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# TOM PRICE:

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# A HISTORY OF ANTI-LGBTQ ACTIONS

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## LETTER FROM CHAD GRIFFIN



### **DEAR FRIENDS,**

Systemic discrimination, a lack of insurance, and increased rates of poverty and homelessness compound already stark health disparities within the LGBTQ community. In recent years we have witnessed the Department of Health and Human Services meet these challenges head on with a commitment to research, public education, and civil rights.

LGBTQ people nationwide have come to depend upon the critical programs and leadership provided by HHS. We are standing at a crossroads in the fight for LGBTQ equality in healthcare. We cannot afford a Secretary like Representative Tom Price, whose anti-equality voting record and harmful rhetoric foster stigma and fear of LGBTQ people--compounding existing healthcare disparities.

Over the past two decades, Representative Price has spent his career dedicated to an agenda that undermines the health and well-being of the entire LGBTQ community. Partnering with anti-LGBTQ organizations, Representative Price has vocally opposed legislation that would protect our community not only from discrimination, but also from acts of violence. He has also dedicated the past seven years to systematically undermining the Affordable Care Act – one of the most significant tools this country has ever had to combat health disparities in our community. Perhaps most troubling is his belief that LGBTQ people, equality, and same-sex relationships have negative public health and economic implications for the nation.



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While marriage equality is now the established law of the land, LGBTQ families still face the real fears of being turned away from care, denied the right to visit a child or spouse, or treated unfairly by doctors or other providers. These families deserve a Secretary that will actively work to ensure that discrimination has no place in federally funded healthcare programs and that every patient is treated with equal dignity regardless of their sexual orientation or gender identity. Instead of providing this security, Representative Price has a public record of demeaning and marginalizing LGBTQ people. His harmful, misguided, and flatly erroneous ideology categorically dismisses LGBTQ equality, the needs of our families, and the impact of marginalization and discrimination on healthcare outcomes.

The healthcare disparities and challenges we are facing are real, but they are not impossible. It is essential that the next Secretary exhibit a true commitment to meeting these challenges with policies based on science and research, a dedication to ensuring equal access to healthcare, and a vision for compassionate leadership. Representative Price's record shows that he's clearly not up to the job.

Sincerely,

Chad Griffin

President, Human Rights Campaign



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# LETTER FROM JANICE LANGBEHN

## Recipient of the Presidential Citizens Medal



### **DEAR FRIENDS,**

When I first heard about Representative Tom Price's nomination for Secretary of the Department of Health and Human Services I was disappointed – and scared. The programs and services that HHS administers are critical, especially for lesbian, gay, bisexual, transgender, and queer people.

Our community not only depends on programs like Medicare and Medicaid, but we also look to HHS to hold hospitals and facilities accountable for any discrimination of LGBTQ individuals. Representative Price has consistently used his position in Congress to support and amplify an ideology built on intolerance, fear, and indifference. Representative Price's shameless support for policies that foster discrimination, as well as, his lack of compassion for vulnerable persons makes him unfit to serve as Secretary of HHS.

When anyone walks through the doors of a doctor's office or a hospital emergency room, we are often at our most vulnerable. Faced with a medical crisis, we rely on doctors, nurses, and staff to care for us, to respect us as individuals, and to acknowledge our loved ones. Discrimination should never get in the way of this care. But, I know first-hand what it feels like to face discrimination at such a vulnerable time. In 2007, my partner of 18 years, Lisa Pond, collapsed while waiting to depart on a cruise out of Miami. Lisa was rushed to Jackson Memorial Hospital. At that hospital I was told by a hospital social worker that I, and our children, would not see Lisa because we were in "an anti-gay city and state." I was also told I would not receive information about Lisa's condition. Within minutes of receiving this news, I provided the hospital with legal documents including living wills, advanced directives naming me as Lisa's medical surrogate decision maker, and power of attorney.



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Despite these legal documents, the hospital ignored the children and me for eight hours until Lisa's sister arrived. During those eight hours, Lisa slipped into a coma from a brain aneurysm. Because of the hospital's callousness towards my family because we were gay, Lisa died completely alone with her children and me just feet away. No individual in our family's position should be forced to endure such cruelty at a time when compassion is called for. In April 2010, President Barack Obama, called me personally to apologize for the lack of compassion by this hospital and directed HHS to create rules requiring hospitals to allow visitation for LGBT families. In January 2011 HHS issued regulations designed to prevent this needless suffering by requiring hospitals to respect visitation and designation documents regardless of the sexual orientation of the patient or spouse. These protections have served as a critical step towards ending discrimination in hospitals and ensuring that all families receive the respect and recognition they deserve.

