



Written by [Raven Clabough](#) on July 14, 2016

House Passes Pro-life Conscience Protection Act

On Wednesday, the U.S. House of Representatives passed a pro-life measure supporting conscience protections for doctors and healthcare providers by a vote of 245 to 182. The measure would allow churches and other entities to sue the federal government for violating the Weldon Amendment, which prevents states from discriminating against institutions or health entities that do not provide for or refer abortions.



Entitled the [Conscience Protection Act of 2016](#), the bill was introduced in the Senate by John Thune (R-S.D.) and supported by House Representatives John Fleming of Louisiana and Diane Black of Tennessee.

Black indicated she was inspired to support the bill after meeting with a nurse in New York who stated that she was required to participate in the abortion of a 22-week-old baby against her conscience.

“President Thomas Jefferson famously said, ‘No provision in our Constitution ought to be dearer to man than that which protects the rights of conscience against the enterprises of the civil authority,’” Black wrote in a recent op-ed for the *Washington Examiner*. “If we do not have a right to live according to our conscience and the dictates of our most deeply held beliefs, particularly on a matter as deeply affecting as abortion, we don’t have much left.”

The bill was proposed after two Catholic universities had been ordered by the California Department of Managed Care to provide abortion coverage in their insurance plans, a decision that was upheld the Department of Health and Human Services Office of Civil Rights last month.

In 2014, two Catholic universities — Clara University and Loyola Marymount University — filed a “right of conscience” complaint after they had been ordered by the California Department of Managed Care to provide abortion coverage in their insurance plans. After two years of reviewing the complaint, HHS upheld the decision by the California Department of Managed Care, citing California state law, which indicates that insurance coverage must cover all “medically necessary” procedures, a category to which the state contends abortion belongs.

HHS also determined that “right of conscience” could not be applied to this case because an insurance provider could not be considered a “healthcare entity.” The *LA Times* reported in June, “The office said the provision, which protects doctors, nurses, hospitals and other healthcare providers who object to performing abortions, does not extend to health insurance firms that have no moral objection to providing abortion coverage and instead are acting on the request of religious-minded customers.”

According to lawmakers, the HHS ruling could set a dangerous precedent, as states are following in the footsteps of California’s Department of Managed Health Care, and some are even considering requiring all physicians and hospitals to provide or facilitate abortions. But under the Conscience Protection Act, that would not be permissible. The bill reads,

Members of Congress have repeatedly questioned U.S. Health and Human Services Secretary



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Sylvia Burwell about California's ongoing violation which began in August 2014. The Department of Health and Human Services has acknowledged California's violations and indicated that the Department was taking them "seriously" and that the matter would be resolved "expeditiously." Despite numerous complaints and calls for prompt enforcement of the Hyde/Weldon amendment in California, however, the Department has failed to resolve the matter....

A health care provider's decision not to participate in an abortion, like Congress's decision not to fund most abortions, erects no new barrier to those seeking to perform or undergo abortions but leaves each party free to act as he or she wishes.

Such protection poses no conflict with other Federal laws, such as the law requiring emergency stabilizing treatment for a pregnant woman and her unborn child when either is in distress (Emergency Medical Treatment and Active Labor Act). As the Obama administration has said, these areas of law have operated side by side for many years and both should be fully enforced (76 Federal Register 9968-77 (2011) at 9973).

In the event that healthcare providers are in fact targeted by discrimination for refusing to participate in abortions, they may file a civil suit under the measure.

During the debate on the bill, Speaker Paul Ryan addressed the situation in California and elaborated on the importance for the bill's passage. "There have been cases of nurses being suspended or threatened with firing solely for the offense of following their conscience," Ryan said. "And now, the state of California requires all health insurance plans to cover abortion. So if you're a church or a religious school, it doesn't matter. You must cover this procedure. And if it violates your conscience, too bad."

"No one should be forced to violate their conscience — least of all by the federal government. That's all this bill says. The federal government — or anyone who receives taxpayer dollars — cannot discriminate against health care providers who do not perform abortions. And if they do discriminate, this bill says the victims will have two avenues of relief: Either, file a complaint with the Department of Health and Human Services. Or, file a civil suit in court. That's all this bill does," Ryan said.

Meanwhile, even as President Obama [stated](#) in 2009 at Notre Dame that he believes his administration should "honor the conscience of those who disagree with abortion," he has already threatened to veto the legislation.

Still, pro-life groups are celebrating the bill's passage. "State agencies in California and New York are mandating insurance coverage of abortion, and the Obama Administration recently made it clear that it will not enforce federal laws that prohibit such mandates," said Carol Tobias, president of National Right to Life. "The Conscience Protection Act will allow direct access to the federal courts for the victims of coercive pro-abortion government policies."



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