



ENDING THE CONGRESSIONAL EXEMPTION FROM OBAMACARE

"Tea Party Patriots has taken the lead on ending the Congressional Exemption from Obamacare. I'm confident that with the help of their supporters all across America, we will be able to make DC listen on this very important issue." – Senator Ted Cruz

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PROJECT OVERVIEW AND BACKGROUND

Although the text of the Patient Protection and Affordable Care Act (“Obamacare”) is clear that Congress – Members as well as staffers – must participate in an approved health care exchange without subsidies, Congress lied on its application to the DC Small Business Exchange, falsely classifying itself as a “small business” in order to qualify for taxpayer-funded subsidies. At issue here is something of far greater significance than the mechanics and technicalities of a 2,300+page law. At its core, the issue is ultimately about whether or not America is a nation of laws and whether or not elected officials are a special class, writing one set of laws for the American people, while enjoying special, illegal benefits themselves.

Tea Party Patriots’ efforts to put pressure on Congress about the Obamacare exemption that Members and staffers enjoy have the potential to be the lynchpin that starts the process of completely dismantling Obamacare. Tea Party Patriots and the movement to repeal Obamacare need a definitive grassroots-driven win to send a signal that the American people will not tolerate it. If there is a win on this issue – which an overwhelming 88% of Americans support – it will ensure that Members of Congress and their staffs have to live under Obamacare just like the rest of the country. This will significantly improve the chances of full repeal.

On June 17, 2015, Tea Party Patriots groups around the country convened at local congressional offices in their states to speak with the Members of Congress and their staffers about this unfair and illegal benefit Congress currently enjoys. This document provides a snapshot of what TPP accomplished through those efforts.

LOCAL CONGRESSIONAL OFFICE VISITS

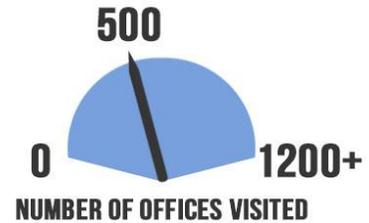
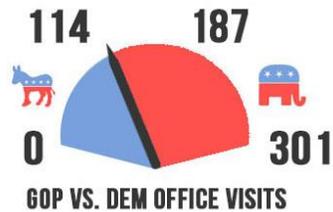
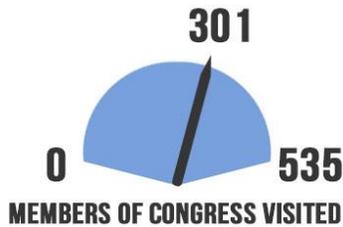
On May 17, 2015, Tea Party Patriots Local Coordinators approved a plan to visit local congressional offices around the country on June 17, 2015, to question the validity of the special Congressional Exemption from Obamacare.

Leading up to the events, the Tea Party Patriots Support Team (paid staff) created vital tools to help local activists achieve success in the June 17, 2015 office visits:

- Web interface to allow activists to find local Congressional offices and RSVP to visit on June 17, 2015.
- Toolkit to help local activists craft letters to their Members of Congress, letters to the editor of their local newspapers, talking points, sign slogan suggestions, how to respond to excuses that they would be given by Congressional staffers, and more.
- Four instructional webinars to explain the goals, what to expect from staffers, and how to achieve success. This was also an open forum for activists to ask questions directly of Jenny Beth Martin and the Tea Party Patriots Support Team. 435 people attended from 45 different states.

On June 17, 2015, Tea Party Patriots ended up with nearly 1,000 activist RSVP's at over 500 local offices in 301 different Members' offices (including Senate and House).

JUNE 17 OFFICE VISITS AT A GLANCE



117
AFTER ACTION
REPORTS RECEIVED

8
NEW CO-SPONSORS
TO HR 1953
114% INCREASE

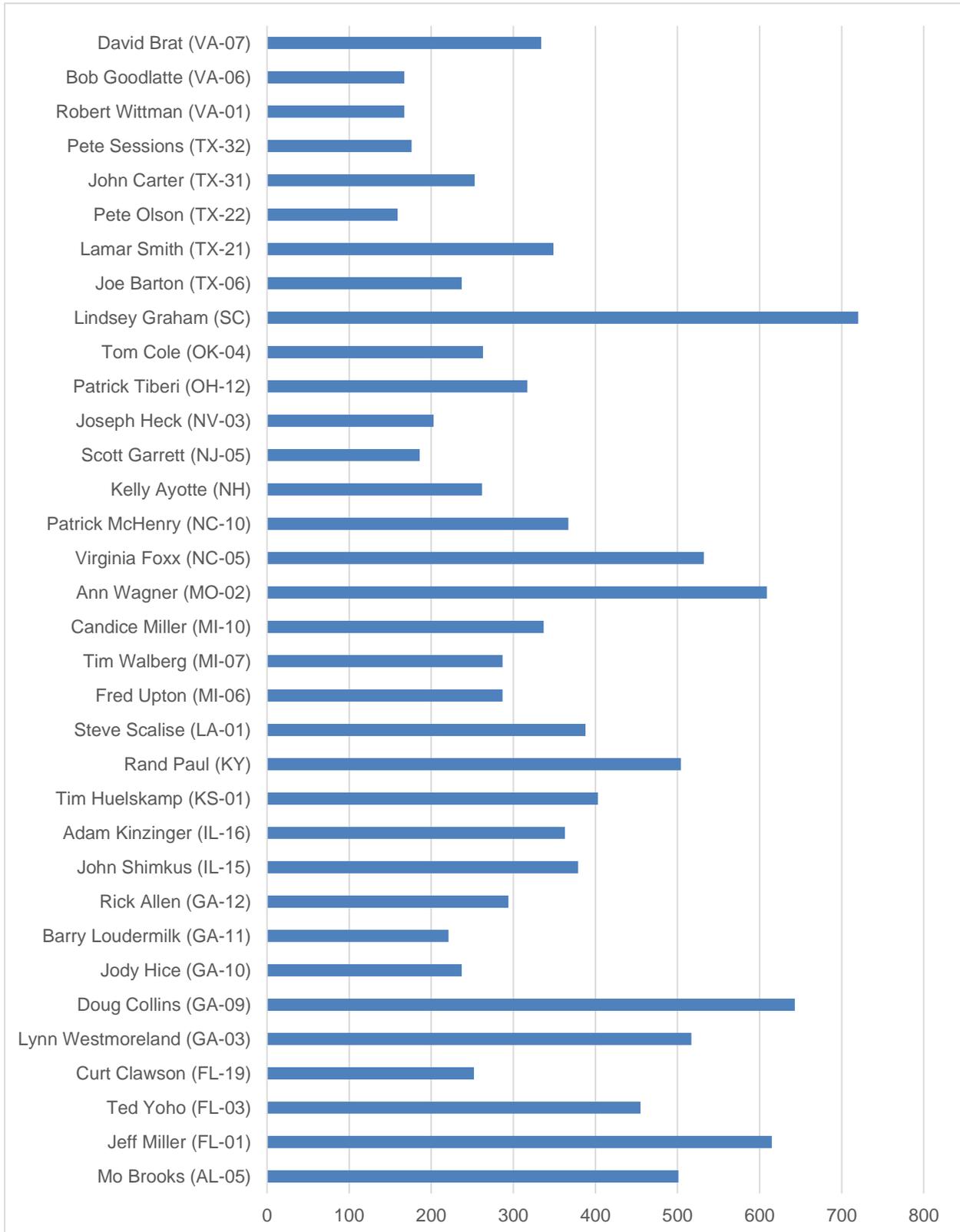
11,984
PATCH-THRU ROBO-CALLS
INTO CONGRESSIONAL OFFICES

20,122
PETITION SIGNATURES

2.5M
EMAILS SENT

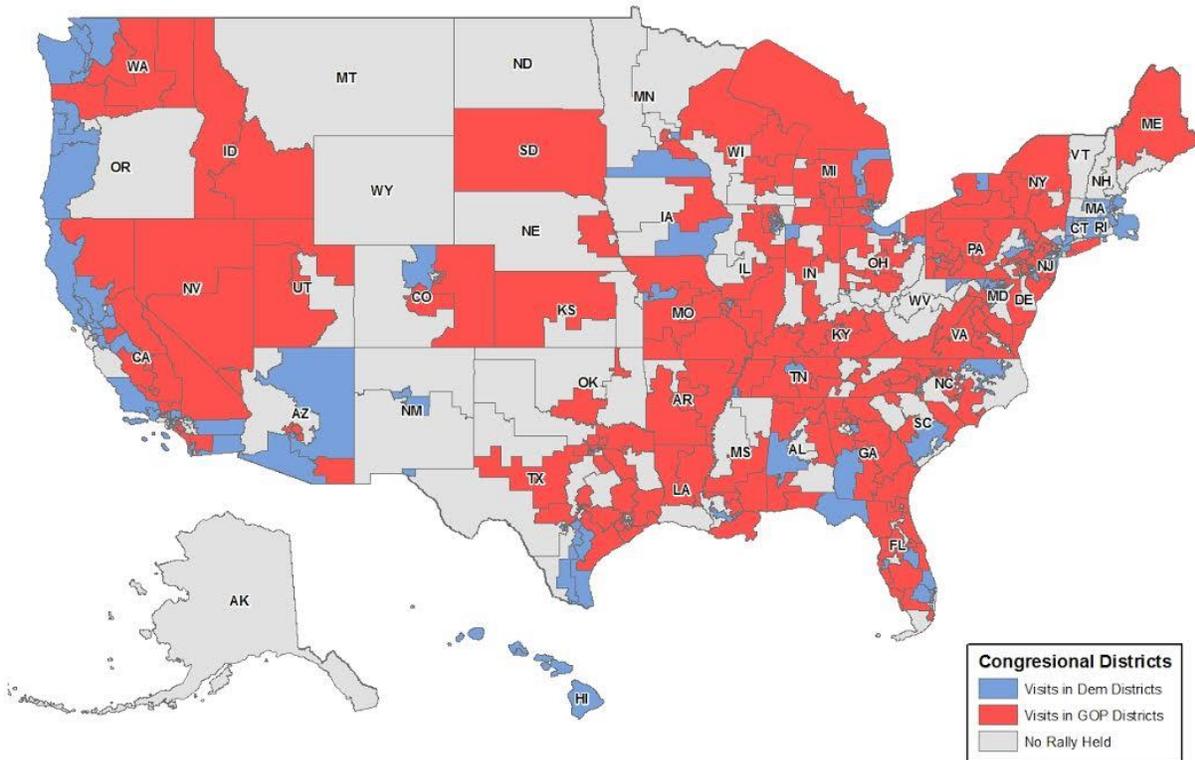
479
VOLUNTEER PHONE CALLS
INTO 47 TARGETED DISTRICTS
BETWEEN 10AM - 2PM

PATCH-THRU ROBO-CALLS TRANSFERRED



JUNE 17 OFFICE VISITS AT A GLANCE (CONTINUED)

Participation by Congressional District



COALITION PARTNERS



Judicial Watch®



AMERICAN COMMITMENT

TECHNOLOGY EMPLOYED

A number of different technologies were used to ensure the success of the June 17 rallies. These technologies were all built or utilized by the in-house IT team. Some tools and webpages were built specifically for the rallies, which will be used as templates for future projects, and others used our existing web and database infrastructure.

