

119TH CONGRESS
2^D 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

A BILL

To prohibit covered sex offenders from obtaining children
through surrogacy, 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 “Protecting Children
5 in Surrogacy Act”.

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

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

1 **“§ 2260B. Prohibition on sex offenders obtaining a**
2 **child through surrogacy**

3 “(a) IN GENERAL.—Whoever, in a circumstance de-
4 scribed in subsection (b), being a covered sex offender,
5 knowingly obtains a child through surrogacy or enters into
6 a surrogacy contract as an intended parent shall be fined
7 under this title, imprisoned not more than 10 years, or
8 both.

9 “(b) CIRCUMSTANCES DESCRIBED.—For the pur-
10 poses of subsection (a), the circumstances described in this
11 subsection are that—

12 “(1) the intended parent, surrogate mother, or
13 child traveled in interstate or foreign commerce, or
14 traveled using a means, channel, facility, or instru-
15 mentality of interstate or foreign commerce, in fur-
16 therance of or in connection with the conduct de-
17 scribed in subsection (a);

18 “(2) the intended parent used a means, chan-
19 nel, facility, or instrumentality of interstate or for-
20 eign commerce in furtherance of or in connection
21 with the conduct described in subsection (a);

22 “(3) any payment of any kind was made, di-
23 rectly or indirectly, in furtherance of or in connec-
24 tion with the conduct described in subsection (a)
25 using any means, channel, facility, or instrumen-

1 tality of interstate or foreign commerce or in or af-
2 fecting interstate or foreign commerce;

3 “(4) the intended parent transmitted in inter-
4 state or foreign commerce any communication relat-
5 ing to or in furtherance of the conduct described in
6 subsection (a) using any means, channel, facility, or
7 instrumentality of interstate or foreign commerce or
8 in or affecting interstate or foreign commerce by any
9 means or in any manner, including by computer,
10 mail, wire, or electromagnetic transmission;

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

15 “(6) the conduct described in subsection (a) oc-
16 curred within the special maritime and territorial ju-
17 risdiction of the United States, or any territory or
18 possession of the United States; or

19 “(7) the conduct described in subsection (a)
20 otherwise occurred in or affected interstate or for-
21 eign commerce.

22 “(c) NONENFORCEMENT.—A Federal court may not
23 enforce any surrogacy contract in which an intended par-
24 ent of a child is a covered sex offender.

25 “(d) DEFINITIONS.—In this section:

1 “(1) The term ‘covered sex offender’ means a
2 sex offender who is, or at any time was, required to
3 register on the National Sex Offender Registry
4 under section 113 of the Adam Walsh Child Protec-
5 tion and Safety Act of 2006 (34 U.S.C. 20913).

6 “(2) The term ‘obtain’ means to acquire legal
7 or physical custody, guardianship, or parental rights
8 over a child, through surrogacy, a surrogacy con-
9 tract, or any other formal or informal mechanism.

10 “(3) The term ‘child’ means an individual who
11 has not attained 18 years of age.

12 “(4) The term ‘surrogacy’ means an arrange-
13 ment or agreement whereby a surrogate mother
14 agrees to conceive and bear a child for the purpose
15 of transferring custody or parental rights to one or
16 more intended parent upon or after the birth of the
17 child.

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

24 “(6) The term ‘intended parent’ means any in-
25 dividual who is a party to a surrogacy contract and

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

3 “(7) The term ‘surrogate mother’ means a fe-
4 male who is a party to a surrogacy contract and who
5 is the party who will bear the child pursuant to such
6 contract.

7 “(8) The term ‘female’ means an individual who
8 has, had, will have, or would have, but for a develop-
9 mental or genetic anomaly or historical accident, a
10 reproductive system that at some point produces,
11 transports, and utilizes eggs for fertilization.”.

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

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

16 **“§ 1370. Surrogacy contracts**

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

23 “(b) DEFINITIONS.—In this section:

24 “(1) The term ‘child’ means an individual who
25 has not attained 18 years of age.

1 “(2) The term ‘surrogacy’ means an arrange-
2 ment or agreement whereby a surrogate mother
3 agrees to conceive and bear a child for the purpose
4 of transferring custody or parental rights to one or
5 more intended parent upon or after the birth of the
6 child.

7 “(3) The term ‘surrogacy contract’ means a
8 contract setting forth the terms and conditions for
9 the conception and birth of a child to a surrogate
10 mother with the intent of all parties being that such
11 child shall enter into the permanent custody of one
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14 dividual who is a party to a surrogacy contract and
15 who is the party who will take permanent custody of
16 a child born pursuant to such contract.

17 “(5) The term ‘surrogate mother’ means a fe-
18 male who is a party to a surrogacy contract and who
19 is the party who will bear the child pursuant to such
20 contract.

21 “(6) The term ‘female’ means an individual who
22 has, had, will have, or would have, but for a develop-
23 mental or genetic anomaly or historical accident, a
24 reproductive system that at some point produces,
25 transports, and utilizes eggs for fertilization.”.

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

“1370. Surrogacy contracts.”.

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