

Congress of the United States
Washington, DC 20515

March 19, 2007

The Honorable Michael O. Leavitt
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Leavitt:

We are writing to request that you withdraw proposed rule CMS-2258-P, which was published on January 18, 2007. We also request that this letter be included in the record of public comments on this proposed rule. The proposal would, among other things, threaten the capacity of safety net hospitals to deliver critical but unprofitable services that benefit entire communities, such as trauma centers, burn units, and emergency departments. In our opinion, by proposing this rule, the Centers for Medicare & Medicaid Services (CMS) exceeded its statutory authority and ignored the direct opposition of a majority of Congress.

Your proposal would fundamentally change current financing and payment arrangements in many state Medicaid programs. By your own estimates, this would result in the loss of at least \$3.8 billion in the federal share of Medicaid payments to safety net providers over the next five years. As you know, Congress has in the past rejected, on a bipartisan basis, repeated efforts by the Administration to amend the Medicaid statute to make these changes, including proposals in the President's FY 2005 and FY 2006 budget requests. You now propose to make these fundamental changes by administrative action. You have neither the statutory authority nor the Congressional support to do so.

In addition, we are highly concerned about the timing of this proposed rule. U.S. hospitals are already diverting more than 1/2 million ambulances per year due to facility crowding. Our Nation remains at risk of terrorist attacks, and we are currently expending considerable federal, state and local resources preparing for a possible onslaught of avian flu.

Under these circumstances, we question the wisdom of a policy change that will withdraw large amounts of federal and state Medicaid funds from institutions that play an essential part of the health care systems of our nation's largest and most strategic cities. Doing so will inevitably compromise vital emergency and trauma care capacity.

We urge you to withdraw the proposed rule.

Sincerely,

Henry Waxman

Janet Walsh

Jan Schatz

John Rostenkowski

Charles B. Rangel

Richard M. Daley

Jackie Speer

Henry Hyde

Jim Hahn

Kendrick Meade

Al Swift

Earl Blumenauer

Zoe Lofgren

Carolyn McCarthy

Jim Thornstel

Hayd Duggitt

Mary Bono

John Dingell

Chime E. Watson

Paul Lewis

Joe Courtney

Doris Matsui

Ken Calvert

George Miller

Al Kutt

Ray School

C. A. Dutch Rappenburg

Daniel Lipinski

Coli C. Felen

John Anderson

Janet Hillard or Small

May Ruth

Rene Taylor

Lynn Woolsey

Hedra Ellin

Margie K. Hinn

Sarah Love

Paul Smith

Nicole E. Coppen

Ausan A. Davis

Robert B. Aderholt

Alice V. Hartley

~~Gregory W. White~~

Laurie M. Slaughter

Howard Coble

Law D. Pody

Wynne J. Schwartz

Howard A. Berman

Jim McDemitt

Lois Capps

Phil Hare

Robt Emanuel

Jason Altmire

Pat Bradley

Kandy Hill

Grace J. Napolitano

Michael W. Bond

Chafetz

Linda J. Sachs

Elmer

Alan Cox

Sam Brown

Sam Farr

Heldrick

Raul M. Grijalva

Tommy Luken

Strom Thurmond

Sam Brown

Betty McCollum

Betty Sutton

Barton Lee

Denise J. Kucinski

~~Steve R.~~

Wanda K. Kucinski

Bob Fisher

Tom Bruce

Bobby R. Rush

Joseph C. Kucinski

Jane Harman

Janet W. Kucinski

Maie Watts

Gene Kucinski

Carolyn J.

Lucille K. Kucinski

Danielle D.

Eric L. Engel

Dan K. Davis

Ed Markey

Jerry Lewis

Allie Jones

P. J. King

John W. Oliver

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Tom Allen

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John M. McPhy

George Radanovich

Art Edwards

Steven N. Roth

Marilyn Berry

Barry Gordon

Corinne Brewer

Nita M. Lowery

Jerrold Nadler

Harry E. Mitchell

Paul W. Bishop

Dana O'Keefe

Mike McDermott

James P. Schmitt

Leo Trause

Mike Shroyer

Kevin Brady

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Henry Cuellar

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Jim

Chris

Ed Perlmutter

David Scott

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Pete Stark

Pat

Melissa L. Bean

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Thomas Price

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Stephane Forest

Maal Udaal

Chris Van Goller

Loetta Sanchez

Heather Zil

Russ Candace

Jabille Piffels

Stephen D. Lynch

Thomson Goulds

Yvette W. Clarke

Vito J. Jurek