

Testimony in Support of SB907 and HB 1389

My name is Susan Masling Rubel. I have lived in Bethesda, Maryland for 30 years. I recently retired from the U.S. Department of Justice (DOJ), where I served in the Human Rights and Special Prosecutions Section, the component charged with enforcing the federal law banning female genital mutilation/cutting (FGM/C), codified at 18 U.S.C. § 116.

In that role, I investigated allegations of FGM/C occurring in the United States and, where appropriate, pursued federal criminal charges against perpetrators. I chaired the federal interagency working group on FGM/C and was responsible for drafting the annual reports to Congress required by statute, documenting the actions taken by the U.S. Government to prevent and prosecute FGM/C domestically. That work required engagement with medical professionals, child protection personnel, educators, survivors, and law enforcement at the federal, state, and local levels.

My testimony today is informed by that experience and by my ongoing work as a member of the DMV Coalition Against FGM/C. I am speaking in my personal capacity.

Internationally, the United Nations recognizes FGM/C as a violation of human rights and an extreme form of discrimination against women and girls that can amount to torture. In the U.S., FGM/C has been a federal crime since 1996 and is recognized by the U.S. government as a form of child abuse. In 1998, Maryland became one of the first states in the country to enact its own criminal prohibition. Today, 41 states — including the District of Columbia and Virginia — have enacted laws banning FGM/C.

The question before you is whether Maryland’s statute, written nearly three decades ago, remains sufficient given developments in law and practice. In my opinion, it does not.

The federal statute has been strengthened twice and is again under review in Congress.

In 2013, Congress amended the federal law after it became clear that families were transporting girls abroad during school vacations to have FGM/C performed in other countries — a practice known as “vacation cutting.” The amendment criminalized the act of transporting a minor out of the United States for purposes of FGM/C. **Most states with FGM/C laws now include provisions addressing transportation and facilitation. Maryland’s statute does not.**

There are documented examples of parents crossing state lines in United States for purposes of FGM/C. In 2017, the DOJ brought charges in Michigan against a physician and others accused of performing FGM/C on nine minor girls who had traveled from other states for the procedure. The District Court ultimately dismissed those charges on the grounds that Congress lacked the Constitutional authority to regulate what the court characterized as conduct more appropriately addressed under state police powers.

In 2020, Congress unanimously passed, and President Trump signed into law, the STOP FGM Act. That legislation strengthened the federal framework by aligning the statutory definition of FGM/C with the definition used by the World Health Organization. **This Bill does the same, to cover all the types of cutting known to occur.**

The STOP FGM Act also strengthened the criminal penalties for performing FGM, increasing the maximum penalty from 5 to 10 years. **This bill does the same.**

We are now in a period of legal uncertainty regarding the future of the federal law. Congress is considering additional amendments to the federal statute that would expand the definition of FGM/C to include gender-affirming medical interventions. The “Protect Children’s Innocence Act” passed the House in December and is awaiting action in the Senate. Because the proposal raises novel constitutional questions, it is likely to be challenged in courts, possibly preventing DOJ from enforcing the law. **If that happens, strong state statutes will be essential to ensure that prosecutions for FGM/C can proceed without disruption.**

Additionally, the Bill’s education and reporting provisions are central to effective prevention.

FGM/C is a secretive and deeply rooted practice with longstanding cultural origins across multiple regions of the world. Criminal prosecution alone cannot eradicate it. **Prevention depends on early identification, culturally informed education and outreach, and coordinated response.**

Clarifying that FGM/C constitutes “abuse” for purposes of Maryland law will ensure that suspected cases are reported and documented. Training mandated reporters — including teachers, health care providers, and CPS workers — equips them to recognize risk indicators, understand cultural dynamics, and respond appropriately. When service providers are trained to identify risk, intervention can happen before irreversible harm is done. **Requiring the development of training for service providers strengthens the protective net around vulnerable girls.**

Finally, providing FGM/C survivors with a clear right to civil action is essential because it empowers them to seek justice, hold perpetrators accountable, and obtain financial compensation and other remedies to support their healing and recovery.

Maryland was an early leader in criminalizing FGM/C. Updating this law will ensure that it remains effective and aligned with best practices nationwide. This is not a symbolic revision. It is a practical, necessary modernization designed to protect girls at risk and to ensure that those who facilitate or perform FGM/C can be held accountable under Maryland law. Please vote yes.