

119TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Ms. KLOBUCHAR introduced the following bill; which was read twice and 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 2025” or
6 the “ADOPT Act of 2025”.

7 **SEC. 2. PURPOSE.**

8 The purpose of this Act is to—

1 (1) protect individuals and families impacted by
2 private domestic interstate adoption from exploi-
3 tation by unlicensed adoption intermediaries;

4 (2) ensure that individuals seeking assistance
5 with private domestic interstate adoption have ready
6 access to licensed and regulated adoption providers
7 in their communities; and

8 (3) prevent the commodification of children who
9 are the subjects of private domestic interstate adop-
10 tions.

11 **SEC. 3. ADOPTION OFFENSE.**

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

15 **“§ 228A. Unlawful adoption practices**

16 “(a) DEFINITIONS.—In this section:

17 “(1) ADOPTION ADVERTISING.—The term
18 ‘adoption advertising’ means a paid advertisement,
19 article, notice, or other paid communication pub-
20 lished in any newspaper, magazine, or on the inter-
21 net, on a billboard, over radio or television, or any
22 public media that—

23 “(A) solicits prospective adoptive parents
24 for the purpose of acting as a link between a
25 placing parent and a prospective adoptive par-

1 ent, or the representative, attorney, or agency
2 of a prospective adoptive parent or placing par-
3 ent, for the placement of a child for adoption;

4 “(B) solicits placing parents for the pur-
5 pose of acting as a link between a placing par-
6 ent and a prospective adoptive parent, or the
7 representative, attorney, or agency of a prospec-
8 tive adoptive parent or placing parent, for the
9 placement of a child for adoption; or

10 “(C) offers to disburse any thing of value,
11 including living expenses, medical or hospital
12 care, or any other expenses of a placing parent
13 in connection with the birth or adoption of a
14 child.

15 “(2) ADOPTION INTERMEDIARY SERVICES.—
16 The term ‘adoption intermediary services’ means the
17 provision of any of the following services, in ex-
18 change for direct or indirect compensation:

19 “(A) Soliciting placing parents, whether
20 through adoption advertising or other means,
21 for the purposes of acting as a link between a
22 placing parent and a prospective adoptive par-
23 ent, or the representative, attorney, or agency
24 of a prospective adoptive parent or placing par-
25 ent, for the placement of a child for adoption.

1 “(B) Soliciting prospective adoptive par-
2 ents, whether through adoption advertising or
3 other means, for the purpose of acting as a link
4 between a placing parent and a prospective
5 adoptive parent, or the representative, attorney,
6 or agency of a prospective adoptive parent or
7 placing parent, for the placement of a child for
8 adoption.

9 “(C) Acting as a link between placing par-
10 ents of a child and prospective adoptive parents,
11 whether directly or through the representative,
12 attorney, or agency of a prospective adoptive
13 parent or placing parent, for the placement of
14 a child for adoption.

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

18 “(4) PUBLIC CHILD-PLACING AGENCY.—The
19 term ‘public child-placing agency’ means any govern-
20 ment child welfare agency or child protection agency
21 that has the legal authority to place children for
22 adoption.

23 “(5) PRIVATE LICENSED CHILD-PLACING AGEN-
24 CY.—The term ‘private licensed child-placing agency’

1 means a licensed or State approved agency that has
2 the legal authority to place children for adoption.

3 “(b) ADOPTION INTERMEDIARY SERVICES.—

4 “(1) OFFENSE.—Whoever, in any circumstance
5 described in subsection (e), knowingly provides adop-
6 tion intermediary services shall be punished as pro-
7 vided in accordance with subsection (f).

8 “(2) EXCEPTION.—Paragraph (1) shall not
9 apply to—

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

11 “(B) an organization described in section
12 501(c)(3) of the Internal Revenue Code of 1986
13 and exempt from taxation under section 501(a)
14 of such Act that is acting under contract by a
15 public child-placing agency;

16 “(C) a private licensed child-placing agen-
17 cy;

18 “(D) an attorney licensed in the State in
19 which the intermediary services are provided; or

20 “(E) an adoption service provider accred-
21 ited or approved in accordance with title II of
22 the Intercountry Adoption Act of 2000 (42
23 U.S.C. 14921 et seq.) advertising provision of
24 services through an intercountry adoption pro-
25 gram.

1 “(c) ADOPTION ADVERTISING.—

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

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 in which the adver-
11 tisement appears;

12 “(B) an organization described in section
13 501(c)(3) of the Internal Revenue Code of 1986
14 and exempt from taxation under section 501(a)
15 of such Act that is acting under contract by a
16 public child-placing agency;

17 “(C) an attorney licensed in the State in
18 which the advertisement appears; or

19 “(D) an adoption service provider accred-
20 ited or approved in accordance with title II of
21 the Intercountry Adoption Act of 2000 (42
22 U.S.C. 14921 et seq.) advertising an inter-
23 country adoption program.

