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May 29, 2012

RE: *May 30 House roll call on the Prenatal  
Nondiscrimination Act (PRENDA) (H.R. 3541)  
(ban on abortion as method of sex selection)*

Dear Member of Congress:

On Wednesday, May 30, 2012, the House of Representatives will take up, under Suspension of the Rules, a bill to prohibit the use of abortion as a method of sex selection in the United States – the Prenatal Nondiscrimination Act (H.R. 3541). The National Right to Life Committee (NRLC), the nationwide federation of state right-to-life organizations, strongly urges you to vote to pass this important legislation. **NRLC reserves the right to include the roll call on H.R. 3541 in the NRLC scorecard of roll calls on key right-to-life issues for the 112<sup>th</sup> Congress.**

The use of abortion as a means of sex selection is a major social problem in a number of Asian countries, including China and India. There are credible estimates that 160 million women and girls are missing from the world due to sex selection, and the figure may be even higher. Writing in the Fall 2011 issue of *The New Atlantis*, political economist Nicholas Eberstadt of the American Enterprise Institute observed, **“In terms of its sheer toll in human numbers, sex-selective abortion has assumed a scale tantamount to a global war against baby girls.”**

Multiple academic papers have put forward evidence that the practice of sex-selection by abortion is increasing in the United States, especially although not exclusively within communities of immigrants from Asia. For example, a study by researchers at the University of Connecticut, published in *Prenatal Diagnosis* in March 2011, concluded, “The male to female livebirth sex ratio in the United States exceeded expected biological variation for third+ births to Chinese, Asian Indians and Koreans, strongly suggesting prenatal sex selection.”

Dr. Sunita Puri and three other researchers at the University of California interviewed “65 immigrant Indian women in the United States who had pursued fetal sex selection.” They wrote: “We found that 40% of the women interviewed had terminated prior pregnancies with female fetuses and that 89% of women carrying female fetuses in their current pregnancy pursued an abortion.” This powerful study discusses in detail the multiple forms of pressure and outright coercion to which such women are often subjected: “Forty women (62%) described verbal abuse from their female in laws or husbands. . . . One-third of women described past physical abuse and neglect related specifically to their failing to produce a male child.” As a result, “women reported having multiple closely spaced pregnancies with terminations of female fetuses under pressure to have a male child.” (“There is such a thing as too many daughters, but not too many sons’,” *Social Science & Medicine* 72 (2011), 1169-1176)

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Some of the other indications that the practice is increasing in the U.S. were explored during the public hearing on H.R. 3541 conducted by the House Judiciary Constitution Subcommittee on December 6, 2011. We expect that evidence will be summarized in the official report of the Judiciary Committee on the bill, which we understand will be released today.

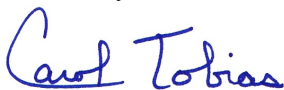
Section 3 of H.R. 3541 would amend Title 18 of the U.S. Code to make it an offense, punishable by up to five years imprisonment, to *knowingly* do any one of the following four things: (1) perform an abortion “knowing that such abortion is sought based on the sex or gender of the child”; (2) use “force or threat of force . . . for the purpose of coercing a sex-selection abortion”; (3) solicit or accept funds to perform a sex-selection abortion; or (4) transport a woman into the U.S. or across state lines for this purpose. **The bill explicitly provides, “A woman upon whom a sex-selection abortion is performed may not be prosecuted or held civilly liable for any violation of this section, or for a conspiracy to violate this section.”** The bill also explicitly provides that healthcare providers do *not* have any “affirmative duty to inquire as to the motivation for the abortion, absent the healthcare provider having knowledge or information that the abortion is being sought based on the sex or gender of the child.”

Please note that H.R. 3541 no longer contains the original parallel provisions dealing with abortions that are solicited, coerced, or performed on the basis of the *race* of the unborn child. The impact of the abortion industry on minority communities, an important issue in its own right, has been set aside for another day. **The bill now deals solely with sex-selection abortions.**

Of course, pro-life Members will support this legislation. But it is to be hoped that even many Members who deem themselves “pro-choice” will recoil at the notion that “freedom of choice” must include even the choice to abort a little unborn girl, merely because she is a girl. **Members who recently have embraced contrived political rhetoric asserting they are resisting a “war on women” must reflect on whether they wish to be recorded as being defenders of the escalating war on baby girls.**

NRLC urges you to support the Prenatal Nondiscrimination Act, and reserves the right to include the roll call on passage in the NRLC scorecard of key right-to-life roll calls of the 112th Congress. A “present” vote has the same effect on a Member’s score as a “no” vote.

Sincerely,



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President



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