We need a Secretary of HHS who shows a commitment towards ensuring all people, regardless of their sexual orientation or gender identity, are served by HHS programs and defended by its policies. HHS needs a leader who is driven by compassion and a belief in equal rights and shared humanity. Representative Price is not that leader. He describes the consequences of nondiscrimination provisions meant to protect my family as "remarkably negative."<sup>1</sup> He has characterized same-sex marriage as evidence of a "spiritual and moral crisis."<sup>2</sup> He has said that he opposes legal recognition and protection of families like mine because "nothing can be more important than the sanctity of our families."<sup>3</sup> Representative Price is right – nothing is more important to me than my family. We need a Secretary of HHS who will recognize, respect, and fight for all families.

Sincerely,  
Janice Langbehn

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- 1 Family Research Council, *President Obama and Washington, D.C. radicals plan to impose homosexuality and silence Christianity in workplaces. Will you help me warn Congress?* Family Research Council Solicitation Letter, November 2009; available at: <http://d35brb9zkkbdscd.cloudfront.net/wp-content/uploads/2009/12/FRC-ENDA-letter.pdf>.
  - 2 Rep. Tom Price, *Price Speaks at Johnson Ferry Baptist Church American Celebration*, YouTube, 18:26 (Jul. 6, 2016); available at: <https://www.youtube.com/watch?v=BohJMzC1554>.
  - 3 U.S. Representative Tom Price, Statement at Press Conference: Announcement of Bill to Prevent D.C. From Recognizing or Performing Same-Sex Marriage (May 21, 2009).



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## LGBTQ PEOPLE AND THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

Over the past 8 years, HHS has proven the powerful role the Department can play to improve the health and well being of all people and safeguard the rights of those most at risk. HHS has taken steps to ensure that all families are recognized by healthcare providers when they are most in crisis. In 2010, President Obama issued a Presidential Memorandum directing HHS to draft regulations requiring hospitals participating in Medicare and Medicaid to respect the rights of patients to designate visitors and to honor written advanced directives and designations.<sup>4</sup> This Memorandum and the resulting policy changes that have taken place in facilities across the country have had a profound effect on the lives of LGBTQ patients and their families.

HHS has also proven the powerful role the Department can play to improve the health and well being of all people and safeguard the rights of those most at risk. HHS has taken steps to ensure that all families are recognized by healthcare providers when they are most in crisis. In 2010, President Obama issued a Presidential Memorandum directing HHS to draft regulations requiring hospitals participating in Medicare and Medicaid to respect the rights of patients to designate visitors and to honor written advanced directives and designations. This Memorandum and the resulting policy changes that have taken place in facilities across the country have had a profound effect on the lives of LGBTQ patients and their families.

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<sup>4</sup> Memorandum from President Barack Obama to Sec'y of Health & Human Servs. Kathleen Sebelius re:Hospital Visitation (April 15, 2010) (on electronic file at <http://www.whitehouse.gov/the-press-office/presidential-memorandum-hospital-visitation>).



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Despite recent advancements for equality, many LGBTQ individuals continue to face discrimination based on sexual orientation and gender identity. Fear of discrimination causes many LGBTQ people to avoid seeking necessary and important preventive healthcare, and when they do enter care, studies indicate that LGBTQ people are not consistently treated with the respect that all patients deserve. Also, according to the CDC, of the approximately 50,000 people who become infected with HIV every year, two-thirds are among gay and bisexual men. Transgender women face new infection rates almost 34 times that of other women. The rate of new infections is actually increasing, with the highest rate of new infections among African American men ages 13-24.

These challenges are real, but they are not insurmountable. It is essential that the next Secretary exhibit a true commitment to meeting these challenges with grounded in evidence-based science and research, a dedication to ensuring equal access to healthcare, and a vision for compassionate leadership. Representative Tom Price has not shown that he possesses these critical qualifications.

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## REPRESENTATIVE PRICE HAS OPPOSED CRITICAL NONDISCRIMINATION PROVISIONS

Representative Price has been a vocal critic of expanding federal nondiscrimination provisions to protect LGBTQ people. In addition to the votes described below, Price publicly spoke against the Employment Nondiscrimination Act (ENDA) and worked alongside the Family Research Council's campaign to stop the legislation from passage. FRC describes this relationship in a November 2009 letter to members stating that, "As one of our good friends in Congress, Rep. Tim Price [sic] (R-GA), told me recently: If the homosexual Left succeeds and ENDA becomes law, you can 'Just let your mind run wild and see the consequences: They are remarkably negative.'"

