



FOR IMMEDIATE RELEASE  
December 20, 2012

CONTACT: [Julia Lawless](#), [Antonia Ferrier](#)  
(202) 224-4515

## HATCH STATEMENT AT SENATE FINANCE COMMITTEE HEARING CONSIDERING THE NOMINATIONS OF WILLIAM SCHULTZ & CHRISTOPHER MEADE

WASHINGTON – U.S. Senator Orrin Hatch (R-Utah), Ranking Member of the Senate Finance Committee, today delivered the following remarks during a Senate Finance Committee hearing considering the nominations of William B. Schultz to serve as General Counsel of the Department of Health and Human Services (HHS) and Christopher J. Meade for the position of General Counsel for the Department of the Treasury:

*Thank you, Mr. Chairman. I want to take a moment to once again express my concerns about a growing problem relating to Congress's dealings with the Obama Administration because I believe it is relevant to today's hearing.*

*As part of their case against King George III, the Second Continental Congress repeatedly noted in the Declaration of Independence that George had consistently frustrated the attempts of the colonies to govern themselves. In these grievances we see frustration with a strong executive authority that dominated the legislative authority.*

*The very first grievance against the king noted in the Declaration states "He has refused his Assent to Laws, the most wholesome and necessary for the public Good."*

*Later, the revolutionaries indicted the king "For suspending our own Legislatures, and declaring themselves invested with Power to legislate for us in all Cases whatsoever."*

*These grievances were the inspiration for our Constitution, which created a system of checks and balances between the Executive and Legislative Branches.*

*Put simply, our system of government was designed so that Congress would be tasked with writing the laws that the Executive Branch implements. Now more than 200 years later, many would argue that the Executive has become more powerful, perhaps too powerful, at the expense of Congress.*

*Congress shares significant blame for this.*

*In an editorial published last year in The Washington Post, former HHS Secretary Michael Leavitt noted that Obamacare contains the phrase “the secretary shall” nearly 2,000 times. Even during his tenure, Secretary Leavitt noted that he had been advised that HHS “has more power than a good person needs or a bad person ought to have.”*

*HHS is more powerful now than it has ever been before. Among literally hundreds of other functions, Obamacare designates that the HHS secretary will develop “tooth-level surveillance.”*

*As such, perhaps the next nomination to HHS secretary ought to be jointly referred to this committee and the Committee on Homeland Security and Government Affairs.*

*The continued abdication by Congress of legislative power and the accumulation of that power by the executive makes the positions of Chief Counsel at HHS and Treasury very important.*

*The two nominees before us, if confirmed, would wield vast influence over decisions that might impact the lives of every American. This is why I, along with many of my colleagues, believe that thorough oversight of the Executive Branch is critically important to preserving our system of checks and balances.*

*The level of responsiveness from the administration, and specifically HHS and Treasury, to written requests for information has continued to be lackluster at best. I, along with many other members, have raised this issue numerous times, but to no avail.*

*Both of the nominees today are currently serving in an acting capacity in the roles to which they have been nominated. Consequently, they know agency practice and have worked within the existing agency structure, including how the agency responds – or, in many cases, does not respond – to information requests from Congress.*

*I would respectfully suggest that when they return to their agencies, they pass along a reminder that at least some in Congress find the lack of responsiveness to be entirely unacceptable.*

*My goal is to be able to work together with the Executive Branch, and I think our system of government works better when our two branches of government cooperate.*

*I hope that any nominee that comes before this committee does not believe that their responsibility to work and communicate with Congress ends with their confirmation. There have been several recent instances in which nominees have pledged to me and this Committee that they would work to promote transparency and would be responsive to Congress. Unfortunately, following confirmation, those pledges have too often been abandoned.*

*I know that Chairman Baucus recognizes the need for transparency and responsiveness and that he will work with me on finding a solution to this problem. To his great credit, he has repeatedly shown leadership in this Committee by backing up any Member's request to any agency of government. And I appreciate his leadership and support.*

*Finally, I want to conclude with a brief statement on the scheduling of this particular hearing. Mr. Chairman, I assume that there are many in the administration and on your side of the aisle that would like to see these nominations move quickly. However, when we rush these proceedings – particularly so near to the end of the Congress – we do the Committee a disservice.*

*As you know, there is a very important Republican Conference meeting today at 4:00 pm. Despite that, it was decided that a good portion of this hearing would be devoted to honoring our colleagues leaving the Senate.*

*I appreciate the desire to honor those who deserve it, as our colleagues do, but that shouldn't cause the hearing to get short shrift. In particular, I do not want to unduly limit questions from members of the Committee in order to complete the hearing on a shortened timeline.*

*These nomination hearings are more than just a box to be checked. They are essential to ensuring that we adequately fulfill our advice and consent responsibilities here in the Senate.*

*Mr. Chairman, I hope that you will recognize this and work with me to ensure that every member of the Committee gets ample opportunity to ask the nominees their questions and to receive answers, even if it means that we have to reconvene the hearing – and bring the nominees back before the Committee – at a later date. Thank you, Mr. Chairman.*

###