



January 25, 2017

The Honorable Orrin Hatch
Chairman
Committee on Finance
219 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Ron Wyden
Ranking Member
Committee on Finance
221 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Lamar Alexander
Chairman
Committee on Health, Education,
Labor and Pensions
455 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Patty Murray
Ranking Member
Committee on Health, Education,
Labor and Pensions
154 Russell Senate Office Building
Washington, D.C. 20510

Dear Chairman Hatch, Ranking Member Wyden, Chairman Alexander and Ranking Member Murray:

The National Center for Lesbian Rights (NCLR) writes to oppose the nomination of Representative Tom Price as Secretary of Health and Human Services (HHS). We have grave concerns that Rep. Price will not work toward HHS's goal of enhancing and protecting the health and well-being of all people.

It is imperative that the person chosen to lead the Department of Health and Human Services demonstrate a commitment to health care access and science-based public health and health care policy. This important federal official must also be free from discriminatory or hostile attitudes toward minority and vulnerable groups, and administer our critical health care programs free from ideological bias. Rep. Price's record as a legislator casts serious doubt on his ability to perform this role.

Rep. Price's Opposition to LGBT Equality

Rep. Price has espoused negative views of LGBT people, who have only in recent years begun to achieve critical protections for our health and relationships. In 2013, on a conference call, Rep. Price was asked if Congress should be required to consider the "fiscal impact" of legislation involving LGBT people because of the supposed health and economic costs of LGBT people's so-called "lifestyles." He stated that that was "absolutely right," and that that "the consequences of activity that has been seen as outside the norm are real."¹ Rep. Price is also a member of the Association of American Physicians and Surgeons, which supports conversion therapy and calls transgender identity a pathology.

¹ <http://www.rightwingwatch.org/post/rep-tom-price-fears-negative-health-and-economic-impacts-of-gay-rights-bills/>.

In May of 2016, the Departments of Justice and Education issued guidance to schools on Title IX clarifying that the law protects transgender students and requires that they be treated consistent with their gender identity in schools. Rep. Price responded with a Facebook post that the guidance was “absurd.”² Such an attitude calls into question his ability to enforce essential health care nondiscrimination protections. In a 2015 national survey,³ 3% of transgender people who had gone to a doctor or a hospital had been turned away because of who they are. In that same survey, 23% of transgender people nationally said they had avoided getting care when they were sick or injured because they were afraid of that kind of discrimination. Section 1557 of the Affordable Care Act (ACA) prohibits discrimination in health care programs or activities on the basis of race, color, national origin, sex, age, or disability. This is the first time that federal law has broadly prohibited sex discrimination in health care. Health insurers, hospitals, clinics, and any other entities that receive federal funds are covered by this law. Prior to Section 1557, there were no broad federal protections against sex discrimination in health care or health insurance. The regulations implementing this important provision that were issued last year state that prohibited sex discrimination includes discrimination based on gender identity and sexual orientation. These critical protections would not exist if the ACA had not been enacted or were repealed, as Rep. Price has repeatedly voted to do. Rep. Price’s plan to replace the ACA, the Empowering Patients First Act, did not include a similar prohibition on discrimination in health care programs on the basis of sex.

Rep. Price has also co-sponsored the “First Amendment Defense Act,” considered by many to be the most sweeping anti-LGBT bill in Congress as it would establish sweeping new religious accommodations that would seriously harm legal rights and protections for millions of Americans and permit unprecedented types of discrimination against LGBT individuals, same-sex couples, and others. Its aim is to enable a wide range of “persons” – defined in the bill to include government employees, recipients of government grants and contracts, and even for-profit businesses – to violate constitutional or statutory law so long as the violation is based on a sincerely held religious belief about marriage or sexual relationships.

In 2007, Rep. Price offered an amendment to Federal Housing Finance Reform Act that required all adults in a household to present specific forms of identification before they could receive assistance through affordable housing grants.⁴ Such a law presents a significant barrier to homeless persons because they often lack these types of identification.⁵ Given that homelessness has become a critical issue for those in the LGBT community,⁶ we cannot support a nominee who actively works to build barriers to safe shelter for those in need.

We are further concerned by Rep. Price’s record of opposing the repeal of Don’t Ask, Don’t Tell,⁷ legislation that would ban employment discrimination on the basis of sexual orientation, and LGBT hate crimes protections, as well as his continued opposition to the Supreme Court’s

² <https://www.facebook.com/reptomprice/posts/10154118633590421>.

³ <http://www.transequality.org/sites/default/files/docs/USTS-Full-Report-FINAL.PDF>.

⁴ <https://www.congress.gov/crec/2007/05/22/CREC-2007-05-22-pt1-PgH5560.pdf>.

⁵ https://www.nlchp.org/documents/ID_Barriers.

⁶ <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Durso-Gates-LGBT-Homeless-Youth-Survey-July-2012.pdf>.

⁷ <https://www.congress.gov/crec/2010/12/15/CREC-2010-12-15.pdf>.

recognition that the Constitution requires equal protection of LGBT people, including with respect to marriage.⁸

Rep. Price's Opposition to Reproductive Health Care

Rep. Price's consistent opposition to reproductive health care for women also raises serious concerns. Despite access to birth control being widely recognized as one of the most important public health achievements of the 20th century, resulting in improved health and safety for millions of women, Rep. Price has consistently opposed the publicly funded family planning network, the Title X program, the contraception benefit under the Affordable Care Act, and the Medicaid program's family planning freedom-of-choice provision, while seeking to bar Planned Parenthood from receiving critical federal funding even for health care services entirely unrelated to abortion and despite the dependence of millions of low-income women on those services.

Rep. Price has co-sponsored legislation that would define life at conception, which would outlaw abortion entirely, along with several of the most effective and widely-used forms of birth control, and prohibit in vitro fertilization. Rep. Price also sponsored legislation in Georgia that would require health care providers to give medically inaccurate information to patients seeking abortion.

Ideological opposition to contraception and abortion, and the use of misinformation to reduce access to these essential reproductive health care services, renders Rep. Price unfit to hold the position as the head of our nation's public health care infrastructure.

Rep. Price's Opposition to Protecting Access to Healthcare

As a member of Congress, Rep. Price has proposed a "replacement" for the ACA that would strip coverage from millions of Americans, including LGBT people and their families. Under Rep. Price's plan, LGBT people would lose not only nondiscrimination protections (described above) but also health care coverage they can only afford because of the law.

Rep. Price's alternative legislation would allow insurers to dramatically raise premiums for some people with pre-existing medical conditions, including HIV/AIDS, which would have a dramatic impact on gay and bisexual men. His plan would also fully repeal the Medicaid expansion, a provision of the ACA that extended Medicaid coverage to people making less than approximately \$16,000 per year. Because of employment discrimination that pushes many LGBT people into unemployment or low-wage jobs that do not offer health insurance, LGBT people are disproportionately likely to need alternatives such as Medicaid. Rep. Price's ACA alternative would also decimate federal funding for HIV/AIDS treatment.

⁸ <https://tomprice.house.gov/press-release/price-responds-scotus-marriage-ruling>.

For the foregoing reasons, we oppose the nomination of Rep. Tom Price to lead the Department of Health and Human Services.

Sincerely,

National Center for Lesbian Rights