## PRICE PUBLICLY SPOKE AGAINST THE EMPLOYMENT NONDISCRIMINATION ACT (ENDA) AND WORKED ALONGSIDE THE FAMILY RESEARCH COUNCIL'S CAMPAIGN TO STOP THE LEGISLATION FROM PASSAGE.



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**114TH CONGRESS:**

**Voted against** H.Amdt.1128, the Maloney amendment to the Energy and Water Development and Related Agencies Appropriations Act for Fiscal Year 2017. The Maloney Amendment would have prohibited LGBTQ discrimination by federal contractors receiving funds that are appropriated by the Energy and Water appropriations bill. (2nd Session, Roll Call Vote #258)

**114TH CONGRESS:**

**Voted for** H.Amdt.1115, the Pittenger Amendment to the Energy and Water Development and Related Agencies Appropriations Act for Fiscal Year 2017. The Pittenger Amendment would have prohibited funds appropriated by the bill from being taken away from any entity in North Carolina for any reason including fraud, failure to carry out the terms of a contract, or if used in violation of the law. It was intended as a rebuke to the Department of Justice for taking federal action against North Carolina's HB2 law, which in part restricts transgender people from using restrooms consistent with their gender identity in government owned buildings. (2nd Session, Roll Call Vote #255)

**114TH CONGRESS:**

**Voted against** H.Amdt.1079, the Maloney amendment to the Military Construction and Veteran Affairs and Related Agencies Appropriations Act for Fiscal Year 2017. The Maloney Amendment would have prohibited LGBTQ discrimination by federal contractors receiving funds that are appropriated by the Energy and Water appropriations bill. (2nd Session, Roll Call Vote #226)

**114TH CONGRESS:**

**Voted Against** the Motion to Recommit to the Searching for and Cutting Regulations that are Unnecessarily Burdensome (SCRUB) Act of 2015. The Motion to Recommit would have exempted important non-discrimination protections for LGBT employees of federal contractors from being cut by the "Retrospective Regulatory Review Commission" that would have been established by the bill (2nd Session, Roll Call Vote #19)

**110TH CONGRESS:**

**Voted against** H.R. 3685, Employment Non-Discrimination Act (1st Session, Roll Call Vote #1057)





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## MARRIAGE EQUALITY & RELATIONSHIP RECOGNITION

Representative Price has been a staunch opponent of marriage equality. He supported a Constitutional amendment prohibiting federal recognition of same-sex marriage and has refused to acknowledge the Constitutionality of both *U.S. v. Windsor* and *Obergefell v. Hodges*. In 2015 he described the Supreme Court's decision in *Obergefell* as “This is not only a sad day for marriage, but a further judicial destruction of our entire system of checks and balances.”<sup>5</sup> In a 2016 speech, Price described “our current dilemma” as “a Supreme Court that seems to stomp on the very foundational principles of our great nation a seeming acceptance of a different version of history a clear spiritual and moral crisis.”<sup>6</sup>

In 2009, following the passage of marriage equality in Washington, D.C., Price worked to block same-sex marriage rights for the residents of the District by sponsoring legislation to preempt the new law. Price stated that he opposed D.C.'s marriage equality law because, “nothing can be more important than the sanctity of our families.”<sup>7</sup> Price is correct about one thing – nothing is more important than our families. Millions of same-sex married couples are living in every state of the union and are raising between 2 and 3.7 million children.<sup>8</sup> These families share the same worries as others – paying the rent or mortgage, keeping food on the table, and keeping our children safe and healthy. But on top of these everyday concerns, we also shoulder the burden of systemic discrimination. When people with the privilege of serving in public office like Price dedicate their professional career to demeaning and marginalizing our lives and our access to equality and opportunity it endorses discrimination and harassment.

