

# START OVER!

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March 28, 2011

Honorable Kay Bailey Hutchison  
United States Senate  
Washington, DC 20510

Dear Senator Hutchison:

It is our understanding you intend to offer an amendment (Amendment #197, *Save Our States Act*) to S. 493, *SBIR/STTR Reauthorization Act of 2011* to suspend further implementation of the *Affordable Care Act* (PL 111-148 and relevant provisions of PL 111-152). We write on behalf of Start Over!, a coalition of more than 250 trade associations representing employers of all sizes, across the entire U.S. economy, to express strong support for this amendment.

As you know, the constitutionality of the *Affordable Care Act* (ACA) is now the subject of considerable litigation before the Federal courts. To date, the U.S. District Court for the Eastern District of Virginia, ruling in *Virginia v. Sebelius*, and the U.S. District Court for the Northern District of Florida, ruling in *Florida et al v. U.S. Department of Health and Human Services*, have ruled the “individual mandate” in the ACA unconstitutional, and the latter went on to rule that the “individual mandate” is *not* severable from the rest of the ACA thus voiding the *entire* statute. Three other Federal district courts in the District of Columbia, Michigan and Virginia have upheld the constitutionality of the ACA. It is a virtual certainty that the constitutional issues in controversy in the ACA will ultimately be resolved by the U.S. Supreme Court.

The timing and outcome of the legal process in this matter is speculative at best. What is currently certain, however, is that the Federal government is continuing to implement the ACA at considerable cost to the taxpayers. If the Northern District of Florida court’s decision is upheld, State governments which have proceeded with implementation facing considerable risks if they do not do so, will have needlessly expended considerable sums of their taxpayers’ money. It is no small matter that employers find themselves similarly and expensively caught between a judicial ruling that invalidates the ACA and an Administration in Washington, DC that insists on plowing ahead with implementation as though this matter had never arisen.

(continued)

*March 28, 2011*

Under the present circumstances we believe it is simply prudent to impose a moratorium on further implementation of the ACA until such time as the pending litigation is brought to its conclusion. This is exactly what the Hutchison Amendment would accomplish.

On behalf of Start Over! we applaud your sponsorship of this amendment, urge all Senators to vote for it, and thank you for your leadership.

Sincerely,

**THE STARTOVER! COALITION MANAGEMENT COMMITTEE:**



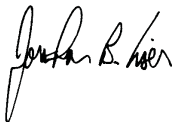
Geoffrey Burr, Vice President-Government Affairs  
Associated Builders and Contractors



Stephen E. Sandherr, Chief Executive Officer  
Associated General Contractors



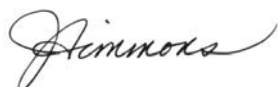
Steve Hinton, Political Affairs Director  
Independent Electrical Contractors



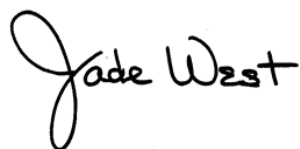
Jon Eisen, Senior Vice President-Government Relations  
International Foodservice Distributors Association



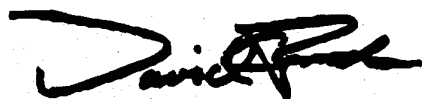
Stephen J. Caldeira, President & Chief Executive Officer  
International Franchise Association



Jay Timmons, President  
National Association of Manufacturers



Jade West, Senior Vice President-Government Relations  
National Association of Wholesaler-Distributors



David French, Senior Vice President-Government Relations  
National Retail Federation



Karen Kerrigan, President & CEO  
Small Business & Entrepreneurship Council



R. Bruce Josten, Executive Vice President-Government Affairs  
U.S. Chamber of Commerce