

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3492
OFFERED BY M

Strike all that follows after the enacting clause and
insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Protect Children’s In-
3 nocence Act”.

4 SEC. 2. GENITAL AND BODILY MUTILATION OF A MINOR;

5 CHEMICAL CASTRATION OF A MINOR.

6 (a) IN GENERAL.—Section 116 of title 18, United
7 States Code, is amended to read as follows:

8 “§ 116. Genital and bodily mutilation of a minor;
9 chemical castration of a minor

10 “(a) GENITAL OR BODILY MUTILATION.—Except as
11 provided in subsection (g), whoever, in any circumstance
12 described in subsection (d), knowingly performs, or at-
13 tempts to perform, genital or bodily mutilation on another
14 person who is a minor, shall be fined under this title, im-
15 prisoned not more than 10 years, or both.

16 “(b) CHEMICAL CASTRATION OF A MINOR.—Except
17 as provided in subsection (g), whoever, in any cir-
18 cumstance described in subsection (d), knowingly chemi-

1 cally castrates a minor shall be fined under this title, im-
2 prisoned not more than 10 years, or both.

3 “(c) CERTAIN OFFENSE RELATED TO FEMALE GEN-
4 ITAL MUTILATION.—Except as provided in subsection (g),
5 whoever, in any circumstance described in subsection (d),
6 knowingly—

7 “(1) facilitates or consents to female genital
8 mutilation of a minor; or

9 “(2) transports a minor for the purpose of the
10 performance of female genital mutilation on such
11 minor,

12 shall be fined under this title, imprisoned not more than
13 10 years, or both.

14 “(d) CIRCUMSTANCES DESCRIBED.—For the pur-
15 poses of subsections (a) and (b), the circumstances de-
16 scribed in this subsection are that—

17 “(1) the defendant or victim traveled in inter-
18 state or foreign commerce, or traveled using a
19 means, channel, facility, or instrumentality of inter-
20 state or foreign commerce, in furtherance of or in
21 connection with the conduct described in subsection
22 (a) or (b);

23 “(2) the defendant used a means, channel, fa-
24 cility, or instrumentality of interstate or foreign

1 commerce in furtherance of or in connection with
2 the conduct described in subsection (a) or (b);

3 “(3) any payment of any kind was made, di-
4 rectly or indirectly, in furtherance of or in connec-
5 tion with the conduct described in subsection (a) or
6 (b) using any means, channel, facility, or instrumen-
7 tality of interstate or foreign commerce or in or af-
8 fecting interstate or foreign commerce;

9 “(4) the defendant transmitted in interstate or
10 foreign commerce any communication relating to or
11 in furtherance of the conduct described in subsection
12 (a) or (b) using any means, channel, facility, or in-
13 strumentality of interstate or foreign commerce or in
14 or affecting interstate or foreign commerce by any
15 means or in manner, including by computer, mail,
16 wire, or electromagnetic transmission;

17 “(5) any instrument, item, substance, or other
18 object that has traveled in interstate or foreign com-
19 merce was used to perform the conduct described in
20 subsection (a) or (b);

21 “(6) the conduct described in subsection (a) or
22 (b) occurred within the special maritime and terri-
23 torial jurisdiction of the United States, or any terri-
24 tory or possession of the United States; or

1 “(7) the conduct described in subsection (a) or
2 (b) otherwise occurred in or affected interstate or
3 foreign commerce.

4 “(e) PROHIBITION ON CERTAIN DEFENSE.—It shall
5 not be a defense to a prosecution under subsection (a) that
6 female genital mutilation is required as a matter of reli-
7 gion, custom, tradition, ritual, or standard practice.

8 “(f) PROHIBITION ON PROSECUTION OF VICTIM.—
9 No person who is chemically castrated or on whom genital
10 or bodily mutilation is performed may be arrested or pros-
11 ecuted for an offense under this section.

12 “(g) EXCEPTIONS.—

13 “(1) PROCEDURES.—

14 “(A) IN GENERAL.—Genital or bodily mu-
15 tilation or chemical castration is not a violation
16 of this section if such genital or bodily mutila-
17 tion or chemical castration is—

18 “(i) necessary to the health of the
19 minor on whom it is conducted, and is con-
20 ducted by a person licensed in the place of
21 such conduct as a medical practitioner; or

22 “(ii) in the case of female genital mu-
23 tilation, performed on a minor in labor or
24 who has just given birth and is performed
25 for medical purposes connected with that

1 labor or birth by a person licensed in the
2 place it is performed as a medical practi-
3 tioner, midwife, or person in training to
4 become such a practitioner or midwife.

5 “(B) HEALTH OF A MINOR.—For the pur-
6 poses of subparagraph (A), the health of a
7 minor does not include—

8 “(i) mental, behavioral, or emotional
9 distress; or

10 “(ii) a mental, behavioral, or emo-
11 tional disorder.