**“THIS IS NOT ONLY A SAD DAY FOR MARRIAGE, BUT A FURTHER JUDICIAL DESTRUCTION OF OUR ENTIRE SYSTEM OF CHECKS AND BALANCES.”**

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- 5 Press Release, U.S. Representative Tom Price, Price Responds to SCOTUS Marriage Ruling (June 26, 2015) (on electronic file at <https://tomprice.house.gov/press-release/price-responds-scotus-marriage-ruling>).
  - 6 Rep. Tom Price, Price Speaks at Johnson Ferry Baptist Church American Celebration, YouTube, 18:26 (Jul. 6, 2016) <https://www.youtube.com/watch?v=BohjMzC1554>
  - 7 U.S. Representative Tom Price, Statement at Press Conference: Announcement of Bill to Prevent D.C. From Recognizing or Performing Same-Sex Marriage (May 21, 2009).
  - 8 See generally, Same-sex Couple Data & Demographics, The Williams Institute (May 2016) <http://williamsinstitute.law.ucla.edu/visualization/lgbt-stats/?topic=SS&area=55&compare=total#comparison> (providing an interactive map and charts of state-by-state demographics including the number of same-sex couples raising children in each state).



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**114TH CONGRESS:**

**Voted against** the Motion to Recommit to the VA Accountability First and Appeals Modernization Act. The Motion to Recommit would have removed instances of “Opposite Sex” from the definition of “Spouse” as it relates to veteran benefits, replacing the terms with gender-neutral phrases (2nd Session, Roll Call Vote #518)

**112TH CONGRESS:**

**Voted for** H.Amdt.1416, the King Amendment to the Department of Defense Appropriations Act for Fiscal Year 2013. This amendment would have prohibited funds in the underlying bill from being used in contravention of the Defense of Marriage Act, (2nd Session, Roll Call Vote #487)

**112TH CONGRESS:**

**Voted for** H.Amdt.2219, the Foxx Amendment to the Department of Defense Appropriations Act for Fiscal Year 2013. This amendment would have prohibited funds in the underlying bill from being used in contravention of the Defense of Marriage Act (1st Session, Roll Call Vote #516)

**110TH CONGRESS:**

**Voted for** H.Amdt.489, the Goode Amendment to the Financial Services and General Government Appropriations Act for Fiscal Year 2008. The Goode Amendment would have prohibited funds in the bill from being used for domestic partnership benefits in the District of Columbia. (1st Session, Roll Call Vote #603)

**109TH CONGRESS:**

**Voted for** H.J.Res.88, the Marriage Protection Amendment (2nd Session, Roll Call Vote #378)

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## VIOLENCE AGAINST THE LGBTQ COMMUNITY

Representative Price vocally opposed the Matthew Shepard and James L. Byrd Hate Crimes Prevention Act in 2009, describing hate crimes laws as criminalizing mere “thought crimes.”<sup>9</sup> Judy Shepard, whose son Matthew was brutally murdered because he was gay,

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9 Ryan Smith, Republicans Revolt Against Gay Hate “Thought Crimes” Law, CBS News, (Oct. 9, 2009, 11:47AM), <http://www.cbsnews.com/news/republians-revolt-against-gay-hate-thought-crimes-law/>.



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has stated that “My son was not killed by “thoughts” or because his murderers said hateful things. My son was brutally beaten with the butt of a .357 magnum pistol, tied to a fence, and left to die in freezing temperatures because he was gay.”<sup>10</sup>

When this critical piece of legislation passed, Representative Price described it as “despicable,” “shameful,” and referred to his Democratic colleagues as “immoral” for introducing the language.<sup>11</sup> Price also voted against the reauthorization of the Violence Against Women Act (VAWA), which provides explicit protection to LGBTQ victims of intimate partner violence. The Administration for Children and Families, a division of HHS, has recognized domestic violence as a public health crisis affecting individuals from a diversity of backgrounds.<sup>12</sup>

**109TH CONGRESS:**

**Voted against** H.Amdt.544, the Local Law Enforcement Hate Crimes Prevention Act amendment to the Children’s Safety Act of 2005(1st Session Roll Call Vote #469)

**110TH CONGRESS:**

**Voted against** H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act (1st Session, Roll Call Vote #299)

**111TH CONGRESS:**

**Voted against** H.R. 1913 the Local Law Enforcement Hate Crimes Prevention Act (1st Session, Roll Call Vote #223)

**111TH CONGRESS:**

**Voted to** instruct conferees to strip hate crimes provision from FY 2010 Defense Dept. Authorization bill conference report (1st Session, Roll Call Vote #754)

10 Jeff Sessions: A History of Anti-LGBTQ Actions, The Human Rights Campaign (Jan. 2017), [http://i2.cdn.turner.com/cnn/2017/images/01/09/session\\_report-rev.pdf](http://i2.cdn.turner.com/cnn/2017/images/01/09/session_report-rev.pdf).

