



OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

TERRY GODDARD
ATTORNEY GENERAL

January 8, 2010

The Honorable Janice K. Brewer
Governor of Arizona
Executive Tower, Ninth Floor
1700 West Washington
Phoenix, Arizona 85007

Dear Governor Brewer:

I received your letter of January 6, 2010, which was a follow up to your December 31, 2009 letter related to the so-called "Nebraska Compromise" in the health care legislation being considered by Congress. Picking up on your suggestion that we work together to achieve a successful result for Arizona, I have drafted the enclosed letter to the State's Congressional delegation, which I believe we both should sign in an effort to strip the Nebraska provision from the bill.

Please understand that to the extent your letters to me have sought formal legal action, any such action remains premature and would be ill-advised. Nobody, even a state attorney general, has standing to challenge legislation that has not been passed by Congress and signed into law by the President. Accordingly, legal action at this stage in the lawmaking process would be frivolous and could even subject the State to legal sanctions.

On the other hand, a joint effort by your office and mine may indeed be effective in removing the Nebraska provision from the final health care legislation. I hope you will join me in signing the enclosed letter.

Sincerely,

A handwritten signature in black ink that reads "Terry Goddard".

Terry Goddard
Attorney General

PROTECTING ARIZONA



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STATE OF ARIZONA

TERRY GODDARD
ATTORNEY GENERAL

January 8, 2010

The Honorable John McCain
United States Senate
241 Russell Senate Office Building
Washington, D.C. 20510-0303

The Honorable Jon Kyl
United States Senate
730 Hart Senate Office Building
Washington, D.C. 20510-0304

The Honorable Ann Kirkpatrick
United States House of Representatives
1123 Longworth House Office Building
Washington, D.C. 20515-0301

The Honorable Trent Franks
United States House of Representatives
2435 Rayburn House Office Building
Washington, D.C. 20515-0302

The Honorable John Shadegg
United States House of Representatives
436 Cannon House Office Building
Washington, D.C. 20515-0303

The Honorable Ed Pastor
United States House of Representatives
2465 Rayburn House Office Building
Washington, D.C. 20515-0304

The Honorable Harry Mitchell
United States House of Representatives
1410 Longworth House Office Building
Washington, D.C. 20515-0305

The Honorable Jeff Flake
United States House of Representatives
240 Cannon House Office Building
Washington, D.C. 20515-0306

The Honorable Raul Grijalva
United States House of Representatives
1440 Longworth House Office Building
Washington, D.C. 20515-0307

The Honorable Gabrielle Giffords
United States House of Representatives
1728 Longworth House Office Building
Washington, D.C. 20515-0308

Dear Senators and Representatives:

As state public officials and leaders of our respective political parties, we do not always agree on all issues affecting Arizona. One issue on which we are in full agreement, however, relates to the inclusion of the now infamous "Nebraska Compromise" in the Senate version of the Patient Protection and Affordable Care Act (HR 3590). That provision, which amounts to nothing more than a sweetheart deal for Nebraska only, is poor public policy and not in the best interest of Arizona or the nation.

Indeed, the Nebraska Compromise would operate to the disadvantage of every state and territory other than Nebraska. Arizonans and other U.S. taxpayers would be forced to pay for the proposed special benefit to Nebraskans only. That burden would be fundamentally unfair.

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The Nebraska Compromise also appears to have been achieved without public input. We strongly support transparency in lawmaking and believe that legislation that is subject to open deliberations and public comment will yield better public policy.

We request that the Nebraska Compromise be stripped from HR 3590 and not appear in any other related legislation. We stand ready to work with you in a bipartisan manner to help achieve this important result.

Sincerely,

Janice K. Brewer
Governor

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Goddard". The signature is fluid and cursive, with a large initial "T" and "G".

Terry Goddard
Attorney General