

HR 6100

STOP FGM Act of 2020

Congress: 116 (2019–2021, Ended)

Chamber: House

Policy Area: Crime and Law Enforcement

Introduced: Mar 5, 2020

Current Status: Became Public Law No: 116-309.

Latest Action: Became Public Law No: 116-309. (Jan 5, 2021)

Law: 116-309 (Enacted Jan 5, 2021)

Official Text: <https://www.congress.gov/bill/116th-congress/house-bill/6100>

Sponsor

Name: Rep. Jackson Lee, Sheila [D-TX-18]

Party: Democratic • **State:** TX • **Chamber:** House

Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Bacon, Don [R-NE-2]	R · NE		Mar 5, 2020
Rep. Garcia, Sylvia R. [D-TX-29]	D · TX		Mar 11, 2020

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Reported By	Sep 16, 2020
Judiciary Committee	Senate	Discharged From	Dec 16, 2020

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
116 HR 3583	Related bill	Jul 30, 2019: Referred to the Subcommittee on Crime, Terrorism, and Homeland Security.
116 S 2017	Related bill	Jun 27, 2019: Read twice and referred to the Committee on the Judiciary.

Strengthening the Opposition to Female Genital Mutilation Act of 2020 or the STOP FGM Act of 2020

This bill revises the federal criminal statute that prohibits certain conduct often referred to as female genital mutilation (FGM).

Currently, the FGM statute prohibits performing certain procedures—circumcising, excising, or infibulating the female genitalia of a minor—for nonmedical purposes. However, it does not define FGM.

In 2018 a federal district court invalidated the FGM statute in *United States vs. Nagarwala*. The court found, among other things, that the statute exceeds Congress's authority under the Commerce Clause of the Constitution because it (1) lacks detailed, record-based findings regarding how FGM substantially affects interstate commerce; and (2) lacks jurisdictional elements (e.g., requirements that charged offenses have an explicit connection with, or effect on, interstate commerce). In 2019, the Department of Justice (DOJ) decided not to appeal the decision.

This bill creates a statutory definition of *female genital mutilation* and provides explicit findings regarding the effects of FGM on interstate commerce.

The bill broadens the scope of prohibited FGM-related conduct on a minor to include

- attempting or conspiring to perform FGM;
- facilitating or consenting to FGM, as a parent, guardian, or caretaker; and
- transporting a minor for FGM.

It expressly requires prohibited FGM-related conduct to have a connection to interstate or foreign commerce.

The bill increases from 5 to 10 years the statutory maximum prison term for an FGM offense. It also prohibits a federal criminal defendant from asserting, as a defense, that FGM is required as a matter of religion, custom, tradition, ritual, or standard practice.

DOJ, in consultation with various federal agencies, must report annually on FGM, including the estimated number of women and girls at risk of or subjected to FGM and actions taken by government agencies to combat the practice.

Finally, the bill expresses the sense of Congress that the court erred in invalidating the existing statute. It expresses, among other sentiments, that Congress elects to amend the statute to clarify the commercial nature of FGM, but that Congress does not ratify the interpretation of the federal district court in *Nagarwala*.

Actions Timeline

- **Jan 5, 2021:** Signed by President.
- **Jan 5, 2021:** Became Public Law No: 116-309.
- **Dec 24, 2020:** Presented to President.
- **Dec 16, 2020:** Message on Senate action sent to the House.
- **Dec 15, 2020:** Senate Committee on the Judiciary discharged by Unanimous Consent.(consideration: CR S7509)
- **Dec 15, 2020:** Senate Committee on the Judiciary discharged by Unanimous Consent. (consideration: CR S7509)
- **Dec 15, 2020:** Passed/agreed to in Senate: Passed Senate without amendment by Unanimous Consent.
- **Dec 15, 2020:** Passed Senate without amendment by Unanimous Consent.
- **Sep 22, 2020:** Received in the Senate and Read twice and referred to the Committee on the Judiciary.
- **Sep 21, 2020:** Ms. Jackson Lee moved to suspend the rules and pass the bill, as amended.
- **Sep 21, 2020:** Considered under suspension of the rules. (consideration: CR H4589-4592)
- **Sep 21, 2020:** DEBATE - The House proceeded with forty minutes of debate on H.R. 6100.
- **Sep 21, 2020:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.
- **Sep 21, 2020:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR H4589-4590)
- **Sep 21, 2020:** Motion to reconsider laid on the table Agreed to without objection.
- **Sep 16, 2020:** Reported by the Committee on Judiciary. H. Rept. 116-506.
- **Sep 16, 2020:** Placed on the Union Calendar, Calendar No. 406.
- **Mar 11, 2020:** Committee Consideration and Mark-up Session Held.
- **Mar 11, 2020:** Ordered to be Reported by Voice Vote.
- **Mar 5, 2020:** Introduced in House
- **Mar 5, 2020:** Referred to the House Committee on the Judiciary.

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