The primary tools used to communicate to our supporters were our website and email, with supplemental promotion through social media on Facebook and Twitter.

The web page at <https://www.teapartypatriots.org/end-obamacare-exemption/> described the purpose of the office visits and allowed supporters to RSVP for rallying at local Congressional offices. Supporters could find local offices through an interactive map, download a toolkit for the rally, and fill out an after-action report.

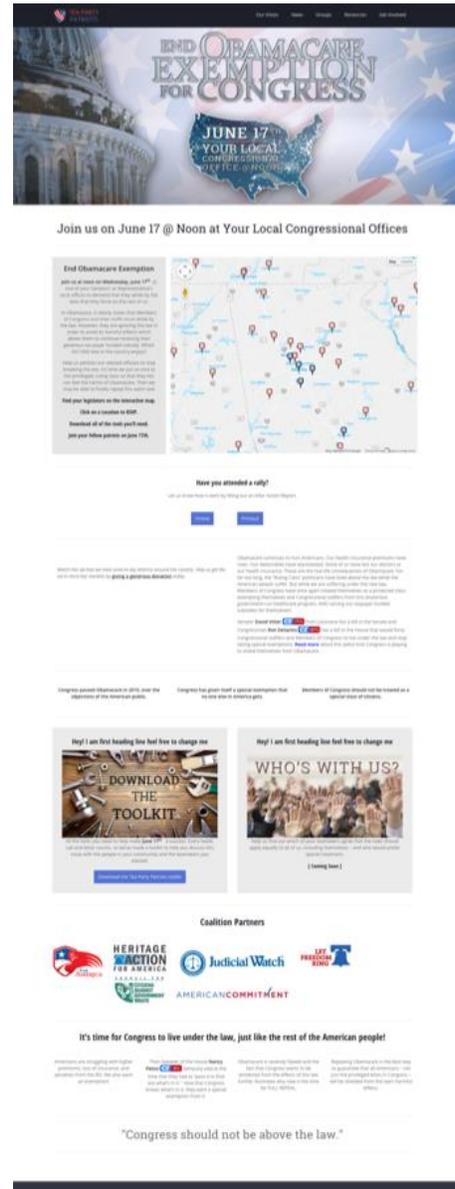
The web page is hosted on Amazon Web Services infrastructure, where Tea Party Patriots uses multiple servers for redundancy and where other servers come online automatically to meet user demand. The databases to run the website, store our supporters' information, RSVP's, Congressional information, and L2 targeting data are also hosted by Amazon's services; multiple redundancy levels in both the same facility and on opposite sides of the country ensure that TPP's data is always available.

Tea Party Patriots receives nearly 1TB of data quarterly from L2 that contains voter and non-voter data, and uses this to identify supporters and potential supporters in targeted districts.

As the targeted people are identified, they are segmented into various lists and uploaded to our email service provider to can email based on preferences or districts in which the email recipients reside.

The combination of the website, databases, L2 data, and email management allowed TPP to respond rapidly and effectively in a fast-paced environment. This ultimately resulted in a successful campaign.

Email campaign example can be found in Appendix



ADDITIONAL ACTIVITIES & PARTNERSHIPS

In addition to the June 17 rallies and engagement, Tea Party Patriots built momentum with additional activities such as direct response television ads, online videos, and with coalition partnerships. TPP will continue to build on the momentum using these activities and coalition partnerships in the future.

- Created a television ad with Senator David Vitter (LA) about his bill – S.16 – in the US Senate that would end the Congressional Exemption. The ad ran on Fox News Channel for three days and was featured online at <http://www.endobamacareexemption.com>.



- Sponsored a video with Libertarian/Conservative vlogger (video blogger) Julie Borowski that currently boasts over 20,000 views. https://www.youtube.com/watch?v=k31AFas_BQU



- **Signed a coalition letter to House Oversight and Government Reform Committee Chairman Jason Chaffetz (UT-3) to urge him to investigate who was responsible for lying on the DC Small Business exchange application where both houses of Congress**

claimed to have 45 employees each.

Co-signers: American Commitment, American Encore, Club for Growth, Citizens Against Government Waste, Ending Spending, ForAmerica, FreedomWorks, Frontiers of Freedom, Heritage Action, Independent Women's Voice, Institute for Liberty, Less Government, Let Freedom Ring, NoDCExemption.com, Taxpayers Protection Alliance, Tea Party Patriots

Text of Letter: <http://www.americancommitment.org/content/investigate-false-declaration-used-congress-obtain-obamacare-exemption>

Full letter can be seen in Appendix

- **Signed a Senate Ethics Complaint sent to Senators Johnny Isakson (GA) and Barbara Boxer (CA) regarding Congress' claim to be a small business**

Co-signers: Naomi Lopez-Bauman, Health Policy Analyst; David Bozell, President, ForAmerica; Adam Brandon, CEO, FreedomWorks; Thomas Fitton, President, Judicial Watch; Phil Kerpen, President, American Commitment; George Landrith, President, Frontiers of Freedom; Jenny Beth Martin, Co-Founder, Tea Party Patriots; Seton Motley, President, Less Government; Sean Noble, American Encore; Thomas Schatz, President, Council for Citizens Against Government Waste

Text of Senate Ethics Complaint: <http://cagw.org/sites/default/files/pdf/Ethics-Complaint-Final.pdf>

Full letter can be seen in Appendix

CONGRESSIONAL INFLUENCE



Senator and Presidential Candidate Ted Cruz (TX)

On July 3, 2015, Senator Ted Cruz traveled to Woodstock, GA, for a book-signing event. Jenny Beth Martin met with him for about 30 minutes during his visit and discussed a number of topics. Among them was the Congressional Exemption from Obamacare. Senator Cruz committed that he would do something to bring the issue to light.

On July 20, 2015, [The Washington Times](#)¹ [reported](#) Senator Ted Cruz would try to force the Senate to vote on an amendment to end the Congressional Exemption on the upcoming highway bill.

On July 24, 2015, Senator Cruz mentioned his amendment to end the Congressional Exemption from Obamacare on the Senate floor during his gutsy speech to call out Senate Majority Leader Mitch McConnell for lying about cutting a deal on the Export-Import Bank.²

"Tea Party Patriots has taken the lead on ending the Congressional Exemption from Obamacare. I'm confident that with the help of their supporters all across America we will be able to make DC listen on this very important issue." – Senator Ted Cruz

¹ <http://www.washingtontimes.com/news/2015/jul/20/ted-cruz-takes-aim-congress-obamacare-exemption/>

² <http://www.c-span.org/video/?c4545847/senator-ted-cruz-export-import-bank-reauthorization>

CONGRESSIONAL INFLUENCE



Congressman Mark Meadows (NC-11)

On June 12, 2015, Jenny Beth Martin reached out to Congressman Mark Meadows directly to ask him to co-sponsor HR 1953 – the No Exemption for Washington from Obamacare Act.

On June 15, 2015, Congressman Mark Meadows became a co-sponsor of HR 1953 – the No Exemption for Washington from Obamacare Act.¹

¹ <https://www.congress.gov/bill/114th-congress/house-bill/1953/cosponsors>

CONGRESSIONAL INFLUENCE



Congressman Blake Farenthold (TX-27)

On June 14, 2015, Jenny Beth Martin explained final details on Tea Party Patriots' Weekly Leadership Council and Local Coordinator Webinar.

On June 15, 2015, members of the Corpus Christi Patriots Tea Party begin making phone calls to Congressman Farenthold's office to encourage him to sign on as a co-sponsor to HR 1953 – the No Exemption for Washington from Obamacare Act.

On June 16, 2015, Congressman Farenthold became a co-sponsor of HR 1953 – the No Exemption for Washington from Obamacare Act.¹

On June 17, 2015, Tea Party Patriots Co-State Coordinator of Texas, Suzanne Guggenheim, along with other members of the Corpus Christi Patriots Tea Party visited Congressman Farenthold's Corpus Christi, TX office. Congressman Farenthold held a video conference meeting with his constituents to thank them for bringing this issue to his attention.

¹ <https://www.congress.gov/bill/114th-congress/house-bill/1953/cosponsors>

CONGRESSIONAL INFLUENCE



Congressman Bruce Westerman (AR-4)

While there is no definitive proof that Congressman Bruce Westerman decided to co-sponsor HR 1953 because of pressure by Tea Party Patriots, Tea Party Patriots has almost 1,000 supporters in his district, each of whom was urged to make phone calls to their Senators and Representative on June 17, 2015.