11 Press Release, U.S. Representative Tom Price (Oct. 9, 2009) (on file with author).

12 HHS Assoc. Comm’r William Bentley, Domestic Violence is a Public Health Crisis, U.S. Dep’t Health & Human Servs. (Sept. 23, 2014) <https://www.acf.hhs.gov/blog/2014/09/domestic-violence-is-a-public-health-crisis>



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**111TH CONGRESS:**

**Voted against** the conference report that included the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (1st Session, Roll Call Vote #770)

**113TH CONGRESS:**

**Voted for** H.Amdt.23, a substitute amendment to the Violence Against Women Reauthorization Act which did not include key provisions prohibiting discrimination against and expanding services to victims of domestic violence based on sexual orientation or gender identity (1st Session, Roll Call Vote #54)

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## DON'T ASK, DON'T TELL

As Republican Study Committee Chairman, Price adamantly opposed the repeal of the discriminatory military policy, Don't Ask, Don't Tell. He described the policy change as making the military "a testing ground for social policy" providing that, "The consequences of repeal go far beyond just allowing gays and lesbians to serve openly but to questions about same-sex marriage, family benefits, and rights of conscience."

**111TH CONGRESS:**

**Voted against** H.Amdt.672, the Don't Ask Don't Tell repeal amendment to the National Defense Authorization Act for Fiscal Year 2011 (2nd Session, Roll Call Vote #317)

**111TH CONGRESS:**

**Voted against** H.R. 2965, the Don't Ask, Don't Tell Repeal Act of 2010 (2nd Session, Roll Call Vote #638)

**"THE CONSEQUENCES OF REPEAL GO FAR BEYOND JUST ALLOWING GAYS AND LESBIANS TO SERVE OPENLY BUT TO QUESTIONS ABOUT SAME-SEX MARRIAGE, FAMILY BENEFITS, AND RIGHTS OF CONSCIENCE."**



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## EXPLICIT OPPOSITION TO TRANSGENDER PEOPLE'S RIGHTS

Transgender people continue to face significant barriers to healthcare access and report startlingly high rates of discrimination and refusal of care from health care providers. Recent studies have shown that 70 percent of transgender and gender non-conforming people experienced discrimination by healthcare providers – including refusal of care, harsh language, and physical roughness.<sup>13</sup> More than one in four transgender people have reported that they were denied necessary healthcare because of their gender identity.<sup>14</sup> Delay and avoidance of care due to fear of discrimination compounds the significant health disparities experienced by LGBTQ people as a group.

It is essential that healthcare facilities treat transgender people with respect, recognize patients' gender identity, and provide equal access to gender appropriate facilities while providing treatment. Major medical establishments and organizations, including the American Academy of Pediatrics and the American Counseling Association, have made clear that such access is not just an issue of civil rights, but public health.<sup>15</sup> However, Representative Price has publicly said that this basic right is “absurd.”<sup>16</sup> He described clarifying guidance from the Department of Justice regarding the rights of transgender students to have equal access to facilities as, “an abuse and overreach of power by the #ObamaAdministration, and a clear invasion of privacy.”<sup>17</sup> Representative Price clearly does not appreciate the important health and safety impacts of access to appropriate facilities for students and patients.

## “AN ABUSE AND OVERREACH OF POWER BY THE #OBAMAADMINISTRATION, AND A CLEAR INVASION OF PRIVACY.”

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13 When Health Care isn't Caring: Lambda Legal's Survey of Discrimination Against LGBT People and People with HIV, Lambda Legal, 5, (2010) <http://www.lambdalegal.org/publications/when-health-care-isnt-caring>.

14 Id. at 10-11.

15 See e.g. Lore M. Dickey, et al., American Counseling Association Competencies for Counseling with Transgender Clients, *J. of LGBT Clients in Counseling*, 4:3-4. 148 (2010), <http://www.tandfonline.com/doi/pdf/10.1080/15538605.2010.524839?needAccess=true>; see also Press Release, AAP Supports Access and Health Care for Sexual Minority Youth, The American Academy of Pediatrics (June 24, 2013), <https://www.aap.org/en-us/about-the-aap/aap-press-room/pages/AAP-Supports-Access-and-Health-Care-for-Sexual-Minority-Youth.aspx>.

16 Rep. Tom Price, Facebook (May 14, 2016), <https://www.facebook.com/reptomprice/posts/10154118633590421>.

17 Id.