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Genital Mutilation Prohibition Act

IN THE HOUSE AND SENATE OF THE UNITED STATES

A Bill

Submitted to Congress on February 28, 2005

Entitled the "Federal Prohibition of Genital Mutilation Act of 2005"

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, to **amend** the Female Genital Mutilation Act of 1996 (a) so that boys, intersex individuals, and nonconsenting adults may also be protected from genital mutilation; (b) to increase the maximum punishment of offense to 14 years imprisonment, (c) to include assistance or facilitation of genital mutilation of children or nonconsenting adults as an offense, and (d) to prohibit persons in the U.S. from arranging or facilitating genital mutilation of children and nonconsenting adults in foreign countries.*

SECTION 1. SHORT TITLE

This Act may be cited as the "Federal Prohibition of Genital Mutilation Act of 2005".

SECTION 2. TITLE 18 AMENDMENT

(A) IN GENERAL.--Title 18, Part I, Chapter 7, Section 116 of the United States Code is **amended** by revising the text to read as follows:

"116. GENITAL MUTILATION

"(a) Except as provided in subsection (b), whoever knowingly circumcises, excises, cuts, or mutilates the whole or any part of the labia majora, labia minora, clitoris, vulva, breasts, nipples, foreskin, glans, testicles, penis, ambiguous genitalia, hermaphroditic genitalia, or genital organs of another person who has not attained the age of 18 years or on any nonconsenting adult; whoever prematurely and forcibly retracts the penile or clitoral prepuce of another person who has not attained the age of 18 years or on any nonconsenting adult, except to the extent that the prepuce has already separated from the glans; whoever knowingly assists with or facilitates any of these acts; or whoever arranges, plans, aids, abets, counsels, facilitates, or procures a genital mutilation operation on another person outside the United States who has not attained the age of 18 years or on any nonconsenting adult outside the United States shall be fined under this title or imprisoned not more than 14 years, or both.

"(b) A surgical operation is not a violation of this section if the operation is (1) performed on a person who has not attained the age of 18 years and is necessary to the physical health of the person on whom it is performed because of a clear, compelling, and immediate medical need with no less-destructive alternative treatment available, and is performed by a person licensed in the place of its performance as a medical practitioner; (2) performed on an adult who is physically unable to give consent and there is a clear, compelling, and immediate medical need with no less-destructive alternative treatment available, and is performed by a person licensed in the place of its performance as a medical practitioner; or (3) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth because of a clear, compelling, and immediate medical need with no less-destructive alternative treatment available, and is performed by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

"(c) In applying subsection (b), no account shall be taken of the effect on the person on whom the operation is to be performed of any belief on the part of that or any other person that the operation is required as a matter of custom or ritual.



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(B) CLERICAL AMENDMENT.--The table of sections at the beginning of Chapter 7 of Title 18, Part I, of the United States Code, is amended by revising Section 116 to read "116. Genital mutilation."

SECTION 3. INFORMATION AND EDUCATION REGARDING GENITAL MUTILATION

(A) IN GENERAL. -- The Secretary of Health and Human Services shall carry out the following activities:

- (1) Compile data on the number of persons of all sexes living in the United States who have been subjected to genital mutilation (whether in the United States or in their countries of origin), including a specification of the number of children under the age of 18 who have been subjected to such mutilation.
- (2) Identify communities in the United States that practice genital mutilation, and design and carry out outreach activities to educate individuals in the communities on the physical and psychological effects of such practice. Such outreach activities shall be designed and implemented in collaboration with representatives of the ethnic groups practicing such mutilation and with representatives of organizations with expertise in preventing such practice.
- (3) Develop recommendations for the education of students of schools of medicine and osteopathic medicine regarding genital mutilation and complications arising from such mutilation, as well as complications arising from premature forcible retraction of the prepuce. Such recommendations shall be disseminated to such schools.

(B) IN GENERAL. -- The President shall carry out the following activities:

- (1) Seek to end the practice of genital mutilation worldwide through the active cooperation and participation of governments in countries where genital mutilation takes place.
- (2) Steps to end the practice of genital mutilation should include--
 - (a) encouraging nations to establish clear policies against genital mutilation and enforcing existing laws which prohibit it;
 - (b) assisting nations in creating culturally appropriate outreach programs that include education and counseling about the dangers of genital mutilation to people of all ages; and
 - (c) ensuring that all appropriate programs in which the United States participates include a component pertaining to genital mutilation, so as to ensure consistency across the spectrum of health and child related programs conducted in any country in which genital mutilation is known to be a problem.

(C) DEFINITIONS. -- For purpose of this Act, the term "genital mutilation" means the removal or cutting (or both) of the whole or part of the clitoris, labia minora, labia majora, vulva, breasts, nipples, foreskin, glans, testicles, penis, ambiguous genitalia, hermaphroditic genitalia, or genital organs. The term "premature forcible retraction of the penile or clitoral prepuce" means forced retraction of the prepuce from the glans, except to the extent that the prepuce has already separated from the glans. The term "prepuce" means foreskin. The term "adult" means a person who has attained the age of 18 years. The term "nonconsenting" means not wishing to undergo genital mutilation.

SECTION 4. EFFECTIVE DATES

Section 2 of this Act shall take effect immediately after the date of the enactment of this Act. Section 3 of this Act shall take effect immediately after the date of the enactment of this Act, and the Secretary of Health and Human Services and the President shall commence carrying it out not later than 90 days after the date of the enactment of this Act.