On June 17, 2015, Congressman Westerman became a co-sponsor of HR 1953 – the No Exemption for Washington from Obamacare Act.¹

¹ <https://www.congress.gov/bill/114th-congress/house-bill/1953/cosponsors>

CONGRESSIONAL INFLUENCE



Congressman Michael McCaul (TX-10)

On June 17, 2015, members of The Greater Houston Area Tea Party visited Congressman Michael McCaul's office in Brenham, TX. No one was available at the office, so they slid letters underneath the door. Sandie Kindt, one of TPP's Local Coordinators, communicated with one of her contacts in Congressman McCaul's office that day who assured her that they would pass the information to the Congressman. Congressman McCaul became a co-sponsor of HR 1953 – the No Exemption for Washington from Obamacare Act¹ – later that afternoon.

¹ <https://www.congress.gov/bill/114th-congress/house-bill/1953/cosponsors>

CONGRESSIONAL INFLUENCE



Congressman Gus Bilirakis (FL-12)

On June 17, 2015, Tea Party Patriots supporters visited Congressman Gus Bilirakis' Port Saint Richey and Wesley Chapel offices to deliver letters urging him to become a co-sponsor of HR 1953 – the No Exemption for Washington from Obamacare Act.

Two days later, on June 19, 2015, Congressman Gus Bilirakis became a co-sponsor of HR 1953 – the No Exemption for Washington from Obamacare Act.¹

¹ <https://www.congress.gov/bill/114th-congress/house-bill/1953/cosponsors>

CONGRESSIONAL INFLUENCE



Congressman John Fleming (LA-4)

On June 12, 2015, Jenny Beth Martin reached out to Congressman John Fleming directly to ask him to co-sponsor HR 1953 – the No Exemption for Washington from Obamacare Act.

On July 7, 2015, Congressman John Fleming became a co-sponsor of HR 1953 – the No Exemption for Washington from Obamacare Act.¹

¹ <https://www.congress.gov/bill/114th-congress/house-bill/1953/cosponsors>

CONGRESSIONAL INFLUENCE



Congressman Robert Wittman (VA-1)

On June 17, 2015, Tea Party Patriots supporters visited Congressman Robert Wittman's Yorktown, VA, office to deliver letters urging him to co-sponsor HR 1953 – the No Exemption for Washington from Obamacare Act.

On June 17, 2015, Tea Party Patriots delivered 178 robo-patch through calls and activist phone calls into Congressman Wittman's Washington, DC, office.

On July 9, 2015, Congressman Robert Wittman officially co-sponsored HR 1953 – the No Exemption for Washington from Obamacare Act.¹

¹ <https://www.congress.gov/bill/114th-congress/house-bill/1953/cosponsors>

CONGRESSIONAL INFLUENCE



Congressman Ted Yoho (FL-3)

On June 12, 2015, Jenny Beth Martin reached out to Congressman Ted Yoho directly to ask him to co-sponsor HR 1953 – the No Exemption for Washington from Obamacare Act.

On June 17, 2015 TPP Local Coordinator Lane Watkins took seven conservatives from the district to meet in his District Office with Yoho Deputy Chief of Staff Kat Cammack. Lane specifically reported back to Jenny Beth Martin, “This was a very productive meeting due to the impact of a group, instead of single constituents acting independently and the fact that it was face to face in his office instead of via phone or email. He is receptive to having more of these meetings to discuss issues.” Lane also reported that Congressman Yoho would consider voting for HR 1953 if it went to the floor for a vote.

On June 27, 2015, Jenny Beth Martin met with Congressman Yoho at the Western Conservative Summit in Denver, CO. She had the email report from Lane to reference and mentioned the meeting, the number of constituents who attended the meeting, and their desire for him to co-sponsor HR 1953. During this meeting, Congressman Yoho committed to becoming a co-sponsor for HR 1953 – the No Exemption for Washington from Obamacare Act.

On July 21, 2015, Congressman Ted Yoho became a co-sponsor of HR 1953 – the No Exemption for Washington from Obamacare Act.¹

¹ <https://www.congress.gov/bill/114th-congress/house-bill/1953/cosponsors>

ANALYSIS OF SUCCESS

Tea Party Patriots approached the June 17 exercise as an experiment. TPP recognized that because this particular issue is unique – it has a direct impact on the personal finances of both Members of Congress and their staffs – it is a heavier lift than just about any other issue in public life. It cuts across ideological and lines – known conservative Members are almost as likely to oppose this legislation as are known liberal Members. And while Tea Party Patriots wanted *all* Members of Congress to cosponsor H.R. 1953 and vote for the bill, TPP wanted to use the June 17 exercise as a means to test various approaches to influencing targeted Members.

Consequently, Tea Party Patriots devised three simple means of pressure: 1) local visits by TPP activists to a Member's district office, all timed to take place at noon local time on June 17; 2) phone calls from TPP activists and voters, targeted to the local district offices on and around June 17; and 3) a direct conversation between Tea Party Patriots Co-Founder and CEO Jenny Beth Martin and the targeted Member.

This three-part effort allowed for various combinations:

- Jenny Beth conversation + phones + local visit
- Jenny Beth conversation + phones
- Jenny Beth conversation + local visit
- Phones + local visit
- Phones
- Local visits

A clear analysis of the results of this engagement reveals that, not surprisingly, the most successful method of converting a Member of Congress into a co-sponsor of the targeted legislation was a Tea Party one-two-three punch: Local grassroots activity combined with phones, followed by a direct conversation with Jenny Beth. The second-most successful combination was local visits followed by a direct conversation with Jenny Beth. The third-most successful combination was phones followed by a direct conversation with Jenny Beth.

Activist office visits and phone calls were a necessary ingredient – TPP found that many congressional staffers gave incorrect information to local activists. While it is unknown whether this is by accident or design (though we have our suspicions), what *is* known is that all too frequently, congressional staff gave inaccurate information to activists. And based on the conversations Jenny Beth had with Members directly, it appears that in at least some cases, staff appeared to be making efforts to avoid sharing constituent contacts with their Members. One Member, for instance, claimed to have knowledge of neither the visit to his district office by TPP activists, nor of the more than 500 phone calls TPP knows patched through to his office.

This particular Member is one with whom Jenny Beth had had a long and productive relationship, so TPP takes him at his word.

In future exercises, TPP would like to refine the scheduling of the combined pressure tactics, so that the conversation with Jenny Beth can take place within 48 hours of the grassroots and/or phone pressure being applied.

NEXT STEPS

In the After Action Reports from Tea Party Patriots activists, there were an additional five Congressional offices who claimed they would co-sponsor and vote for the legislation. Additionally, there were six offices that claimed they would vote for the legislation, but they wouldn't co-sponsor. During the August recess, Tea Party Patriots are sending targeted emails to the supporter base within these Congressional Districts asking them to increase pressure on these Members of Congress. Tea Party Patriots will work with local supporters directly and individually to answer the objections from the Congressional staff to increase the likelihood of the Senator or Congressman becoming a co-sponsor of S.16 or HR 1953.

There are a few dozen other Members who have been solid conservatives who should join as co-sponsors to this legislation. Tea Party Patriots will continue to have targeted calls to action in Republican Congressional Districts to encourage supporters to contact their Member of Congress to urge him or her to co-sponsor the legislation. The calls to action will include social media posts, phone call campaigns, and offices visits during August recess.

After the August recess, if it is necessary, TPP will work to set up in-person meetings for Jenny Beth Martin to encourage these Members to co-sponsor the legislation.

LIKELY CO-SPONSORS:



PETE OLSON [TX-22]



SCOTT RIGELL [VA-2]



MAC THORNBERRY [TX-13]



LEE ZELDIN [NY-2]



LAMAR SMITH [TX-21]

LIKELY SUPPORTERS:



KELLY AYOTTE [NH]



JEFF FLAKE [AZ]



TOM PRICE [GA-6]



BARRY LOUDERMILK [GA-11]



TOM GRAVES [GA-14]

ASSESSMENT OF THE COST

Victory Media Group Patch-Thru Calls to Congress; 35 Districts	\$17,879.66
L2 Data	13,888.89
Salary & Contract Costs for Employee & Contractor Time Spent on Rallies (based on percentage of time times 3 weeks salary)*	48,018.53
VerveMail	6,606.25
GoToWebinar	299.25
Amazon Web Services	3643.09
Total:	<u>\$90,335.67</u>

Note: the salaries associated with the project include our field team, tech team, core support team, and legislative team. The salaries and contract fees were paid based on the percent of their time in June working directly to drive attendance, train, support, and build tools for the local activist who visited the offices. This does not include TPP's regular contractors for communications or research consultation, and does not include legal consultation or the CFO or CEO's (Jenny Beth Martin's) salaries.

CONCLUSION

In the first three weeks of June 17, 2015, Tea Party Patriots was able to:

- Engage nearly 1,000 activists to visit a local Congressional Office
- Patch more than 11,000 callers into DC Congressional Offices
- Encourage a Presidential Candidate to bring light to the issue on the floor of the US Senate
- Rally six organizations to become coalition partners in this effort
- Convince eight Members of Congress to Co-Sponsor the corresponding legislation, which more than doubled the number of co-sponsors

A clear analysis of the results of this engagement reveals that, not surprisingly, the most successful method of converting a Member of Congress into a co-sponsor of the targeted legislation was a Tea Party one-two-three punch: Local grassroots activity combined with phones, followed by a direct conversation with Jenny Beth. The second-most successful combination was local visits followed by a direct conversation with Jenny Beth. The third-most successful combination was phones followed by a direct conversation with Jenny Beth.

Since the issue is important as it is fundamental to addressing whether or not America is a nation of laws and whether or not elected officials are a special class, writing one set of laws for the American people, while enjoying special, illegal benefits themselves and also fundamental to improving the likelihood of full repeal of Obamacare, Tea Party Patriots will continue to garner co-sponsors of S.16 and HR 1953 using grassroots activity combined with phones, and follow up conversations with Jenny Beth.