24 “(d) UNAUTHORIZED PAYMENTS TO OR ON BEHALF
25 OF A PLACING PARENT.—

1 “(1) OFFENSE.—Whoever, in any circumstance
2 described in subsection (e), knowingly provides any
3 thing of value, including money, property, or services
4 (including medical or hospital care), whether pay-
5 ment is made directly or indirectly for the benefit of
6 the placing parent in connection with the birth of a
7 child and in furtherance of an adoption in an
8 amount exceeding \$2,500, before the consultation of
9 a placing parent with a private licensed child-placing
10 agency or attorney licensed in the State where the
11 placing parent resides or is located, shall be pun-
12 ished in accordance with subsection (f).

13 “(2) EXCEPTION.—Paragraph (1) shall not
14 apply with respect to any payment made by or in co-
15 operation with—

16 “(A) a private child-placing agency li-
17 censed in the State in which the placing parent
18 resides or is located;

19 “(B) an attorney licensed in the State in
20 which the placing parent resides or is located;
21 or

22 “(C) a public agency or entity pursuant to
23 any law or regulation, including any entitlement
24 benefit, public assistance, or similar government
25 support.

1 “(e) APPLICATIONS.—For the purposes of sub-
2 sections (b), (c), and (d), the circumstances under which
3 those subsections apply are—

4 “(1) the defendant, placing parent, or prospec-
5 tive adoptive parent traveled in interstate or foreign
6 commerce or traveled using a means, channel, facil-
7 ity, or instrumentality of interstate or foreign com-
8 merce, in furtherance of or in connection with the
9 conduct described in subsection (b), (c), or (d);

10 “(2) the defendant knowingly used a means,
11 channel, facility, or instrumentality of interstate or
12 foreign commerce, in furtherance of or in connection
13 with the conduct described in subsection (b), (c), or
14 (d);

15 “(3) the defendant knowingly made a payment,
16 directly or indirectly, using any means, channel, fa-
17 cility, or instrumentality of interstate or foreign
18 commerce or in or affecting interstate commerce, in
19 furtherance of or in connection with the conduct de-
20 scribed in subsection (b), (c), or (d);

21 “(4) the defendant knowingly transmitted in
22 interstate or foreign commerce any communication
23 using any means, channel, or facility, or instrumen-
24 tality of interstate or foreign commerce, including
25 wire or computer, in furtherance of or in connection

1 with the conduct described in subsection (b), (c), or
2 (d);

3 “(5) the conduct described in subsection (b),
4 (c), or (d) occurred within the territorial jurisdiction
5 of the United States, or any territory or possession
6 of the United States; or

7 “(6) the conduct described in subsection (b)
8 otherwise occurred in or affected interstate or for-
9 eign commerce.

10 “(f) PENALTY.—Whoever violates subsection (b), (c),
11 or (d)—

12 “(1) in the case of an individual, shall be fined
13 \$50,000, imprisoned for not more than 5 years, or
14 both per violation; or

15 “(2) in the case of an organization, shall be
16 fined \$100,000 per violation.

17 “(g) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion may be construed to—

19 “(1) affect the application of the Indian Child
20 Welfare Act of 1978 (25 U.S.C. 1901 et seq.);

21 “(2) limit the provision of intercountry adoption
22 programs and services authorized under the Inter-
23 country Adoption Act of 2000 (42 U.S.C. 14901 et
24 seq.); or

1 “(3) prohibit a State or local government from
2 enacting or enforcing requirements that are more
3 stringent than the requirements established under
4 this section.”.

5 (b) CLERICAL AMENDMENTS.—

6 (1) TABLE OF CHAPTERS.—The table of chap-
7 ters for part I of title 18, United States Code, is
8 amended by adding at the end the following:

“11A. Child support and unlawful adoption practices 228”.

9 (2) CHAPTER HEADING.—The chapter heading
10 for chapter 11A of title 18, United States Code, is
11 amended by inserting “**AND UNLAWFUL**
12 **ADOPTION PRACTICES**” after “**CHILD**
13 **SUPPORT**”.

14 (3) TABLE OF SECTIONS.—The table of sections
15 for chapter 11A of title 18, United States Code, is
16 amended by adding after the item relating to section
17 228, the following:

“228A. Unlawful adoption practices.”.

18 **SEC. 4. EFFECTIVE DATE.**

19 This Act and the amendments made by this Act shall
20 take effect on the date that is 120 days after the date
21 of enactment of this Act.