



January 27, 2015

The Honorable Robert P. Casey, Jr.
United States Senator
393 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Casey:

Thank you for your letter. I've been watching the debate around the Supreme Court case with interest.

As you may recall, during debate of the Affordable Care Act, I objected to the House of Representatives proposal to have a single federally-run exchange, and advocated instead for flexibility to the states to establish state-based exchanges with a federal exchange as a backup if a state was either unable or unwilling to create an exchange. My objection to the House proposal was based on my perspective as a former Governor and insurance commissioner that states are and should remain the primary regulators of the market, and should be afforded flexibility under the law to tailor the ACA to the unique circumstances, populations, and health insurance markets in each state.

I would add that I am approaching 50 years of experience devoted directly or indirectly to insurance issues, and I'm grateful my colleagues in the Senate heard my concerns, and the final bill reflects this approach. In either scenario – a state or federal exchange – our purpose was clear: to provide states the tools necessary to deliver affordable healthcare to their



citizens, and clearly the subsidies are a critical component of that effort regardless of which exchange type a state chooses. I *always* believed that tax credits should be available in all 50 states regardless of who built the exchange, and the final law also reflects that belief as well.

Best regards,

E. Benjamin Nelson
United States Senator (Ret.-NE)

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