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TEA PARTY

PATRIOTS

PURSUE YOUR AMERICAN DREAM

Ending the Congressional Exemption
from Obamacare Toolkit

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How to Use this Toolkit

Dear Patriots:

Tea Party Patriots' support team provides toolkits that correspond to the major legislative battles taking place in Washington, DC. This special toolkit aims to provide background information and sample tools for engagement on the topic of ending the Congressional exemption from Obamacare.



It has been five years since Congress passed the Patient Protection and Affordable Care Act, commonly referred to as "Obamacare." During that time, the law has failed to live up to the Democrats' promises. One group, in particular, is displeased with the effects of the law, and that's why they have created their very own exclusive exemption from Obamacare. The group we are referencing is Congress and Congressional staffers. The people who wrote the bill - and passed it over Americans' strong objections - now see how damaging the law is – ***and they are refusing to live under the law.***

We have designed this toolkit for use by individuals and groups alike. We have included several different types of resources, such as a sample letter to the editor, which can be signed by an individual or an entire tea party group.

If you see something missing, or have any recommendations for future toolkits, please let us know. We always love to hear how local groups and individual activists are using these resources to get engaged.

In liberty,

The Tea Party Patriots National Support Team



Talking Points on Obamacare

These talking points will be helpful when making calls or meeting in person with Congressional staffers to discuss the Vitter bill.

CONGRESS SHOULD NOT BE ABOVE THE LAW

- Congress passed Obamacare in 2010, over the objections of the American public.
- Congress has given itself a special exemption that no one else in America gets.
- Members of Congress should not be treated as a special class of citizens.

IT'S TIME TO REPEAL THE LAW

- Then-Speaker of the House Nancy Pelosi famously said at the time that they had to “pass it to find out what’s in it.” Now that Congress knows what’s in it, they want a special exemption from it.
- Americans are struggling with higher premiums, loss of insurance, and penalties from the IRS. We also want an exemption!
- Obamacare is severely flawed and the fact that Congress wants to be protected from the effects of this law further illustrates why now is the time for FULL REPEAL.
- Repealing Obamacare is the best way to guarantee that all Americans – not just the privileged elites in Congress – will be shielded from the law’s harmful effects.

Sample Social Media Posts on Obamacare

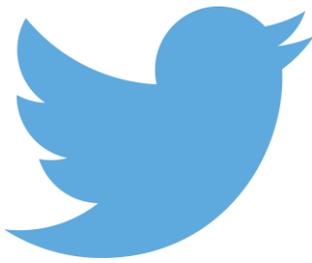
SAMPLE TWEETS:

Congress should live under the same laws as the rest of us. #NoWashingtonExemption

It's time for Congress to pass the @DavidVitter bill. #NoWashingtonExemption

Congress had to "pass #Obamacare to find out what's in it." #NoWashingtonExemption

Thank you @DavidVitter for holding Congress accountable on #Obamacare.
#NoWashingtonExemption



SAMPLE FACEBOOK POST:

Obamacare continues to hurt Americans. Our health insurance premiums have risen. Our deductibles have skyrocketed. Some of us have lost our doctors or our health insurance. These are the real-life consequences of Obamacare.

But while we are suffering under the new law, Members of Congress have once again treated themselves as a protected class, exempting themselves and Congressional staffers from this disastrous government-run healthcare program, AND carving out taxpayer-funded subsidies for themselves!

It's time for Congress to live under the law, just like the rest of the American people! Senator David Vitter from Louisiana has a bill in Congress to force Congressional staffers and Members of Congress to live under the law and to stop taking special exemptions. That sounds like a really great idea to me. www.ObamacareExemption.com

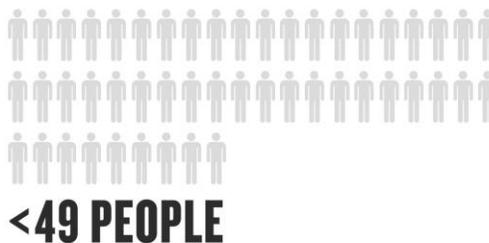


CONGRESS DEFINED ITSELF AS A SMALL BUSINESS

CONGRESS EMPLOYS:



OBAMACARE DEFINED CONGRESS AS A SMALL EMPLOYER:



Suggested Responses to Congressional Offices & Members of the Press about this Congressional Exemption

Congressional staffers are protectively guarding the tax-free subsidy they now enjoy, thanks to the lawlessness of the Congressional exemption. Although Obamacare requires Members of Congress and their staffers to be put on an exchange without a subsidy, Congress enrolled in the Washington, D.C. “small business exchange,” which enables Members and their staff to receive a subsidy that no other large employer in the country is legally allowed to offer its employees. Individuals may now receive a \$5,000 subsidy, whereas staffers enrolled in a family plan are eligible for nearly \$11,000 in taxpayer-funded subsidies.

Below are some responses to refute the common arguments we have heard from Congressional offices.

1. CONGRESSIONAL STAFF REPLY: ***“Congress should be allowed to be treated like a small business because each Member’s office really is a small business.”***

Congress employs close to 20,000 people. The text of Obamacare contains a strict definition of a small business, which is 49 or fewer employees. Congress, as a whole, functions as one entity, rather than a conglomeration of six hundred or so individual offices (personal offices and committee offices). All Senate offices use one human resources and payroll office, as do all of the House offices. Members of Congress do not have their own Federal Employment ID number, which

would be required of a small business in order to make hires. Clearly, Members of Congress are not running their own small businesses.

2. CONGRESSIONAL STAFF REPLY: *"We have to follow Obamacare just like the rest of Americans. We don't have any special treatment."*

President Obama illegally authorized the Office of Personnel Management (OPM) to effectively exempt high-paid Congressional staffers from the full impact of Obamacare.¹ By allowing OPM to grant subsidies to Congressional staffers (\$5,000 for individuals and \$11,000 for families), the Congressional staffers are granted a de facto waiver from Obamacare. While the rest of Americans will experience health insurance rate increases and pay decreases, Congress and the Obama Administration found a way to circumvent the law for themselves.²

3. CONGRESSIONAL STAFF REPLY: *"Without this exemption, no one could afford to work on Capitol Hill."*

Obamacare has negatively affected millions of individuals, families, and business owners. Across the country, people are struggling to pay their higher health insurance premiums, many of us have seen our hours cut at work to comply with Obamacare, and those of us who own small businesses are struggling each month to pay for our employees' benefits now. If Congress finds the effects of the law as unpleasant as American citizens have found it over the past five years, the solution is repealing the law – NOT giving yourselves a special exemption that is unavailable to the rest of Americans.

¹ For more information, see this article: <http://www.nationalreview.com/article/355176/congresss-obamacare-waiver-michael-f-cannon>

² For additional information, see this article: <http://www.washingtontimes.com/news/2013/aug/7/opm-fleashes-out-congresss-obamacare-subsidy-rule/>



How to Host a Rally

Rallies are a simple, yet highly effective, grassroots technique. This particular issue provides the perfect opportunity to rally outside congressional offices in the districts or in the state. Here are some simple steps to organize a rally.

1. Choose the date, time, and location.

Tea Party Patriots is encouraging all local groups to consider hosting a rally at a local Congressional office on **Wednesday, June 17, 2015 at noon local time**. Throughout the summer, you may want to consider hosting additional rallies.

2. Email Tea Party Patriots.

We want to help your efforts, so please email us at localcoordinator@teapartypatriots.org if you plan to host a rally. We can promote the event online and also make sure that bloggers know about the event.

3. Plan the logistics.

Find out if you are required to get a permit for your rally.

4. Print materials.

Print talking points from this toolkit ahead of time. Make posters and other signs for the event.

5. Invite people to participate.

Send out an email to your friends, local tea party group, and neighbours. Invite local small business owners who have been negatively affected by Obamacare. Use the sample letter to the editor in this toolkit to compose a letter to the editor of a local paper, and be sure to invite readers to participate in this rally.

6. Prepare a press release.

Consider sending out a press release about your event.

7. On the day of the event, plan to arrive at least 15 minutes early.

Come early with signs, blank poster boards, markers, extra copies of your letter to the editor, and letters to the Member of Congress. Ask participants at the rally to sign one of the letters. After the rally, you can hand-deliver the letters to the office.

8. Take pictures!

Take pictures of the rally and of your signs. Share them with us and also post them on social media.

Sample Press Release for Rally

For Immediate Release

Contact: (name/phone/email)

[local]Tea Party group calls activists to action

(Hometown) – Tea Party activists in _____ are calling on citizens to rally outside [INSERT NAME OF MEMBER OF CONGRESS]’ office at [INSERT ADDRESS] to urge [HIM/HER] to live under the law, Obamacare, like every other American must!

“Congress currently enjoys a special exemption from Obamacare that no other Americans have. Members of Congress and their staffers are illegally taking a taxpayer-funded subsidy to pay for their health insurance, even though under the law, they are not eligible for these subsidies,” said [INSERT NAME OF TEA PARTY LEADER]

The Affordable Care Act, commonly referred to as “Obamacare,” requires Congress to participate in one of the Washington, DC Obamacare exchanges. The law also states that large employers (defined as 50 or more employees) are not permitted to provide subsidies to their employees on an exchange. Congressional staffers, not wanting to lose their attractive subsidies (\$5,000 for an individual and nearly \$11,000 for staffers enrolled in family plans), decided to define Congress as a small business. Small businesses are legally allowed to provide subsidies.

“Congress lied on its application to the small business exchange in order to keep a taxpayer-funded benefit they are legally no longer allowed to take. As Americans struggle with the effects of Obamacare, Congress has no business cheating, lying, and sneaking around the law to avoid feeling the impact of the law. If it’s good enough for Americans, it’s good enough for Congress.”

Join us on Wednesday, June 17th at 12:00 pm at [INSERT ADDRESS] to protest this Congressional exemption from Obamacare. Email [INSERT NAME] for more information: [INSERT EMAIL ADDRESS]

###



How to Write a Letter to the Editor

What is a Letter to the Editor?

A letter to the editor is a letter written to the Editor of a newspaper. The letter is an opportunity for you to express your opinion about a recent article published in the paper or an issue in the news.

