

January 16, 2017

Via email

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

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

Dear Senators Alexander and Murray:

On behalf of the National Women's Law Center ("Center"), an organization that has worked for 45 years to advance and protect equality and opportunity for women and girls in every aspect of their lives, including health care and income security, we write in strong opposition to the confirmation of Representative Thomas Price as Secretary of Health and Human Services (HHS).

As the nation's top health official, the Secretary of HHS leads the important work of implementing laws, programs, and initiatives that directly affect the health and well-being of all people, and most especially women, in our country. These include the Affordable Care Act – which eliminates sex discrimination in health care and ensures that women receive comprehensive affordable health insurance; the Medicaid program – which has given low-income women and their families necessary health coverage across all stages of life for more than 50 years; and Medicare – a literal lifeline for older women.

The Secretary of HHS oversees other critical programs as well that help alleviate poverty and expand opportunity for low- and moderate-income women and families, including vital services for seniors and people with disabilities and heating assistance for struggling families. Rep. Price's record of seeking to weaken these very programs, placing ideology over the health and well-being of people in our country and his lack of understanding of the challenges facing the majority of Americans demonstrate that he should not be confirmed to this important position.

Rep. Price has a record of seeking to dismantle the very programs he would be charged with implementing.

Rep. Price has led the charge to simply eliminate the Affordable Care Act (ACA) and along with it all the important gains it provides to women in health care and health insurance without proposing any true substitute. He sponsored and pushed the 2015 budget reconciliation bill that, for example, would have gutted key provisions of the ACA had it not been for President Obama's veto.¹ In total, he has supported 65 attempts to repeal the law.² His replacement bill, the "Empowering Patients First Act," contained none of the provisions in the ACA most important to women's health.³ For example, the bill did not ban

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the insurance industry practice of charging women more than men, it did not require coverage of services important to women like maternity care and women's preventive services, and it would not stop insurance companies from excluding coverage for people with "pre-existing conditions," including a woman subjected to domestic violence, rape, or a cesarean delivery.

As HHS Secretary, Rep. Price would oversee the administration of Medicaid, but he has a history of working to cut HHS's administrative and funding roles in that program. The 2015 budget reconciliation bill that Rep. Price sponsored removed funding for Medicaid expansion,⁴ which has benefited millions of low-income people, disproportionately women. The House of Representatives proposed budget for 2017, which Rep. Price oversaw as budget chair, sought to block-grant Medicaid,⁵ cutting funding by more than \$1 trillion over a decade and significantly restructuring the program to allow states to limit eligibility, reduce or eliminate services, and lower provider payment rates.

As Secretary of HHS, Rep. Price would oversee numerous government programs that are critical in supporting low-income women and their families, such as Head Start, child care assistance, the Low Income Home Energy Assistance Program, and Temporary Assistance for Needy Families. Rep. Price, however, has a history of proposing cuts to these key programs. For example, although low-income programs account for just 28 percent of total non-defense program spending and just 24 percent of total spending,⁶ the FY 2017 budget plan approved by his committee would take nearly two-thirds of its cuts from low-income programs.⁷ The brunt of these draconian proposed cuts would be borne by women, who are more likely than men to be poor at all stages of their lives due to ongoing employment discrimination, overrepresentation in low-wage jobs, and greater responsibilities for unpaid caregiving.⁸

Rep. Price has a record of extreme opposition to women's access to reproductive health care.

The Secretary of HHS has responsibility over key federal programs, such as Medicaid and Title X, that ensure individuals, and most particularly women, receive important preventive care, including birth control, breast exams, and testing for sexually transmitted infections. Rep. Price has voted repeatedly to block Planned Parenthood from participation in these programs,⁹ which directly undermines his ability to administer these programs. Voting to shut down Planned Parenthood prioritizes an anti-women's health agenda over individual access to health care, since if Planned Parenthood were to be defunded, it is estimated that 390,000 women would lose access to preventive care within a year and up to 650,000 would face additional barriers to care.¹⁰

Rep. Price opposes the health care law's requirement that insurance plans cover birth control alongside other preventive services without additional cost to the individual. When asked about the benefit, he falsely stated that "there's not one woman" who would be unable to access birth control without insurance coverage.¹¹ In fact, a recent study found that 20.2 million women in the U.S. were in need of publicly funded family planning services like birth control.¹² Rep. Price's comments, by either refusing to recognize the facts or purposely misstating them, demonstrate he cannot reliably fulfill the Secretary of HHS's role of implementing the health care law's birth control benefit and the other programs under HHS purview that provide women with low-cost or free birth control.

Rep. Price also has been willing to allow the religion of others to override women’s own religious beliefs and ability to access health services in dramatic new ways. In Congress, Rep. Price voted for a major expansion of existing federal laws that allow institutions and individual health care providers to refuse to provide women with abortion care.¹³ Therefore, rather than demonstrate that as Secretary of HHS Rep. Price would enforce existing programs and protections for women’s access to reproductive health care, his record indicates he would put HHS energy and priorities behind seeking to undermine them.

