



September 28, 2010

Dear Senator:

On behalf of the National Federation of Independent Business (NFIB), the nation's leading small business advocacy organization, I am writing in support of S.J. Res 39, the Enzi disapproval resolution regarding the Interim Final Rule on grandfathered plans under the Patient Protection and Affordable Care Act (PPACA). **The vote in support of the motion to proceed to S.J. Res 39 will be considered an NFIB Key Vote for the 111th Congress.**

NFIB believes the Administration has overstepped its legal authority under PPACA in writing regulations that go beyond the legislative authority embedded in the statute. A strict reading of Section 1251 in the Act clearly outlines what defines a grandfathered plan. However, through its Interim Final Rule the government inappropriately reinterprets the intent of Congress by narrowing the scope of how plans qualify to retain grandfathered status.

The Interim Final Rule appears to be based on an assumption that coverage choices should be narrowed in the run up to 2014. Nothing in the statutory language of the PPACA supports this assumption. In fact, interpreting the PPACA so that it *narrows* the range of coverage choices is inconsistent with the spirit of the Act, as well as the letter of the law.

If Congress is unable to overturn the Interim Final Rule, NFIB remains deeply concerned that the new regulations will most heavily impact small, rather than large businesses. As written, the Interim Final Rule is so restrictive that the rule provides small businesses with little to no flexibility to keep their plan.

The precedent set forth by this Interim Final Rule is especially detrimental for the men and women who currently have coverage through small businesses. Millions of Americans rely on small business plans for their health coverage, and must continue to rely on those plans until at least 2014 when new purchasing options become available. However, if the Interim Final Rule is not overturned, the government's own analysis confirms what many small businesses fear most - that upwards of 80 percent of small employers could lose the plan they have today by 2013.

NFIB strongly supports the Enzi resolution of disapproval. As the 111th Congress comes to a close, Congress must restore the true meaning of "if you like what you have today, you can keep it." If required to comply with the Administration's Interim Final Rule, millions of small businesses will be forced out of the plans they know and like.

Sincerely,

A handwritten signature in black ink that reads "Susan Eckerly". The signature is fluid and cursive.

Susan Eckerly
Senior Vice President
Public Policy