Writing letters to the editor is an important engagement tool for activists. They allow activists to do the following:

- 1) Reach a broader audience than you normally would have;
- 2) Hold your local journalists accountable;
- 3) Present alternative views on political issues.

Letters to the editor are usually found in the first section of the newspaper or on the editorial page.

Guidelines for Getting a Letter to the editor Published

Most newspapers publish guidelines with their specific requirements for getting a letter published, but here are some general rules that will help you get your letter to the editor published.

- * Include your name and address and a telephone number where you can be reached.
- * Be respectful and courteous, even when disagreeing with the Editorial Board about a specific issue.
- * Be specific. If you are opposed to Obamacare, mention the specific reasons why. Provide examples.
- * Cite your sources. If you include any quoted material, be sure to correctly cite your source or attribute the quote.
- * Use proper grammar. Spellcheck your letter and be sure to use proper grammar. Refer to *The Elements of Style* for a great overview of effective writing.
- * Be concise. Letters to the editor are much more likely to be published if they are 300 words or less. Make your point as clearly and concisely as possible.



Sample Letter to Editor about the Congressional Exemption from Obamacare

INSERT DATE

Congress should live under the law.

Dear Editor:

The American people strongly objected to the President's health care overhaul back in 2010. Congress ignored our objections and passed the bill into law without even taking the time to read it or understand the implications. Now, more than five years later, Americans are suffering from the law's provisions. Millions of Americans have experienced a loss of health insurance, premium increases, and new taxes and regulations.

If you or I choose not to comply with Obamacare, we will face extra taxes and penalties from the IRS. Members of Congress and their staffers, on the other hand, did not want to comply with the law, so they simply took a special exemption for themselves.

The issue is somewhat complex, but it's worth examining. Under Section 1312 (D) of the Affordable Care Act (ObamaCare), Members of Congress and their staff can no longer get their health insurance through the Federal Employees Health Benefits Program (FEHBP). They also lost a generous FEHBP subsidy (\$5,000 for individuals and \$10,000 for the family plan). But, rather than lose that benefit, Congress re-classified itself as a "small business" – an absurd designation, considering that roughly 20,000 people are Congressional staffers – so they could retain the subsidy.

If Obamacare is good enough for the American people, it ought to be good enough for our elected officials and their staffers.

I encourage the readers of this paper to contact [INSERT NAMES OF BOTH OF YOUR U.S. SENATORS] and let them know it's time to end the special Washington exemption from Obamacare.

For more information about Washington's exemption and to sign the petition to Sen. McConnell, please visit: www.ObamacareExemption.com

Sincerely,



Sample Letter to Senator about the Congressional Exemption from Obamacare

YOUR NAME
YOUR ADDRESS

[YOUR NAME]
[YOUR CITY]

I am writing as your constituent to urge you to support Sen. David Vitter's bill to require Members of Congress and their staff to live under the law the same way we, the American citizens, must live under the law.

As you know, you and your staffers enjoy an exemption from Obamacare that the rest of Americans lack. Real Americans are suffering under the law, with higher insurance premiums, loss of insurance, and penalties from the IRS. You and your staffers, however, have sheltered yourselves from the damaging effects of the law.

Our Constitution is quite clear about the necessity of treating all people – including Members of Congress - equally under the law. This special exemption that Congress has given itself undermines the very principles upon which our nation was founded.

If Obamacare is so awful that it requires special exemptions for certain groups of people, isn't it time for us to focus on repealing the law altogether? Americans deserve the same protections from the law that Members of Congress have given themselves!

I will follow up with your staff by phone this week to hear more about how you will handle the issue of Washington's special Obamacare exemption.

I look forward to speaking with your staff!

Sincerely,

Petition to Senator McConnell

National Petition to Sen. Mitch McConnell

Senator McConnell,

As Obamacare continues to hurt the health and prosperity of the American people, we are desperate for relief.

Premiums and deductibles have skyrocketed. And Americans who can't afford them are being forced to pay a penalty to the IRS!

But meanwhile, members of Congress have allowed themselves to be treated as a protected class, accepting an exemption for themselves and Congressional staffers from this disastrous government-run healthcare program, AND taking illegal taxpayer-funded subsidies for themselves!

We won't stand for it. No American - not even a member of Congress - is above the law!

I hereby urge you to bring the Vitter Bill up for a vote and pass it as soon as possible, thereby ending Congress's special exemption from Obamacare.

It's time for Congress to live under its own laws, just like the rest of the American people!

NAME _____

EMAIL _____

ADDRESS _____

See more at: https://secure.tepartypatriots.org/vitter_amendment/DRT4242C

Media Clips and Articles about the Congressional Exemption

NATIONAL REVIEW

[National Review Online: The Overlooked Election Issue](#)

Heather R. Higgins and Jenny Beth Martin - June 13, 2014

Pledge to repeal Obamacare and the congressional exemption, or face the voters' wrath.

Recent seismic events on the political right — the loss by House majority leader Eric Cantor in Tuesday's Virginia primary, and longtime Mississippi senator Thad Cochran's being forced into a runoff last week — point to a little-noticed pattern with significant implications for the fall.

In Virginia, challenger Dave Brat had signed the Obamacare Repeal Pledge, while Cantor had not. Similarly, in Mississippi, the underfunded challenger, Chris McDaniel, signed the Repeal Pledge, while Cochran did not.

Savvy primary voters understood that all GOP candidates would criticize the detested Obamacare law, but they were looking for candidates committed to actually working towards repealing and replacing it. The Repeal Pledge was established in the summer of 2010 for just that purpose. It is designed to attest to the seriousness of the signer's understanding that the Affordable Care Act is so fundamentally and structurally flawed that it cannot be fixed. Instead, it needs to be delayed, defunded, and prevented from metastasizing until it can be repealed and replaced with positive, patient-centered reforms.

Failure to sign the Repeal Pledge played into the larger perception that the incumbents weren't serious about taking on Obamacare. Many conservatives blamed Cantor for omitting the word "repeal" from his health-care rhetoric, and for being part of a leadership team that wouldn't allow a vote on the DeSantis bill to repeal the special exemption Congress enjoys from Obamacare.

Senator Cochran was even more nakedly squishy on Obamacare: Not only did he fail to sign the Repeal Pledge, he actually used the special congressional exemption, and on the weekend before his primary election, he was quoted in the Washington Post speaking favorably of the law.

Primary contests in Kentucky and South Carolina confirm this trend. Kentucky senator Mitch McConnell signed the Repeal Pledge and prevailed. Senator Lindsey Graham, of South Carolina, did not sign, but neither did any of his opponents, preventing it from becoming an issue. Moreover, Senator Graham has become a visible and vocal supporter of efforts to repeal Congress's special Obamacare exemption.

Poll after poll shows that repealing Obamacare is a key priority of the Republican base, and smart challengers see this as an opportunity. Brat used the special-exemption issue against Cantor. Brat brought it up himself in an interview session with Tea Party Patriots Citizens Fund when one of us met with him to consider an endorsement. Though TPPCF did not endorse him formally, its affiliated 501(c)(4) organization, Tea Party Patriots, had trained many of the

local grassroots activists who ultimately fueled his campaign and were pleased to hear that he was using Cantor's weak position on Obamacare against him.

TPP had already targeted the majority leader's district office for grassroots pressure last summer during its Defund Obamacare tour, and those efforts — combined with several grassroots training sessions conducted in the district over the last two years — helped create the environment in which a tightly focused underdog campaign could succeed.

None of this is to say that Cantor lost because he failed to sign the Repeal Pledge or bring the DeSantis bill to the floor. But these things certainly helped the challenger make the case that the majority leader was out of touch and wasn't serving the needs and desires of his constituents.

Washington incumbents should not underestimate the downright anger at the grassroots level over what the base perceives as a sense of entitlement among the current House GOP leadership, and the profound disappointment that the majority they worked so hard to create four years ago has not been able to deliver on their priorities.

Whether that sense of anger and disappointment is deserved is irrelevant. A clinical reading of the election results leads to the inescapable conclusion that it does, in fact, exist and must be taken into account as Republicans head into November.

There is still time for Washington Republicans to bolster their credibility with the base. The grassroots can understand why the Senate has failed to vote to eliminate Congress's Obamacare exemption — Harry Reid controls the voting schedule there — but they cannot understand why they can't get a vote in the Republican-controlled House.

Republicans should note that smart Democrats recognize the salience of the special-exemption issue. Democratic Senate candidate Michelle Nunn in Georgia has used the congressional exemption in a very effective TV spot against her Republican challengers, while the Democratic Congressional Campaign Committee has already run robocalls against eleven targeted GOP members, with more certain to come.

Conservative activists wonder why Republicans continue to let this issue be used against their own team, when it would be so easy to turn the tables and use it against the Democrats. Challengers like Brat and McDaniel have an answer: Incumbent Republicans like the perks of office and aren't sufficiently committed to our cause.

Republicans serious about winning in 2014 would be well served to prove otherwise as soon as possible. Take the Repeal Pledge, and let leadership know that it's time to vote on ending Congress's special Obamacare exemption. If establishment Republicans want to do better, they need to show that they stand with the voters, not just with Washington.

— Heather Higgins is president and CEO of Independent Women's Voice, which created the Repeal Pledge. Jenny Beth Martin chairs Tea Party Patriots Citizen's Fund and is co-founder and president of Tea Party Patriots.

<http://www.nationalreview.com/article/380393/overlooked-election-issue-heather-r-higgins-jenny-beth-martin>



[Breitbart: GOP Senators' Pro-Congressional Exemption from Obamacare Crusade Draws Scorn – From America](#)

Jenny Beth Martin - May 12, 2015

Pity poor Sen. Jeff Flake (R-AZ) and Sen. John McCain (R-AZ). And Sen. Susan Collins (R-ME), Sen. Roger Wicker (R-MS), Sen. Kelly Ayotte (R-NH), Sen. Deb Fischer (R-NE), Sen. Richard Burr (R-NC), Sen. Lindsey Graham (R-SC), and Sen. Rand Paul (R-KY), and at least three other GOP Senators too timid to allow a reporter to quote them by name as they disparaged a fellow Republican.

