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(Original Signature of Member)

118TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend title 18, United States Code, to criminalize unlawful adoption practices.

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IN THE HOUSE OF REPRESENTATIVES

Ms. KUSTER introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend title 18, United States Code, to criminalize unlawful adoption practices.

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 “Adoption Deserves  
5 Oversight, Protection, and Transparency Act of 2023” or  
6 the “ADOPT Act of 2023”.

7 **SEC. 2. PURPOSE.**

8 The purpose of this Act is to:

1           (1) Protect individuals and families impacted by  
2 private domestic adoption from exploitation by unli-  
3 censed adoption intermediaries.

4           (2) Ensure that individuals seeking assistance  
5 with domestic adoption have ready access to licensed  
6 and regulated adoption providers in their commu-  
7 nities.

8           (3) Prevent the commodification of children.

9 **SEC. 3. ADOPTION OFFENSE.**

10       (a) IN GENERAL.—Chapter 11A of title 18, United  
11 States Code, is amended by adding at the end the fol-  
12 lowing:

13 **“§ 228A. Unlawful adoption practices**

14       “(a) ADOPTION INTERMEDIARY SERVICES.—

15           “(1) OFFENSE.—Whoever, in any circumstance  
16 described in subsection (d), knowingly provides or  
17 offers to provide adoption intermediary services shall  
18 be punished as provided in accordance with sub-  
19 section (e).

20           “(2) EXCEPTION.—Paragraph (1) shall not  
21 apply to—

22                   “(A) a public child-placing agency;

23                   “(B) a private licensed child-placing agen-  
24 cy; or

25                   “(C) a licensed attorney.

1 “(b) ADOPTION ADVERTISING.—

2 “(1) OFFENSE.—Whoever, in any circumstance  
3 described in subsection (d), knowingly places an  
4 adoption advertisement shall be punished in accord-  
5 ance with subsection (e).

6 “(2) EXCEPTION.—Paragraph (1) shall not  
7 apply to—

8 “(A) a public child-placing agency or pri-  
9 vate licensed child-placing agency licensed to  
10 provide services in the State wherein the adver-  
11 tisement appears;

12 “(B) an attorney licensed in the State  
13 wherein the advertisement appears; or

14 “(C) an adoption service provider accred-  
15 ited or approved in accordance with the Inter-  
16 country Adoption Act of 2000 (42 U.S.C. 1490  
17 note) advertising an intercountry adoption pro-  
18 gram.

19 “(c) UNAUTHORIZED PAYMENTS TO OR ON BEHALF  
20 OF A PLACING PARENT.—

21 “(1) OFFENSE.—Whoever, in any circumstance  
22 described in subsection (d), knowingly provides any-  
23 thing of value, including money, property, or serv-  
24 ices, whether payment is made directly or indirectly  
25 for the benefit of the placing parent in furtherance

1 of an adoption in an amount exceeding \$500, shall  
2 be punished in accordance with subsection (e).

3 “(2) EXCEPTION.—Paragraph (1) shall not  
4 apply with respect to payments made by or in co-  
5 operation with—

6 “(A) a private child-placing agency li-  
7 censed in the State where the placing parent re-  
8 sides or is located; or

9 “(B) an attorney licensed in the State  
10 where the placing parent resides or is located.

11 “(d) APPLICATIONS.—For the purposes of sections  
12 (a), (b), and (c), the circumstances described in these sub-  
13 sections are that—

14 “(1) the offender or victim traveled in inter-  
15 state commerce, or traveled using a means, channel,  
16 facility, or instrumentality of interstate commerce, in  
17 furtherance of or in connection with the conduct de-  
18 scribed in subsections (a), (b), or (c);

19 “(2) the offender used a means, channel, facil-  
20 ity, or instrumentality of interstate commerce in fur-  
21 therance of or in connection with the conduct de-  
22 scribed in subsections (a), (b), or (c);

23 “(3) any payment of any kind was made, di-  
24 rectly or indirectly, in furtherance of or in connec-  
25 tion with the conduct described in subsections (a),

1 (b), or (c) using any means, channel, facility, or in-  
2 strumentality of interstate commerce or in or affect-  
3 ing interstate commerce;

4 “(4) the offender transmitted in interstate com-  
5 merce any communication relating to or in further-  
6 ance of the conduct described in subsections (a), (b),  
7 or (c) using any means, channel, facility, or instru-  
8 mentality of interstate commerce or in or affecting  
9 interstate commerce by any means or in manner, in-  
10 cluding by computer, mail, wire, or electromagnetic  
11 transmission; or

12 “(5) the conduct described in subsection (a)  
13 otherwise occurred in or affected interstate or for-  
14 eign commerce.