12 “(2) EXEMPTION.—Genital or bodily mutilation
13 or chemical castration is not a violation of this sec-
14 tion if such genital or bodily mutilation or chemical
15 castration is conducted with respect to any of the
16 following individuals:

17 “(A) An individual with both ovarian and
18 testicular tissue.

19 “(B) An individual with respect to whom a
20 physician has determined through genetic or
21 biochemical testing that the individual does not
22 have normal sex chromosome structure, sex
23 steroid hormone production, or sex steroid hor-
24 mone action.

1 “(C) An individual experiencing infection,
2 disease, injury, or disorder caused or exacer-
3 bated by a previous genital or bodily mutilation
4 procedure or chemical castration.

5 “(D) An individual suffering from a phys-
6 ical disorder, physical injury, or physical illness
7 that would, as certified by a physician, place
8 the individual in imminent danger of impair-
9 ment of a major bodily function unless the pro-
10 cedure is performed.

11 “(E) An individual diagnosed with pre-
12 cocious puberty, to the extent such genital or
13 bodily mutilation or chemical castration is for
14 the purpose of normalizing puberty.

15 “(h) DEFINITIONS.—In this section:

16 “(1) GENITAL OR BODILY MUTILATION.—The
17 term ‘genital or bodily mutilation’ means, with re-
18 spect to an individual, any of the following:

19 “(A) Female genital mutilation.

20 “(B) Any surgery performed for the pur-
21 pose of changing the body of such individual to
22 correspond to a sex that differs from their bio-
23 logical sex, including—

24 “(i) castration;

25 “(ii) orchiectomy;

1 “(iii) scrotoplasty;
2 “(iv) vasectomy;
3 “(v) hysterectomy;
4 “(vi) oophorectomy;
5 “(vii) ovariectomy;
6 “(viii) metoidioplasty;
7 “(ix) penectomy;
8 “(x) phalloplasty;
9 “(xi) vaginoplasty;
10 “(xii) vaginectomy;
11 “(xiii) vulvoplasty;
12 “(xiv) reduction thyrochondroplasty;
13 “(xv) chondrolaryngoplasty; and
14 “(xvi) mastectomy.

15 “(C) Any plastic surgery that feminizes or
16 masculinizes the facial or other physiological
17 features for the purposes described in subpara-
18 graph (B).

19 “(D) Any placement of chest implants to
20 create feminine breasts for the purposes de-
21 scribed in subparagraph (B).

22 “(E) Any placement of fat or artificial im-
23 plants in the gluteal region for the purposes de-
24 scribed in subparagraph (B).

1 “(F) Any surgery to reconstruct the fixed
2 part of the urethra, whether or not such sur-
3 gery includes a metoidioplasty or a phalloplasty,
4 for the purposes described in subparagraph (B).

5 “(2) CHEMICAL CASTRATION.— The term
6 ‘chemical castration’ means administering, sup-
7 plying, prescribing, dispensing, distributing, or oth-
8 erwise conveying to an individual medications for the
9 purposes described in paragraph (1)(B), including—

10 “(A) gonadotropin-releasing hormone
11 (GnRH) analogues or other puberty-blocking
12 drugs to stop or delay normal puberty;

13 “(B) testosterone or other androgens to bi-
14 ological females at doses that are
15 supraphysiologic to the female sex; and

16 “(C) estrogen to biological males at doses
17 that are supraphysiologic to the male sex.

18 “(3) BIOLOGICAL SEX.—The term ‘biological
19 sex’ means the indication of male or female sex by
20 reproductive potential or capacity, sex chromosomes,
21 naturally occurring sex hormones, gonads, or inter-
22 nal or external genitalia present at birth.

23 “(4) FEMALE GENITAL MUTILATION.—The
24 term ‘female genital mutilation’ means any proce-
25 dure performed for non-medical reasons that in-

1 volves partial or total removal of, or other injury to,
2 the external female genitalia, and includes—

3 “(A) a clitoridectomy or the partial or total
4 removal of the clitoris or the prepuce or clitoral
5 hood;

6 “(B) excision or the partial or total re-
7 moval (with or without excision of the clitoris)
8 of the labia minora or the labia majora, or
9 both;

10 “(C) infibulation or the narrowing of the
11 vaginal opening (with or without excision of the
12 clitoris); or

13 “(D) other procedures that are harmful to
14 the external female genitalia, including prick-
15 ing, incising, scraping, or cauterizing the gen-
16 ital area.

17 “(5) MINOR.—The term ‘minor’ means any per-
18 son under the age of eighteen years.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 for chapter 7 of title 18, United States Code, is amended
21 by striking the item related to section 116 and inserting
22 the following:

 “116. Genital and bodily mutilation of a minor; chemical castration of a
 minor.”.