Bless their hearts, they apparently haven't had time to read a law that was enacted more than five years ago. Nor, apparently and ironically, have their staffs.

At least, that's the only benign conclusion one can draw, after reading their on-the-record quotes in Politico's latest defense of the indefensible: Congress' special exemption from Obamacare.

Entitled, "Vitter's Anti-Obamacare Crusade Draws Scorn – from GOP," and reported by Manu Raju, the piece contains quote after quote from GOP Senators, each in turn explaining how Sen. David Vitter (R-LA)'s "crusade" to end Congress' special treatment is misdirected, or misguided, or political, or (my favorite!) "disingenuous."

At issue, for those who are yet unaware, is the extraordinary and illegal treatment granted Members of Congress and their staffs, stemming from an August 2013 ruling by the Office of Personnel Management, at the direction of the President.

Section 1312 of the Patient Protection and Affordable Care Act says specifically that upon enactment of the law, "the only health plans that the Federal Government may make available to Members of Congress and congressional staff ... shall be health plans that are – (I) created under this Act (or an amendment made by this Act); or (II) offered through an Exchange established under this Act (or an amendment made by this Act)."

Further, according to Section 1512 of the law, employees who purchase their health insurance through the exchanges "lose the employer contribution" many received to help defray the cost of their premiums.

In other words, Members of Congress and their staffs shall, upon enactment of the law, be required to give up their generous Federal Employee Health Benefit Plan health benefits – which included a generous taxpayer-funded subsidy to cover upwards of 70 percent of the cost of individual and family insurance premiums – and, instead, must purchase their health insurance through the Obamacare exchanges, without benefit of any employer contributions to subsidize the cost of their insurance.

That is the law, as written. Unfortunately, that is not the law as practiced, at least not since OPM ruled in clear violation of the law that Members and their staffs would continue to receive taxpayer-funded subsidies to help defray the cost of their premiums. And the absurdity of the OPM ruling is demonstrated by the lengths to which Congress had to go to pretend to stay within the confines of the law – Congress had to declare itself a “small business” with “fewer than 50 employees.”

Sen. Vitter believes the law should be implemented as it was enacted, not as some Members – apparently, many Members – want it to be enacted. In his determination to force Congress to live under the law as it was enacted, he is using his position as Chairman of the Small Business and Entrepreneurship Committee to seek records of Congress’ application to the D.C. small business exchange.

Sen. Vitter is right to be incensed. The American people agree with him. In survey research conducted at the time the special exemption was created, and again just a few weeks ago, almost 90 percent of the public agreed that Congress’ special exemption was wrong and should be overturned.

So what’s up with these GOP Senators who oppose Sen. Vitter’s efforts?

Says Sen. Flake, for example, “I just think we ought to be treated like everybody else.”

That’s a noble sentiment, Senator. Of course, being “treated like everybody else,” presumably, means you would like to live under the law you and your colleagues enacted – that’s the conclusion one reasonably draws when she reads a Senator saying he wants “to be treated like everybody else.”

In America, after all, no man is above the law, and that means Congress must live under the same laws it imposes on the rest of us. It matters not whether you personally voted for that law, or against it; it passed, and was signed into law, and is now the law of the land – at least until it is repealed, an outcome we want to make happen. For you to “be treated like everybody else” would mean that you, like everybody else who purchases insurance through the exchanges, would do so without benefit of employer subsidies.

And that’s exactly what Sen. Vitter is demanding, so why are you opposing him?

Perhaps more ironic is the quote attributed to Sen. Ayotte, who explained her vote against Sen. Vitter’s request by saying, “I thought there were better uses for the Small Business Committee.” Well, Senator Ayotte, seeing as how Congress’ declaration that it is a small business is an essential element of the subterfuge required to continue the illegal subsidy flow, what do you think is a better use of the committee?

The quote that angers me most, however, is attributed to Sen Collins: “Virtually all large employers subsidize the health insurance of their employees, and I don’t see a basis for taking away the standard employer contribution to health insurance benefits for Members of Congress or their staffs. It’s that simple.”

Really, Sen. Collins? You “don’t see a basis” for taking away the “standard employer contribution?” How about ... the law? See Section 1512, mentioned above. Yours would have been an appropriate response five and a half years ago, while the proposed law was being debated. But that decision was made, and it went against you – see the plain language of Section 1312. And while we’re at it, you’re talking about “large employers.” But Congress declared itself a small business so that it could enroll in the D.C. small business exchange, so it could continue the illegal subsidies. In fact, that (false) application is the exact subject of Sen. Vitter’s subpoena request. Pay attention, Sen. Collins.

Clearly, not a single one of the GOP Senators quoted in the Politico piece have read the Affordable Care Act. And neither have their staffs. (Ironically, these are the very staffs Members say they are so afraid of losing to higher-paying jobs on K Street if they lose their illegal subsidies.) How else to explain their clear disregard for the law itself?

Ultimately, they should do the right thing – exempt not just themselves, but all of America from this law. They can do that by repealing it. In the meantime, they must live under the law.

For decades now, the largest political gap in this nation has not been the gap between Republicans and Democrats, nor even that between conservatives and liberals – it has been the gap between the Washington Ruling Class on the one hand, and the rest of us who pay for them on the other. And no issue provides a contrast as stark as Congress' special exemption. When Republicans on Capitol Hill don't get that, and won't act to overturn the special exemption, they provide fuel to fire the anger of those who insist there's no difference between Republicans and Democrats. That's not a good place to be as a crucial presidential election kicks into gear.

—*Jenny Beth Martin is co-founder and CEO of Tea Party Patriots.*

<http://www.breitbart.com/big-government/2015/05/12/gop-senators-pro-congressional-exemption-from-obamacare-crusade-draws-scorn-from-america/>



TEA PARTY

PATRIOTS

About Tea Party Patriots

Tea Party Patriots stands for every American, and is home to millions who have come together to pursue the American Dream and to keep that Dream alive for their children and grandchildren.

What unites the tea party movement is the same set of core principles that brought America together at its founding, that kindled the American Dream in the hearts of those who struggled to build our nation, and made the United States of America the greatest, most successful country in world history.

At its root the American Dream is about freedom. Freedom to work hard and the freedom to keep the fruits of your labor to use as you see fit without harming others and without hindering their freedom. Very simply, three guiding principles give rise to the freedom necessary to pursue and live the American Dream: Personal Freedom, Economic Freedom and a Debt-Free Future.

Appendix – Sample Sign Suggestions

Repeal Obamacare

Congress: Stop Obamacare Exemption

Stop Taxpayer Funded Medical Subsidies for Congress

End Obamacare Exemption for Congress

Congress: Abide by Obamacare

Congress is a Small Business? Are You Kidding me?

Stop Taking Special Obamacare Exemptions

Obamacare Hurts Americans

Obamacare = High Premiums + High Deductibles

Obamacare: Good for Congress, Not Good for Americans

Obamacare = Loss of Insurance + IRS Penalties

#NoWashingtonExemption

Obama Illegally Exempted Congress from Obamacare

Outrageous \$11,000 Family Subsidies for Congressional Staffers

#NoExemption

Congress Committed Fraud Claiming Small Business Status

Congress' Obamacare Exemption: Insulting & Offensive

No Obamacare Exemptions for Congress

Will You Co-Sponsor HR-1953? (For Senators)

Will You Co-Sponsor S16? (For Senators)

From: Tea Party Patriots
Date sent 06/01/2015 10:06:52 am
Subject: June 17th Protests... Help Us Stop Obamacare

[Print This](#)



Dear Shonda,

You have likely seen emails from us over the last two weeks asking you to save the date of June 17th for rallies/protests at local Congressional offices. We're excited to finally share the details with you.

On June 17th at noon local time, we're asking anyone who is opposed to Obamacare or opposed to Congress living under a different set of rules from the rest of us to visit one of their local Congressional offices and let these elected officials know our concerns.

Right now, Congress has created a scheme to avoid living with the harmful effects of Obamacare. What they are doing is illegal and it isn't fair to the rest of the American people. We believe that the best way to fully repeal Obamacare is to force Congress to live under Obamacare like everyone else. This will surely help motivate them to fully repeal it. That's what June 17th is all about.

[Click to RSVP and to find all of the resources you'll need.](#)

How do I participate?

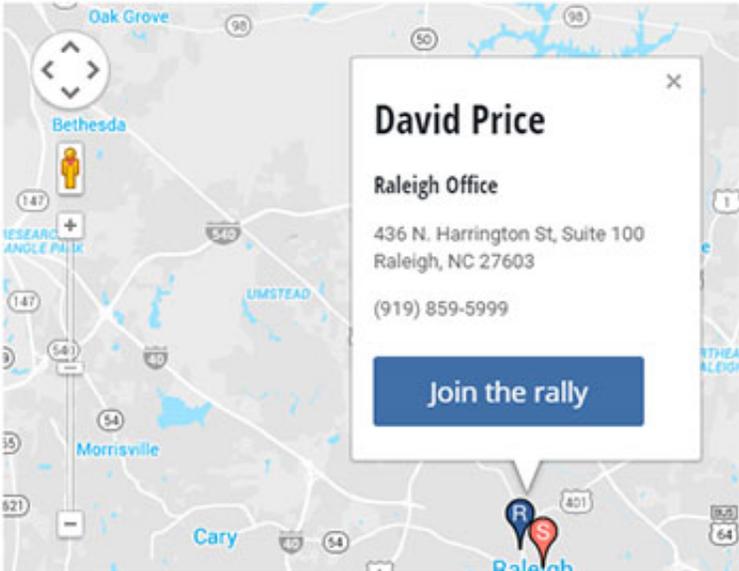
Go to our [End Obamacare Exemption website](#) and navigate the map to find a local Congressional office near you. Click the location and then click "Join the Rally" to RSVP. If you are willing to be an organizer, check the appropriate box and we'll have a support team member contact you before the event to make sure you've got all of the tools that you'll need to be successful.