15 “(e) PENALTY.—Whoever violates subsection (a), (b),  
16 or (c)—

17 “(1) in the case of an individual, shall be fined  
18 \$100,000, imprisoned for not more than 5 years, or  
19 both, per violation; or

20 “(2) in the case of an organization, shall be  
21 fined \$250,000 per violation.

22 “(f) RULE OF CONSTRUCTION.—Nothing in this sec-  
23 tion may be construed to affect the application of the In-  
24 dian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.)  
25 or limit the provision of intercountry adoption programs

1 and services authorized under the Intercountry Adoption  
2 Act of 2000 (42 U.S.C. 14921).

3 “(g) DEFINITIONS.—In this section:

4 “(1) ADOPTION ADVERTISING.—The term  
5 ‘adoption advertising’ means a paid advertisement,  
6 article, notice, or other paid communication pub-  
7 lished in any newspaper, magazine, or on the inter-  
8 net, on a billboard, over radio or television, or other  
9 similar media that—

10 “(A) solicits prospective adoptive parents  
11 for the purpose of acting as a link between a  
12 placing parent and a prospective adoptive par-  
13 ent, or the prospective adoptive parent’s rep-  
14 resentative, attorney, or agency, for the transfer  
15 of legal or physical custody of a child, including  
16 adoptive placement;

17 “(B) solicits placing parents for the pur-  
18 pose of acting as a link between a placing par-  
19 ent and a prospective adoptive parent, or the  
20 prospective adoptive parent’s representative, at-  
21 torney, or agency, for the transfer of legal or  
22 physical custody of a child, including adoptive  
23 placement; or

24 “(C) offers to pay a placing parent’s living  
25 expenses in connection with any transfer or po-

1           tential transfer of legal or physical custody of  
2           a child, including adoptive placement.

3           “(2) ADOPTION INTERMEDIARY SERVICES.—

4           The term ‘adoption intermediary services’ means the  
5           provision of any of the following services, in ex-  
6           change for direct or indirect compensation:

7                   “(A) Soliciting placing parents, whether  
8                   through adoption advertising or other means,  
9                   for the purposes of acting as a link between a  
10                  placing parent and a prospective adoptive par-  
11                  ent, or the prospective adoptive parent’s rep-  
12                  resentative, attorney, or agency, for the transfer  
13                  of legal or physical custody of their child, in-  
14                  cluding adoptive placement.

15                  “(B) Soliciting prospective adoptive par-  
16                  ents, whether through adoption advertising or  
17                  other means, for the purpose of acting as a link  
18                  between a placing parent and a prospective  
19                  adoptive parent, or the prospective adoptive  
20                  parent’s representative, attorney, or agency, for  
21                  the transfer of legal or physical custody of a  
22                  child, including adoptive placement.

23                  “(C) Acting as a link between placing par-  
24                  ents of a child and prospective adoptive parents,  
25                  whether directly or through the prospective

1 adoptive parents’ representative, agency, or at-  
2 torney, for the purpose of the transfer of phys-  
3 ical or legal custody of the child, including  
4 adoptive placement.

5 “(3) PLACING PARENT.—The term ‘placing  
6 parent’ means a parent with legal authority to place  
7 the child for adoption.

8 “(4) PUBLIC CHILD-PLACING AGENCY.—The  
9 term ‘public child-placing agency’ means any govern-  
10 ment child welfare agency or child protection agency  
11 that has the legal authority to place children for  
12 adoption.

13 “(5) PRIVATE LICENSED CHILD-PLACING AGEN-  
14 CY.— The term ‘private licensed child-placing agen-  
15 cy’ means a licensed or State approved agency that  
16 has the legal authority to place children for adop-  
17 tion.”.

18 (b) CLERICAL AMENDMENTS.—

19 (1) CHAPTER HEADING.—The chapter heading  
20 for chapter 11A of title 18, United States Code, is  
21 amended by inserting “**AND UNLAWFUL**  
22 **ADOPTION PRACTICES**” after “**CHILD**  
23 **SUPPORT**”.

24 (2) TABLE OF SECTIONS.—The table of sections  
25 for chapter 11A of title 18, United States Code, is



1           amended by adding after the item relating to section  
2           228, the following:

          “228A. Unlawful adoption practices.”.

3   **SEC. 4. EFFECTIVE DATE.**

4           The amendments made by this Act shall take effect  
5   on the date that is 120 days after the date of the enact-  
6   ment of this Act.