

116TH CONGRESS
1ST SESSION

S. 1164

To amend title 18, United States Code, to prohibit black market adoption of children, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 11, 2019

Mrs. HYDE-SMITH (for herself, Mrs. CAPITO, Mrs. BLACKBURN, Mr. WICKER, and Mr. DAINES) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit black market adoption of children, 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 “Keeping Infants Do-
5 mestically Safe Act of 2019” or the “KIDS Act”.

6 **SEC. 2. AMENDMENT.**

7 Section 2251A of title 18, United States Code, is
8 amended—

1 (1) in subsection (a), in the undesignated mat-
2 ter following paragraph (2)(B), by striking “sub-
3 section (c)” and inserting “subsection (d)”;

4 (2) in subsection (b), in the undesignated mat-
5 ter following paragraph (2)(B), by striking “sub-
6 section (c)” and inserting “subsection (d)”;

7 (3) by redesignating subsection (c) as sub-
8 section (d);

9 (4) by inserting after subsection (b) the fol-
10 lowing:

11 “(c)(1) It shall be unlawful for a parent, legal guard-
12 ian, or other person having custody or control of a minor
13 to sell, trade, or offer to sell or trade, the minor in ex-
14 change for money or other consideration, if any of the cir-
15 cumstances described in subsection (d) exist.

16 “(2) It shall be unlawful for a person to purchase
17 or otherwise obtain custody or control, or offer to purchase
18 or otherwise obtain custody or control, of a minor in ex-
19 change for money or other consideration, if any of the cir-
20 cumstances described in subsection (d) exist.

21 “(3) Any person who violates paragraph (1) or (2)
22 shall be fined under this title, imprisoned for not less than
23 30 years or for life, or both.

1 “(4)(A) This subsection shall not be construed to
2 apply to any person adopting a minor through a legal
3 adoption process.

4 “(B) In this paragraph, the term ‘legal adoption
5 process’—

6 “(i) means an adoption process conducted in
7 accordance with State law; and

8 “(ii) includes a surrogacy or gestational carrier
9 agreement conducted in accordance with State law.”;
10 and

11 (5) in subsection (d), as so redesignated, in the
12 matter preceding paragraph (1), by striking “sub-
13 sections (a) and (b)” and inserting “subsections (a),
14 (b), and (c)”.

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