End Obamacare Exemption

Join us at noon on Wednesday, June 17th at one of your Senators' or Representative's local offices to demand that they abide by the laws that they force on the rest of us.

In Obamacare, it clearly states that Members of Congress and their staffs must abide by the law. However, they are ignoring the law in order to avoid its harmful affects which allows them to continue receiving their generous tax-payer funded subsidy. Which NO ONE else in the country enjoys!

Help us petition our elected officials to stop breaking the law. It's time we put an end to the privileged, ruling class so that they too



The map shows a location in Raleigh, NC. A callout box for David Price's Raleigh Office is displayed, providing the address: 436 N. Harrington St, Suite 100, Raleigh, NC 27603, and the phone number: (919) 859-5999. A blue button labeled "Join the rally" is visible in the callout box.

(example of the RSVP map)

What information do I need to know for June 17th?

We've created a special toolkit that will give you all of the information you need to know about this issue as well as many resources that will help you make June 17th a success. The toolkit includes talking points, sample social media posts, a sample letter to the editor, responses to potential answers you might get from Congressional offices, sample letter to your elected officials, a petition, and much more. [Download the toolkit today for all of the resources you'll need.](#)



The image shows a collection of various tools including wrenches, pliers, a hammer, a screwdriver, and a paintbrush, all arranged on a wooden surface. The text "DOWNLOAD THE TOOLKIT." is prominently displayed in the center.

All the tools you need to help make June 17th a success. Every tweet, call and letter counts, so we've made a toolkit to help you discuss this issue with the people in your community and the lawmakers you elected.

[Download the Tea Party Patriots toolkit](#)

This is just the start of something big. If we can make June 17th a success, we will be one step

closer to fully repealing Obamacare! Please join us and let's make this a huge success together!

[RSVP Today!](#)

In liberty,
Tea Party Patriots Support Team

[DONATE](#)

This email was sent to: s****a@t*****.org. To view as a web page, click [here](#).

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A VOICE FOR THE MAINSTREAM INSTITUTE FOR LIBERTY
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www.LessGovernment.org LET FREEDOM RING NO D.C. EXEMPTION .COM TAXPAYERS PROTECTION ALLIANCE TEA PARTY PATRIOTS
www.teapartypatriots.org

June 15, 2015

The Honorable Jason Chaffetz
U.S. House of Representatives
House Oversight and Government Reform Committee
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Chaffetz:

Documents obtained by the nonprofit watchdog group Judicial Watch indicate that the House and Senate have falsely certified themselves as small businesses in order to qualify for taxpayer-funded health insurance payments for themselves and their staff, sidestepping provisions of Obamacare.

Senator David Vitter of Louisiana tried to subpoena the District of Columbia Health Benefit Exchange Authority for the documents, but Senate rules required a majority vote of his committee which he was unable to obtain.

Under House rules, you have the authority to issue a subpoena for these documents without a committee vote. **On behalf of the members and supporters of our organizations and millions of other Americans keenly interested in this issue, we urge you do so.**

These documents claim that the House and Senate have just 45 employees each, even though more than 13,700 employees have reportedly signed up.

It would appear, therefore, that the District of Columbia Health Benefit Exchange Authority is complicit in an ongoing fraud that is squarely within the jurisdiction of your committee.

Nothing makes the American people angrier than members of Congress giving themselves and their staff special benefits – especially when those benefits apparently rely on the false claim that the House and Senate are small businesses.

We urge you to subpoena these documents as part of an investigation into exactly how this happened and who is responsible.

Sincerely,

Phil Kerpen
American Commitment

Michael Needham
Heritage Action for America

Sean Noble
American Encore

Heather Higgins
Independent Women's Voice

David McIntosh
Club for Growth

Andrew Langer
Institute for Liberty

Thomas Schatz
Council for Citizens Against Government Waste

Seton Motley
Less Government

Brian Baker
Ending Spending

Colin Hanna
Let Freedom Ring

David Bozell
ForAmerica

Mark Harris
No D.C. Exemption

Matt Kibbe
FreedomWorks

David Williams
Taxpayers Protection Alliance

George Landrith
Frontiers of Freedom

Jenny Beth Martin
Tea Party Patriots

June 25, 2015

The Honorable Johnny Isakson
The Honorable Barbara Boxer
Senate Select Committee on Ethics
Hart Building Room 220
Washington, D.C. 20510

Dear Chairman Isakson and Vice Chairwoman Boxer:

The signatories* of the organizations listed below respectfully request that the Senate Select Committee on Ethics investigate the senators and/or staff members that may have broken laws and committed fraud to enable senators, Senate staffers, and their families to purchase health insurance on the District of Columbia's Small Business Exchange.

We believe the following laws may have been violated:

- Title 42 U.S. Code § 18031 – Affordable choices of health benefit plans, and § 18032 – Consumer choice [P.L. 111-148, § 1311 and § 1312];
- Title 18 U.S. Code – Crimes and Criminal Procedure, Chapter 47, § 1035 – False statement relating to health care matters; and
- 2014 District of Columbia Code, Division V – Local Business Affairs, Title 31, Insurance and Subsidies, Chapter 31D, Health Benefit Exchange – §31.31701.01 (11) and (16)(A)
- Title 18 U.S.C. §1001 – Statements or entries generally

Background

Prior to implementation of the Patient Protection and Affordable Care Act (ACA), members of Congress and their staff received health insurance benefits through the Federal Employees Health Benefit Program (FEHBP) administered by the Office of Personnel Management (OPM). However, changes to accessing FEHBP were made during the healthcare reform debate.

- *Exhibit A*
On July 14, 2009, the Senate Health, Education, Labor and Pensions (HELP) Committee accepted Admt. 226 to S. 1769, The Affordable Health Choices Act, by a vote of 12-11. The amendment, offered by Senator Tom Coburn (R-Okla.), would have required all members of Congress and their staff to participate in whatever health insurance was created under the act or amendment to the act. The amendment included no specific language with regard to premium assistance.

On September 29, 2009, the Senate Finance Committee, without objection, agreed to Admt. 328 to S. 1796, America's Healthy Future Act. The amendment, offered by Senator Chuck Grassley (R-Iowa), would have required all members of Congress and their staff to purchase health insurance in an exchange rather than through FEHBP. The

provision would have required the Secretary of Health and Human Services, in consultation with the Director of the Office of Personnel Management, to establish the procedures to provide financial assistance that would be actuarially based on age, with payments going directly to a health insurance plan.

During the following 30 days, then-Majority Leader Harry Reid (D-Nev.) oversaw the merging of the HELP and Finance Committees' respective bills. In order to bypass the Constitutional requirement that all revenue-raising bills must start in the House of Representatives, the new provisions amended H.R. 3590, which was named "The Patient Protection and Affordable Care Act (ACA)."

Senator Reid included language in the ACA regarding congressional health insurance benefits that was similar to that offered by Sen. Coburn in his amendment to the Affordable Health Choices Act:

**Senator Reid's Amendment
H.R. 3590 §1312(d)(3)(D)
(Enacted as Public Law 111-148)**

(D) MEMBERS OF CONGRESS IN THE EXCHANGE—

(i) REQUIREMENT.—Notwithstanding any other provision of law, after the effective date of this subtitle, the only health plans that the Federal Government may make available to Members of Congress and congressional staff with respect to their service as a Member of Congress or congressional staff shall be health plans that are—

(I) created under this Act (or an amendment made by this Act); or

(II) offered through an Exchange established under this Act (or an amendment made by this Act).

(ii) DEFINITIONS—In this section:

(I) MEMBER OF CONGRESS—The term "Member of Congress" means any member of the House of Representatives or the Senate.

(II) CONGRESSIONAL STAFF—The term "congressional staff" means all full-time and part-time employees employed by the official office of a Member of Congress, whether in Washington, DC or outside of Washington, DC.

Image from the Heritage Foundation's Backgrounder: Congress in Obamacare Trap: No Easy Escape

The language remained unchanged throughout the remaining legislative process, even though Sen. Grassley submitted two amendments that would have restored premium subsidies to members of Congress and their staff. One amendment was offered during the floor debate on ACA but never received a vote. The other was offered during the floor debate on H.R. 4872, the Health Care and Education Reconciliation Act of 2010. It was defeated on a procedural motion by a vote of 56 to 43.

- *Exhibit B*

In 2013, as ACA's open enrollment season approached, members of Congress and their staff began to clearly understand the repercussions to them as a result of the law. Unlike a majority of Americans that get their health insurance via their employer, Congress and their staff were now required by law to purchase their health insurance in

the individual marketplace. Following ACA's rules, this meant only those with a household income between 100 and 400 percent of the federal poverty level were entitled to taxpayer-funded premium credits if the insurance was purchased from a state-based or the District of Columbia's Exchange.

An April 24, 2013 *Politico* article discussed how "[c]ongressional leaders in both parties are engaged in high-level, confidential talks about exempting lawmakers and Capitol Hill aides from the insurance exchanges they are mandated to join as part of President Barack Obama's health care overhaul." An April 26, 2013 article in *The Hill* noted that many members of Congress were denying that any deliberations were underway to carve out a special exemption for themselves and their staff from ACA's provisions.

