

108TH CONGRESS
2D SESSION

S. 2748

To prohibit the giving or acceptance of payment for the placement of a child, or obtaining consent to adoption.

IN THE SENATE OF THE UNITED STATES

JULY 22, 2004

Mrs. CLINTON introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To prohibit the giving or acceptance of payment for the placement of a child, or obtaining consent to adoption.

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 “Baby Selling Prohibi-
5 tion Act of 2004”.

6 **SEC. 2. PROHIBITION.**

7 (a) IN GENERAL.—Chapter 77 of title 18, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

1 **“§ 1596. Accepting or charging excess amounts in**
 2 **connection with the placement of a child**
 3 **or obtaining consent to adoption**

4 “(a) DEFINITION OF MINOR.—In this section, the
 5 term ‘minor’ has the same meaning as in section 25(a)(2).

6 “(b) IN GENERAL.—Whoever, in connection with the
 7 adoption of a minor, knowingly accepts or charges any fee
 8 in excess of the allowable costs for adoption, as those costs
 9 are defined under the law of the State in which the adop-
 10 tion is finalized, shall be imprisoned for not more than
 11 10 years.

12 “(c) ALLOWABLE COSTS.—If, under the law of any
 13 State in which an adoption is finalized, the allowable costs
 14 associated with the adoption of a minor are not defined,
 15 the allowable costs for purposes of this section shall be—

16 “(1) maternity-related medical and costs;

17 “(2) travel, meal, and lodging costs accrued
 18 when necessary for court appearances;

19 “(3) counseling fees;

20 “(4) fees to cover pre- and post-adoption coun-
 21 seling provided by a licensed health practitioner;

22 “(5) attorney and legal fees associated with the
 23 adoption;

24 “(6) foster care for the child to be adopted; and

25 “(7) foster care for the child to be adopted, and
 26 costs associated with medical care, routine care,

1 travel, and living expenses of the child to be adopt-
 2 ed.

3 “(d) LIMITATION.—All costs described under sub-
 4 section (b) or (c) shall be reasonable and customary within
 5 the State in which the adoption is finalized.

6 “(e) APPLICABILITY.—This section shall apply to all
 7 individuals, intermediaries, or entities involved in the
 8 adoption of a minor.”.

9 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 10 The table of sections for chapter 77 of title 18, United
 11 States Code, is amended by adding at the end the fol-
 12 lowing:

“1596. Accepting or charging excess amounts in connection with the placement
 of a child or obtaining consent to adoption.”.

