

RAÚL M. GRIJALVA  
7TH DISTRICT OF ARIZONA

COMMITTEE ON NATURAL RESOURCES  
Subcommittee on Water and Power  
Subcommittee on Parks, Forests and  
Public Lands – *Ranking Member*

COMMITTEE ON EDUCATION AND THE WORKFORCE  
Subcommittee on Early Childhood,  
Elementary and Secondary Education  
Subcommittee on Higher Education and  
Workforce Training

CONGRESSIONAL PROGRESSIVE CAUCUS,  
Co-Chair



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0307**

June 12, 2012

1511 Longworth HOB  
Washington, DC 20515  
Phone: (202) 225-2435  
Fax: (202) 225-1541

District Offices:  
738 N. 5<sup>th</sup> Avenue, Suite 110  
Tucson, AZ 85705  
Phone: (520) 622-6788  
Fax: (520) 622-0198

201 Bingham Avenue, Suite 2  
P.O. Box 4105  
Somerton, AZ 85350  
Phone: (928) 343-7933  
Fax: (928) 343-7949

<http://grijalva.house.gov/>

Dan Danner  
President, National Federation of Independent Business  
53 Century Blvd., Suite 250  
Nashville, TN 37214

Dear Mr. Danner,

We write to express concern about how small business owners are being represented before the Supreme Court in *National Federation of Independent Business v. Sebelius*, the legal challenge to the Affordable Care Act. We are concerned that the lawsuit is being funded by large corporate interests that do not speak for the American people.

Questions about NFIB's funding and membership were raised as far back as 2009 by the *New York Times*.<sup>1</sup> We believe the financial ties of the NFIB to corporate-funded political activist groups such as Crossroads GPS – whose parent organization, American Crossroads, counts Karl Rove as an adviser and whose president, Steven Law, was formerly general counsel at the U.S. Chamber of Commerce – call into question the NFIB's role in speaking for small business interests. Given recent disclosures about your finances and those of other groups, we are writing to ask who is funding your lawsuit and other legal and political operations.

Why is NFIB the lead plaintiff in a lawsuit that, if found in your favor, would thrust small business owners back into the ineffective system of skyrocketing rates and low-quality coverage? This is not in the best interest of small business owners, and it does not reflect the popular opinion of the American small business community. As CBS News recently reported, while you continue to argue the law will hurt small businesses, "Other small business groups argue the opposite, claiming that the law is already lowering costs, expanding firms' insurance options, and easing the process of arranging coverage."<sup>2</sup>

This leads us to ask who the NFIB represents.

A recent 990 filing with the Internal Revenue Service by the 501(c)(4) Crossroads GPS shows that NFIB received a \$3.7 million grant from the group in 2010. Out of a dozen grants disclosed

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<sup>1</sup> Robb Mendelbaum, "Whom Does the N.F.I.B. Represent (Besides Its Members)?" *New York Times*, August 26, 2009.

<sup>2</sup> Alain Sherter, "Small Business Owners Mixed Over Health Care Law," *CBS News*, March 29, 2012.

by Crossroads GPS in this filing, NFIB's was second in size only to a \$4 million grant to Americans for Tax Reform and was larger than eight of the other grants combined.

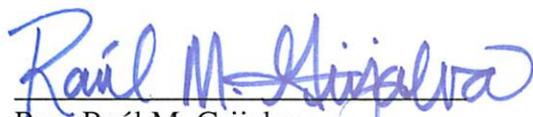
This financial support from Crossroads GPS raises serious questions that small business owners, Congress, the Supreme Court, and the American public deserve to have answered before the Court rules on the challenge to the Affordable Care Act. Accordingly, we ask you to respond to the following requests for documents and answers to questions.

1. Please explain why Crossroads provided NFIB with a \$3.7 million donation and how that money was used. Please provide pertinent records.
2. Please report all donors to NFIB over the past three years. For each year please provide the donor names and donation amounts.
3. Please provide the members of NFIB during the past three years. For each member, please provide the following:
  - a. Name of member;
  - b. Name of member's company; and
  - c. Membership fees, dues, or donations.

Please follow up with Brad Bauman, executive director of the Congressional Progressive Caucus, at [brad.bauman@mail.house.gov](mailto:brad.bauman@mail.house.gov) or (202) 225-2435.

We thank you for your time and attention to this matter. We and the American small business community look forward to clarity on these important issues. Please provide all requested information no later than June 22.

Very sincerely,

  
Rep. Raúl M. Grijalva  
Co-Chair, Congressional Progressive Caucus

  
Rep. Keith Ellison  
Co-Chair, Congressional Progressive Caucus