

Opening Statement of the Honorable Joseph R. Pitts
Subcommittee on Health
Hearing on "The FY 2013 HHS Budget"
March 1, 2012
(Full Remarks)

I would like to thank Secretary Sebelius for being here with us today to discuss the FY2013 budget.

One of the most striking features of this year's budget is just how much of it is not dependent upon Congress.

For example, the phrase "ACA Mandatory Funding," appears throughout the budget tables. This designation means, of course, that the Affordable Care Act requires automatic appropriations for certain items.

The phrase "Prevention Fund" also appears numerous times, referencing the Prevention and Public Health Fund – a multi-billion dollar fund over which the secretary has sole discretion.

Beyond the absence of Congressional authority over these funds, I am deeply troubled by the lack of accountability and transparency practiced by the department.

Regarding the rule-making process for PPACA, HHS has repeatedly missed deadlines for issuing rules, has issued interim final rules that do not require public comment with no apparent intention to move toward a final rule, and has issued "bulletins" instead of final rules.

One controversial rule that HHS issued as an interim final rule and has caused considerable backlash is the so-called Preventive Services rule.

This illegal and unconstitutional rule mandates that abortion drugs be provided in all health insurance plans with only a very narrow exemption for some churches.

Such a requirement violates a number of legal protections for religious exercise and expression and violates the rights of conscience long protected in our country and enshrined in our Constitution.

Perhaps recognizing the controversy, President Obama announced on February 10, his intent to make changes to the interim final rule and referenced an "accommodation."

According to a White House "fact sheet," some religious employers will no longer be required to provide insurance coverage for abortion-inducing drugs, sterilizations and contraception, but insurance companies will be required to do so.

Of course, insurance companies will pay for this "free" benefit with the premiums they collect from the very same organizations who opposed paying for abortion-inducing drugs in the first place.

Ultimately, this is not an argument about contraception or any particular service.

This is about religious liberty and whether people with deeply held moral and religious beliefs should be put in a situation where they have only two choices: comply with the law, thus violating their consciences, or not comply with the law and face ruinous fines, forcing them to close their doors.

I hope the secretary will be able to explain why her department is so late on so many of the rules required by PPACA.

And, I hope she has some better answers for us on the Preventive Services rule than what we've heard so far.

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