pro-  
11       spective parent” means an individual who, directly  
12       or indirectly, enters into a surrogacy agreement to  
13       become the legal or custodial parent of a child  
14       birthed by a surrogate parent.

15          (3) SURROGACY AGREEMENT.—

16               (A) IN GENERAL.—The term “surrogacy  
17       agreement” means a contract, agreement, or ar-  
18       rangement, without regard to whether it is oral  
19       or written or is direct or brokered, between 1  
20       or more prospective parents and a surrogate  
21       parent, under which the surrogate parent  
22       agrees to become pregnant and give birth to a  
23       child, and, subject to subparagraph (B), to re-  
24       linquish all parental rights and responsibilities  
25       to the prospective parent or parents.

1           (B) PRESUMPTION.—With respect to a  
2 contract, agreement, or arrangement, without  
3 regard to whether it is oral or written or is di-  
4 rect or brokered, under which a surrogate par-  
5 ent agrees to become pregnant and give birth to  
6 a child that does not expressly addressing pa-  
7 rental or custodial rights, there shall be a pre-  
8 sumption that the surrogate parent has agreed  
9 to relinquish her parental or custodial rights,  
10 and that the contract, agreement, or arrange-  
11 ment is a surrogacy agreement, if the contract,  
12 agreement, or arrangement is with a prospec-  
13 tive parent who is a citizen or permanent resi-  
14 dent of a foreign entity of concern.

15           (4) SURROGACY BROKER.—The term  
16 “surrogacy broker” means any individual or entity  
17 that induces, arranges, procures, facilitates, or oth-  
18 erwise assists in the formation or execution of a  
19 surrogacy agreement.

20           (5) SURROGATE PARENT.—The term “surro-  
21 gate parent” means a person who agrees to become  
22 pregnant and give birth to a child, and to relinquish  
23 all parental rights and responsibilities to another  
24 person under the terms of a surrogacy agreement.

1 **SEC. 4. CERTAIN INTERNATIONAL SURROGATE PARENT-**  
2 **AGE CONTRACTS VOID AND UNENFORCE-**  
3 **ABLE.**

4 (a) IN GENERAL.—Subject to subsection (b), a  
5 surrogacy agreement shall be void and unenforceable if the  
6 agreement is between a surrogate parent who is in the  
7 United States at the time of birth or who is a citizen or  
8 lawful permanent resident of the United States and—

9 (1) a prospective parent who is a citizen or per-  
10 manent resident of a foreign entity of concern; or

11 (2) a surrogacy broker who arranges a  
12 surrogacy agreement with a prospective parent who  
13 is a citizen or permanent resident of a foreign entity  
14 of concern.

15 (b) EXCEPTION.—Subsection (a) shall not invalidate  
16 a surrogacy agreement between a surrogate parent and  
17 2 prospective parents, if—

18 (1) the 2 prospective parents are legally mar-  
19 ried; and

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

22 **SEC. 5. COMMERCIAL FACILITATION OF FOREIGN**  
23 **SURROGACY PROHIBITED; PENALTY.**

24 A surrogacy broker who knowingly or recklessly in-  
25 duces, arranges, procures, facilitates, or otherwise assists  
26 in the formation or execution of a surrogacy agreement

1 that is void and unenforceable under section 4 shall be  
2 fined under title 18, United States Code, imprisoned for  
3 not more than 1 year, or both.

4 **SEC. 6. CUSTODY OF CHILD WHEN INTERNATIONAL SURRO-**  
5 **GATE PARENTAGE CONTRACTS ARE VOID**  
6 **AND UNENFORCEABLE.**

7       Legal custody of a child born pursuant to a surrogacy  
8 agreement that is void and unenforceable under section  
9 4 shall be decided based on a determination of the best  
10 interests of the child under the law of the State where  
11 the surrogate parent resides, with no effect given to the  
12 surrogacy agreement or any other purported agreement,  
13 contract, or understanding concerning the custody of the  
14 child.

○