Rep. Price’s record of support for policies that discriminate on the basis of sex, includes extreme positions against LGBTQ rights.

Rep. Price has supported legislation that would allow discrimination against individuals because of their sexual orientation or gender identity¹⁴ and co-sponsored Constitutional amendments to define marriage as between one man and one woman.¹⁵ When the Supreme Court decided *Obergefell v. Hodges*, recognizing the constitutional right of same sex couples to marry, Rep. Price called it “a sad day for marriage.”¹⁶ Rep. Price’s record is directly contradictory to the HHS Secretary’s role of implementing key legal protections for LGBTQ individuals – such as the law prohibiting discrimination in health care on the basis of gender identity – and administering programs – such as those that provide critical funding for HIV research and treatment – that benefit LGBTQ individuals.

Our nation’s top health official should expand and protect access to health care and income supports, not undermine it. Given Rep. Price’s extreme record, the Center urges you to reject his nomination to be Secretary of Health and Human Services.

Sincerely,



Marcia Greenberger
Co-President



Nancy Duff Campbell
Co-President

¹ H.R. 3762 114th Cong. (2016).

² Miriam Berg, PLANNED PARENTHOOD ACTION FUND, *Tom Price, Trump’s Pick to Lead HHS, Would Take Away Millions of Women’s Access to Health Care* (Nov. 29, 2016, 11:58 AM), <https://www.plannedparenthoodaction.org/blog/tom-price-trumps-pick-to-lead-hhs-would-take-away-millions-of-womens-access-to-health-care>.

³ H.R. 2300, 114th Cong. (2015); Press Release, *Price Statement on Obamacare Repeal*, Feb. 3, 2016, available at <https://tomprice.house.gov/press-release/price-statement-obamacare-repeal> (last visited Dec. 5, 2016).

⁴ H.R. 3762 114th Cong. § 207 (2016).

⁵ H.R. Con. Res. 125, 114th Cong. (2016); *see also* U.S. HOUSE OF REP. COMM. ON THE BUDGET, A BALANCED BUDGET FOR A STRONGER AMERICA: FISCAL YEAR 2017 BUDGET RESOLUTION 26 (2016), http://budget.house.gov/uploadedfiles/fy2017_a_balanced_budget_for_a_stronger_america.pdf pg. 26

⁶ Richard Kogan and Isaac Shapiro, *House GOP Budget Gets 62 Percent of Budget Cuts from Low- and Moderate-Income Programs*, Center on Budget and Policy Priorities (Mar. 28, 2016)

<http://www.cbpp.org/research/federal-budget/house-gop-budget-gets-62-percent-of-budget-cuts-from-low-and-moderate-income>.

⁷ *Id.*

⁸ Katherine Gallagher Robbins and Julie Vogtman, *Cutting Programs for Low-Income People Especially Hurts Women and Their Families*, National Women’s Law Center (Feb. 2015)

http://www.nwlc.org/sites/default/files/pdfs/lowincomefactsheet_february2015.pdf.

⁹ *See e.g.* 153 Cong. Rec. 8167 (2007) (voting in support of Amendment to defund Planned Parenthood in annual appropriations bill) ; 155 Cong. Rec. 8789 (2009) (voting in support of Amendment to defund Planned Parenthood in annual appropriations bill); 157 Cong. Rec. 1235 (2011) (voting in support of Amendment to defund Planned Parenthood in annual appropriations bill); 161 Cong. Rec. 6166 (2015) (voting in support of the “Defund Planned Parenthood Act”); 161 Cong. Rec. 6336 (2015) (voting in support of the “Women’s Public Health and Safety Act”).

¹⁰ CBO. (2015, September 16). “Cost Estimate: H.R. 3134 Defund Planned Parenthood Act of 2015.”

Washington, DC: CBO, <https://www.cbo.gov/sites/default/files/114th-congress-2015-2016/costestimate/hr3134.pdf>.

¹¹ TP Clips, *Rep. Price: “Bring me one woman” who doesn’t have access to contraception*, YOUTUBE (Feb. 10, 2012), https://www.youtube.com/watch?v=K_mu8CS0aWA&feature=youtu.be.

¹² JENNIFER J. FROST ET AL., GUTTMACHER INSTITUTE, *CONTRACEPTIVE NEEDS AND SERVICES, 2014 UPDATE 2016*, <https://www.guttmacher.org/report/contraceptive-needs-and-services-2014-update>.

¹³ H.R. 4828 114th Cong. (2016).

¹⁴ H.R. 2802, *supra* note 14.

¹⁵ H.R.J. Res. 88 109th Cong. (2006).

¹⁶ Robert Pear, *Tom Price, Obamacare Critic, Is Trump’s Choice for Health Secretary*, N.Y. TIMES (Nov. 28, 2016), <http://www.nytimes.com/2016/11/28/us/politics/tom-price-secretary-health-and-human-services.html>.