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July 29, 2014

Lyle W. Cayce  
Clerk, U.S. Court of Appeals  
for the Fifth Circuit  
600 S. Maestri Place  
New Orleans, LA 70130-3408

Re: *Hotze v. Burwell*, No. 14-20039 (5th Cir.)

Dear Mr. Cayce:

Pursuant to FRAP 28(j), we respectfully advise the Court of the D.C. Circuit's decision in *Sissel v. HHS*, \_\_\_ F.3d \_\_\_, 2014 WL 3714701 (July 29, 2014), which, like this case, presented an Origination Clause challenge to 26 U.S.C. § 5000A. After determining that Mr. Sissel had standing to challenge Section 5000A, the D.C. Circuit rejected his claim on the merits in an unanimous decision. The D.C. Circuit held that Section 5000A is not a "Bill[] for raising Revenue" within the meaning of the Origination Clause because its "primary purpose 'plainly' was *not* to raise revenue." *Id.* at \*8 (quoting *NFIB v. Sebelius*, 132 S. Ct. 2566, 2596 (2012)).

Sincerely,

s/ Alisa B. Klein

Alisa B. Klein  
Counsel for the Appellees

**CERTIFICATE OF SERVICE**

I hereby certify that on July 29, 2014, I electronically filed the foregoing letter with the Clerk of the Court by using the appellate CM/ECF system. Counsel of record are registered CM/ECF users.

*s/ Alisa B. Klein*  
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ALISA B. KLEIN