

## **Q1. PolitiFact has rated this ad false. Do you agree or disagree and why?**

**The ad is true and well documented. The ad states two major facts: Pryor was the deciding vote for Obamacare, and he voted against a measure to end special subsidies that Congress is receiving.**

Here's an explanation of the two major statements of fact in the ad with supporting evidence:

### **1. Pryor cast the deciding vote for Obamacare**

Without Mark Pryor's vote for Obamacare, the bill would not have become law. All of the votes were critical, since President Obama declined to build bipartisan consensus and instead forced it through on a party-line vote. It required 60 Democratic votes. Had Mark Pryor not voted in favor, the legislation would not have passed. (H.R. 3590, Roll Call Vote #396: Passed 60-39, 12/24/09, Pryor voted Yea.)

The *Arkansas Democrat-Gazette* reported that Pryor's support of the President's health care reform proposal would be "critical to passing a bill in the Senate." "With health-care legislation moving toward consideration by the full House and Senate this fall, members of Arkansas' congressional delegation continue to play key roles in the process. Sens. Blanche Lincoln and Mark Pryor, both Democrats, are regularly named among the handful of moderates whose support will be critical to passing a bill in the Senate." (Jane Fullerton, "Pryor, Lincoln Seen As Key In Passing Health Bill," *Arkansas Democrat-Gazette*, 10/17/09).

Pryor's vote was "key to the outcome of the Senate bill." "Lincoln and Pryor are among the handful of moderate Democrats – along with colleagues such as Evan Bayh of Indiana, Mary Landrieu of Louisiana and Ben Nelson of Nebraska – whose votes will be key to the outcome of the Senate bill." (Jane Fullerton, "Lincoln, Pryor Cautious on Health Bill," *Arkansas Democrat-Gazette*, 10/30/09).

Further, despite Mark Pryor's insistence that Obamacare is not perfect and he would amend it, he has voted against delaying the individual mandate and repealing the device tax (roll call votes [210](#) and [211](#)). This is in spite of the overwhelming failure of the Obamacare exchanges, which highlights why average Americans, just like big businesses, deserve a delay in the law if not outright repeal.

### **2. Pryor votes himself and everyone in Congress special subsidies so they're protected from Obamacare**

By voting to table the amendments (roll call vote [211](#)), Mark Pryor voted *for* special subsidies for his colleagues and his staff that are not available for anyone else. Roll call vote 211 would have required members of Congress and their staff to adhere to Obamacare as it is written, thereby nullifying the OPM ruling.

[Sec. 1312 \(f\)\(2\)\(B\)\(i\)](#) prevents large businesses from contracting for plans on the exchanges until 2017 and does not provide an exception for doing so before that date. Under OPM's rule, members of Congress and their staff will be the only Americans receiving an employer contribution from a large employer on the small business exchange in 2014.

#### **Large employer is not authorized to make a premium contribution to plans purchased on the exchanges**

Sec. 1312 (d)(3)(D)(i) requires the purchase of health care plans by Congress from the exchanges. These plans are created under 42 U.S.C. § 18032, not 5 U.S.C § 8906, under which section OPM has the authority to subsidize coverage (and subsidies are limited to 5 U.S.C. plans).

Further, Sec. 1312 (f)(2)(B)(i) implicitly prohibits large employers from participating in the business exchanges until 2017 ("*Beginning in 2017, each State may allow issuers of health insurance coverage in the large group market in the State to offer qualified health plans in such market through an Exchange.*")

#### **Individual "subsidies" are tax credits, administered through the tax code.**

First, Sec. 1401 (the section addressing the tax credits) explicitly states they will be administered through the tax code ("*there shall be allowed as a credit against the tax imposed by this subtitle for any taxable year an amount equal to the premium assistance credit amount of the taxpayer for the taxable year*").

Further, Sec. 1401 (c)(1)(A) establishes the levels at which these "subsidies" are allowed; stating "*The term 'applicable taxpayer' means, with respect to any taxable year, a taxpayer whose household income for the taxable year exceeds 100 percent but does not exceed 400 percent of an amount equal to the poverty line for a family of the size involved.*" That works out to approximately \$45,000 for an individual, or \$94,200 for a family of 4.

Finally, individuals receiving payments under this code cannot be receiving health coverage from their employer, as stated by Sec. 1401 (c)(2)(C) and the subsequent clauses.

CNN "fact checkers" could not rule the Obamacare exemption "false," calling it "in dispute."  
<http://politicalticker.blogs.cnn.com/2013/10/09/fact-check-did-president-obama-exempt-members-of-congress-from-obamacare/>

Further, here's what some others have said about PolitiFact:

"...it appears the sport of choice is game hunting and the game is elephants."-Eric Ostermeier (@smartpolitics)

"...part of a larger journalistic trend that seeks to recast all political debates as a matter of lies, misinformation and 'facts' rather than differences of world view or politics." PolitiFiction (editorial), The Wall Street Journal, December 23, 2010  
<http://online.wsj.com/article/SB10001424052748703886904576031630593433102.html>

"While there's been little examination of the broader phenomenon of media fact checking, the University of Minnesota Humphrey School of Public Affairs recently took a close look at PolitiFact. Here's what they found:

*A Smart Politics content analysis of more than 500 PolitiFact stories from January 2010 through January 2011 finds that current and former Republican officeholders have been assigned substantially harsher grades by the news organization than their Democratic counterparts. In total, 74 of the 98 statements by political figures judged "false" or "pants on fire" over the last 13 months were given to Republicans, or 76 percent, compared to just 22 statements for Democrats (22 percent).*

You can believe that Republicans lie more than three times as often as Democrats. Or you can believe that, at a minimum, PolitiFact is engaging in a great deal of selection bias, to say nothing of pushing tendentious arguments of its own."  
("Lies, Damned Lies, and 'Fact Checking', Mark Hemingway, *The Weekly Standard*, Dec. 19, 2011)  
Link: [http://www.weeklystandard.com/articles/lies-damned-lies-and-fact-checking\\_611854.html?nopager=1](http://www.weeklystandard.com/articles/lies-damned-lies-and-fact-checking_611854.html?nopager=1)

**Q2. The Pryor campaign is going to call on you to pull this ad from rotation. Will you? Why or why not?**

**We will not, because the ad is true and well documented. In fact, we are considering extending our buy.**