- *Exhibit C*

On August 8, 2013, the Office of Personal Management (OPM) published a proposed regulation (a companion Benefits Administration Letter was issued on August 7) that allowed members of Congress and their staff to purchase their health insurance via an Exchange; which includes the following:

- Health benefit plans offered by OPM under chapter 89 of title 5 through FEHBP are not available under ACA, nor can they be offered through the Exchanges. Members of Congress and their staff are limited to purchasing plans from the ACA Exchanges.
- ACA did not alter the definition of "employee" as used in 5 U.S.C. 8901 (1)(B)&(C) or the definition of "health benefits plan."
- "Although, pursuant to its authority under chapter 89 of title 5, OPM will have no role in 'contracting for' or 'approving' health benefit plans that are offered through the Exchanges, there is no doubt that such plans fit within the definition of 'health benefit plan' under 8901(6)."
- "Because there are now employees covered by chapter 89 who will be purchasing health benefits plans on Exchanges, we believe that it is appropriate to clarify that the provisions that authorize an employer contribution for 'health benefits plans under this chapter,' and authorize the continuation of such coverage into retirement, includes all health benefits plans fitting within the definition set forth in 8901(6)."
- In order to clarify that contributions will continue without interruption, a new paragraph (h) was added to section 890.501 of OPM regulations.
- While the ACA defines "congressional staff" to include those that work for "the official office of a Member of Congress," no law or regulation exists that provides a definition of an "official office." Thus, OPM left it to members to determine which of their employees worked for their "official office," as opposed to working on committee or leadership staff, for the purpose of which employees would remain on FEHBP or utilize the ACA exchanges.

- *Exhibit D*
The convoluted proposed regulation was criticized by many healthcare and legal experts as changing the law. Heritage Foundation Senior Research Fellow Ed Haislmaier pointed out that while OPM uses the general definition of a health plan under chapter 89 of Title 5, the definition fits group plans, not individual plans that are offered under ACA. He further says, “the *real* issue is not the definition of a ‘health plan,’ but rather the (lack of) *legal authority* for the federal government to pay for health plans through FEHBP that OPM has *neither* ‘contracted for’ nor ‘approved.’”
- *Exhibit E*
On October 2, 2013, OPM published a final regulation (a companion Benefits Administration Letter was issued on September 30). The agency noted it had received 60,000 comments from the public regarding the proposed regulation. The final rule announced modifications to the proposed rule. Among the changes were the following:
 - Members of Congress and designated congressional staff must enroll in an appropriate Small Business Health Options Program (SHOP) as determined by the Director of OPM.
 - All references to annuitants purchasing coverage on the Exchange were deleted.

Legal Violations

Because the Senate is indisputably not a small business, senators and/or staff members may have committed fraud when submitting applications for the Senate to participate in the Small Business Exchange. The application has enabled senators, Senate staffers, and their families to purchase health insurance on the Small Business Exchange. In addition, this potentially unlawful arrangement allows senators, senate staffers, and their families to receive taxpayer-funded premium subsidies without regard to household income.

Under the ACA, “the only health plans that the Federal Government may make available to Members of Congress and congressional employees with respect to their service as a Member of Congress or congressional employees shall be health plans that are –

(I) created under this Act (or an amendment made by this Act); or

(II) offered through an Exchange established under this Act (or an amendment made by this Act).

42 U.S.C. § 18032(d)(3)(D)(i). This section does not specify what health insurance should be offered to the affected congressional employees. It only specifies that the insurance must be created either under “this Act” or offered through an exchange established under “this Act.” Because Congress has not created health insurance specifically for the affected congressional employees, the affected employees must purchase insurance on an exchange established under the ACA. In other words, they must purchase insurance on an exchange created either by their state of residence (or by the District, if they are a D.C. resident) or by the federal government, if

their state of residence did not establish an exchange. Because the ACA unequivocally limits the purchase of insurance on a “SHOP Exchange” to employees of small businesses, the affected employees obviously must purchase health insurance through an individual exchange.

Simply put, there is no mention in Section 1312 of ACA that Congress or any subcomponent thereof such as a member’s personal office is qualified as a small business. There is no mention of premium and cost sharing subsidies being provided to members of Congress and their staff. It simply states that members of Congress and congressional staff employed by the official offices are required to participate in ACA.

Under ACA, the cost sharing subsidies are only provided for individuals and families with household incomes that exceed 100 percent but do not exceed 400 percent of the federal poverty level (FPL).

- *Exhibit F*

Judicial Watch filed a Freedom of Information Act (FOIA) with the D.C. Exchange Authority to obtain the forms used by the House of Representatives and the Senate to apply for health insurance via the small business exchange. The D.C. Exchange provided a total of nine application pages, with several items redacted. The forms are available on the Judicial Watch website and are also attached to this ethics complaint.

For the forms submitted to the D.C. Exchange for the Senate, the name of the employer has been listed as the “United States Senate” and its employer type listed as a “state/local government.” The primary business address, as well as the contact address, are listed as the “United States Senate, Disbursing Office, Washington, D.C., 20510.” The number of full time equivalents (FTES) seeking to obtain health insurance is listed as 45.

The Federal Employer Number (EIN), contact name and email address, and phone number of the applicant have been redacted.

Under the “Finalize Employees” section of the application, the First and Last names are listed respectively as “Twenty” and “Congress.” The Date of Birth is listed as 01/01/1994. The ZIP code is listed as “20002,” and the EE Class is listed as “all employees.” (EE = eligible employees.)

Under the confirmation section, the applicant has attested in the affirmative that he or she employs 50 or fewer full time equivalent employees and that he or she will offer coverage to all full-time employees working an average of 30 hours per week through the D.C. Health Link (or, for multi-state employers, any other exchange serving those work locations outside of D.C.).

Under the Electronic Signature section, the applicant has agreed that the following is true:

"I've provided true and correct answers to all the questions on this form to the best of my knowledge. I know that if I'm not truthful there may be a penalty. I know that I must tell (D.C. HealthLink) if any changes about that I wrote on this application."

The date of the electronic signature is 11/03/2013. The first and last names of the person filing the application have been redacted.

- *Exhibit G*

Judicial Watch filed a lawsuit on Oct. 15, 2014 on behalf of D.C. resident Kirby Vining. The plaintiff in *Kirby Vining v Executive Board of the District of Columbia Health Benefit Exchange Authority*, "seeks a judgment declaring that the U.S. Congress' participation in the District of Columbia's 'Small Business Exchange' is unlawful and an injunction prohibiting Defendants from allowing Congress to participate in the exchange or expending taxpayer dollars on Congress' participation."

On November 7, 2014, the DC Exchange Authority filed a Motion to Dismiss. According to Judicial Watch "the District government concedes that the law does not allow Congress to participate in its Small Business Exchange" but argues that "the Office of Personnel Management (OPM) could override the District's laws (and, implicitly the Affordable Care Act)."

Judicial Watch responded on behalf of Kirby Vining, stating, "Defendants argue that a determination made by the director of the federal Office of Personnel Management...can overturn a law enacted by the D.C. Council. Not only is Defendants' argument at odds with the well-established doctrine of preemption, but Congress plainly knows how to block or reverse D.C. laws ... The D.C. law that created the Small Business Exchange is completely consistent with, not preempted by, federal law ...

"When Congress applied to participate in the Small Business Exchange, representatives falsely asserted that the House and the Senate each employ 50 or fewer full-time employees ... Defendants had to have been aware of these false statements. Not only is it obvious that Congress, with its 535 members, employs more than 50 people, but Defendants' own guidelines require verification of employer information."

Conclusion

- There are far more than 45 FTEs in the U.S. Senate. According to the Senate Disbursing Office there are more than 7,000.
- To the best of our knowledge, no one uses "Twenty" as a first name or "Congress" as a last name.

- The Senate is not a “state or local government,” nor is it a small business. Individual Senate offices are also not small businesses. Even though individual offices are responsible for their own budgets and hire their own personnel, this is no different than other government entities. Even if the Senate could be considered a business, it would be a large one and no large businesses (more than 100 employees) are able to participate in an ACA Exchange until 2017.

We believe that the application submitted to the D.C. HealthLink Exchange may be fraudulent and has been misused as a mechanism to get access to taxpayer money to pay for the health insurance of senators, their staff, and their families.

Senators and their staff are required to take an oath to uphold the Constitution. Americans expect their elected officials, and the people that work for them, to follow the laws they create.

We respectfully ask that your committee investigate the senators and/or staff members that may have broken laws and committed fraud to enable senators, Senate staffers, and their families to purchase health insurance on the District of Columbia’s Small Business Exchange, reveal the names of those that submitted the application, and take appropriate action if laws have been broken.

Sincerely,

Naomi Lopez-Bauman
Healthy Policy Analyst

George Landrith
President, Frontiers of Freedom

David Bozell
President, ForAmerica

Jenny Beth Martin
Co-Founder, Tea Party Patriots

Adam Brandon
CEO, FreedomWorks

Seton Motley
President, Less Government

Thomas Fitton
Judicial Watch

Sean Noble
American Encore

Phil Kerpen,
President, American Commitment

Thomas Schatz
President, Council for Citizens Against
Government Waste

*The views expressed and materials presented represent the views of the signatories and do not necessarily represent the opinion of the organizations listed. Titles and their respective organizations are listed for identification purposes only.

LINKS TO EXHIBITS

A. Heritage Foundation Backgrounder

<http://www.heritage.org/research/reports/2013/08/congress-in-the-obamacare-trap-no-easy-escape>

B. Politico and Hill articles

<http://www.politico.com/story/2013/04/obamacare-exemption-lawmakers-aides-90610.html>

<http://thehill.com/homenews/house/296333-dem-leaders-wont-seek-exemption>

C. Proposed Regulation

<http://www.gpo.gov/fdsys/pkg/FR-2013-08-08/pdf/2013-19222.pdf>

<https://www.opm.gov/retirement-services/publications-forms/benefits-administration-letters/2013/13-204.pdf>

D. Heritage Foundation, The Daily Signal

<http://dailysignal.com/2013/08/07/administration-disregards-the-law-and-gives-special-obamacare-deal-to-congress/>

E. Final Regulation

<http://www.gpo.gov/fdsys/pkg/FR-2013-10-02/pdf/2013-23565.pdf>

<https://www.opm.gov/retirement-services/publications-forms/benefits-administration-letters/2013/13-207.pdf>

F. Vining v Executive Board of DC Health Benefit Exchange Authority

<http://www.judicialwatch.org/wp-content/uploads/2014/10/Vining-v-DC-Health-Benefit-Exchange.pdf>

G. Judicial Watch Press Release

<http://www.judicialwatch.org/press-room/press-releases/d-c-government-concedes-law-not-allow-congress-obtain-obamacare-small-business-exchange/>