

I voted No on H.R. 3541, the Prenatal Nondiscrimination Act (PRENDA).

This legislation aims to prohibit abortions which are provided on the basis of the sex of the fetus. Knowingly obtaining an abortion solely on gender, which is a real problem in countries like India and China, is abhorrent. I personally oppose abortion and share the goal of ending sex-selection wherever it may occur. But we need to achieve that end in an comprehensive and effective way that respects individual rights, privacy and the doctor-patient relationship.

H.R. 3541 would place criminal penalties - fines and up to a 5-year sentence - on individuals who provide abortions based on sex of the fetus. It would allow the woman who undergoes an abortion, the biological father, or a woman's parent to seek civil penalties against the providing individual. The bill further requires medical professionals and personnel to report "suspected" violations to law enforcement, with failure to do so resulting in fines and/or a one-year jail sentence.

I am concerned that this specific effort fails to outline procedures to establish that an abortion was actually motivated by sex discrimination, which could lead to effectively criminalizing motive based upon suspicion. H.R. 3541 would also give legal standing in important personal decisions to third-party individuals who could use the law to stall or restrict a woman's decision for unrelated or inappropriate reasons. Finally, the bill could imperil patient-doctor relationships by encouraging health providers to inform law enforcement of "suspected" violations, which could force a choice between confidentiality or preemptive disclosure of a patient under threat of fines or jail time.

Sex-selection is an repugnant practice. However, I could not support this legislation because it raises too many concerns about effectiveness, enforceability and its impact on the doctor-patient relationship. I will continue working to reduce instances of abortion by promoting education, prevention and adoption as alternatives; and I will continue to support equal rights for all girls and women in our society so that gender discrimination at all stages may one day be abolished.

The bill, requiring a two-thirds majority for approval, failed by a vote of 246 – 168.