

ONE HUNDRED TWELFTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
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**Opening Statement of Rep. Henry A. Waxman**  
**Ranking Member, Committee on Energy and Commerce**  
**Hearing on “Do New Health Law Mandates Threaten Conscience**  
**Rights and Access to Care?”**  
**Subcommittee on Health**  
**November 2, 2011**

Mr. Chairman, this is not a hearing about abortion. This is not a hearing about whether people can adhere to their religious beliefs, follow their own individual consciences. This is a hearing about whether the Republicans can have the government intrude to the point where people who buy health insurance can be denied insurance coverage for the preventive service of family planning.

Preventing conception is what family planning is all about, and it is a legitimate medical service. In fact, the Institute of Medicine (IOM) made recommendations to the Department for what would be covered under preventive services, and they recommended that this be a covered preventive service. So the question is, if somebody does want to provide contraception, because it violates their religion or their conscience, would they be required to? Absolutely not. The question then comes down to what is the scope of the exception that church-provided insurance need not cover family planning. Well, I don't even know why that should be an exception. I disagree with the Administration providing that exception.

But the Republicans would like to, first of all, extend that exception, to all church-related groups, whether it means that the people who are covered are of the same faith or not. We're going to hear from a witness today who would like to have no insurance coverage for contraceptive services because it violates her point of view. Now, we hear a lot from the other side of the aisle about government intrusion in our private lives. There can be no intrusion more significant than government telling people they cannot get contraception, they cannot get insurance to cover contraception, it should not be a provided service.

Well that's part of what the Republican agenda appears to be, but it's much more than that. What we have is a hearing today that purports to be about “conscience protection”. But it is another attempt by Republicans to undermine and undo the Affordable Care Act's provisions related to women's health.

No single piece of legislation in recent memory has done more to advance women's health and women's access to health services than the Affordable Care Act.

- It provides health insurance coverage to millions of Americans, including 19.1 million women who are uninsured.
- It makes health insurance coverage more affordable through premium assistance.
- It stops gender rating. It would be illegal to do that, where women are charged higher premiums than men for the same insurance coverage
- It will be illegal for insurance companies to discriminate against women and others on the basis of a pre-existing condition, which by the way may even include history of breast cancer, pregnancy, or experience of domestic violence.
- And then the cost-sharing requirements under Medicare have been eliminated for women's preventive health services such as mammograms and well-women visits. For new private health insurance coverage, the prohibition against cost-sharing extends to breastfeeding counseling, screening, and counseling for domestic violence. It would include FDA-approved contraceptives, in addition to mammograms and well-women check-ups.

Now the Republicans would like to take all this away, not just the contraceptive services. They would like to repeal the Affordable Care Act. If they succeed, newly-established health benefits and health coverage for women would disappear.

And what would they do to replace this? Nothing. They would leave the status quo in place.

Let me be clear: I support policies that recognize and protect the right of individuals to express and act on their religious and moral convictions. If you have moral convictions, you can keep them. Just don't try to impose them on everybody else.

We cannot turn the clock back. We shouldn't let the Republicans confuse the issue, to deny health insurance coverage that includes contraceptive services to millions of American women. That is wrong. Women who don't want that service don't have to access it if it violates their conscience. A doctor does not have to provide it if it violates his or her conscience. But tell me less about the conscience of the employer or the insurance company and why that should take precedence over all the people who are going to be covered that do not share that particular point of view.

The Department's position on insurance coverage for family planning services is in keeping with this goal and should move forward without delay. I want to yield back my time and express strong support for this preventive service, which is now being used widely by people who even are members of the church that in theory and religious doctrine disapprove of the service.