



H.R. 3541 and “Race and Sex Selection”: a Wolf in Sheep’s Clothing

H.R. 3541—the “Prenatal Nondiscrimination Act” (PRENDA)—is an attack on women and communities of color cloaked in the language of civil rights protection

H.R. 3541, originally titled “Susan B. Anthony and Frederick Douglass Prenatal Nondiscrimination Act” (PRENDA), misappropriates the names of civil rights heroes in an attempt to disguise the paternalistic and deeply racist assumptions that suffuse this bill. PRENDA picks up where the now-infamous “The most dangerous place for a Latino/African-American is in the womb” billboard campaigns” left off, insulting women of color by implying that they are a danger to their own children and communities. PRENDA claims to target a social ill: the continued undervaluing of women and people of color. But in reality, the bill takes aim at a social good: a woman’s access to reproductive healthcare.

This legislation purports to ban “race and sex selective” abortion. In fact, it would limit women’s access to safe abortion care, punish providers for a woman’s perceived motivations, and perpetuate harmful stereotypes about women and people of color. Here are the facts:

- ❁ **PRENDA will prohibit women of color from accessing an abortion of their own volition.** We recognize that the lived experiences of women of color drive how and when an individual woman chooses an abortion. Moreover, disproportionate need for abortion care within particular communities is driven by lack of comprehensive sex education, barriers to accessing affordable contraception, and persistent health disparities. The very notion of “race-selective abortion” is ludicrous, insulting, and racist.
- ❁ **PRENDA prohibits sex-selective abortions. While sex and gender discrimination are widespread societal problems, both in the US and globally, women would be greatly harmed by such a ban.** This aspect of the bill, like the aspects dealing with race, would greatly burden providers, forcing them to question every woman seeking a legal abortion to try to determine the “true” reason for the abortion -- a scenario that would tremendously inhibit access. While son preference is a global problem, closely tied to the unequal treatment of women and girls, PRENDA does nothing to address these issues, targeting instead a woman’s reproductive decisions.
- ❁ **PRENDA is an assault on abortion providers and makes it harder for them to provide women with quality care.** This bill would punish providers for a woman’s perceived motivation and could have a chilling effect on willingness to provide much-needed abortion care, particularly in communities of color, where women already face barriers to access. In order to protect the lives of women and families, abortion must remain safe, legal, affordable, and accessible.



- **PRENDA tries to pit women’s rights advocates against supporters of communities of color, ignoring that women and people of color share common struggles, interests, and aspirations.** In pointing the finger at women of color, including immigrant women, proponents of PRENDA turn a blind eye to the real problems and needs of these populations.

Women and people of color need the ability to live with health, dignity, and justice.

Q: How does PRENDA further these goals?

A: It doesn’t.

Health

All women need access to a comprehensive range of quality healthcare services, including abortion, contraception, and maternity care.

PRENDA would limit and delay a woman’s access to abortion care, compounding the difficult circumstances she faces and adding to the already burdensome restrictions on access.

Dignity

Women of color are capable of making their own decisions based on their own lived experiences. To deny a woman the opportunity to decide whether and when to have a child is to deny her a fundamental human right.

Rather than respect decision-making by women and people of color, PRENDA enshrines the insulting assumption that women and people of color’s decisions are determined by racist or sexist views. This promotes the offensive and misleading idea that women of color are unfit to be mothers.

Justice

Allowing, enabling, and trusting a woman of color to make her own decisions—whether and when to have a child or obtain an abortion, pursue her career or parent children she already has—is fundamental to improving the status of women, girls, and people of color.

PRENDA would restrict access to abortion, endanger women’s health, and perpetuate negative stereotypes about women of color, while doing nothing to address the real problems of our communities, like discrimination, harmful immigration policies, health disparities, the high cost of education, and poverty.

The National Latina Institute for Reproductive Health works to achieve health, dignity, and justice for our communities, which requires access to the full range of reproductive health information and services; we oppose PRENDA because it places barriers in the way of women who already face tremendous obstacles to accessing the care they need. **We are committed to promoting the well-being and power of women and people of color—PRENDA undermines these goals.**