

**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

R. D. Munn

Justin Olin

Henry Boyda

Jim Vatt

Konrad G. McA...

N.

Earl Blumenauer

Zoe Lofgren

Carolyn McCarthy

Jim Thornstun

Hayd Doggett

Mary Bono

W. J. ...

Chime E. Watson

Paul ...

Joe Courtney

Doris Matsui

Ken Calvert

George Miller

Walt

Ray School  
C.A. Dutch Rappenburg

Daniel Lipinski

~~Coli C. Felen~~

John G. ...

~~James ...~~

May ...

Rene Taylor

Lynn Woolsey

Hedra Ellin

Margie K. ...

Sandy ...

Paul Smith

Nicole ...

Auson A. Davis

Robert B. Aderholt

Alice ...

~~Gregory ...~~

Louise M. Slaughter

Howard Coble

Law D. ...

Myron J. Schwantz

Linda J. Sack

Howard A. Berman

Elaine

Jim McDemitt

Alan Cox

Lois Capps

Sam Bunn

Phil Ware

Sam Farr

Robin Emanuel

Hilda L. Lisk

Jason Altmire

Raul M. Grijalva

~~Bob Altmire~~

For 7 Soluyan

Kandy Kuhl

Stewart Pearce

Grace J. Napolitano

Emmanuel

Michael W. Bond

Billy Mollen

Chap Shays

Betty Sutton

Barker Lee

Pennington Kinnick

~~Art R.~~

Warrant Dwyer

Bob Fisher

Tom Bruce

Bobby Rush

Joseph [unclear]

Jane Harman

Janet Wadd

Maie Watts

Gene Allen

Carol Dwyer

Luella Lybub Alford

Hank Pinn

Eric L. Engel

Dan K Davis

Ed Markey

Jerry Lewis

Allie Jones

Pat J. [unclear]

John W. Oliver

[unclear]

Tom Allen

Ben Cameron

Rip Boucher

Deanna Ross - Lehtinen

Rale Skidde

William M. Mitty

Joe E. Owens

Donald A. Mangullo

Gay L. Ackman

Rosa L. DeLaura

John M. Mitty

George Radanovich

Art Edwards

Steven N. Roth

Marie Berney

Bart Gordon

Corinne Brown

Nita M. Lowery

Jerrold Nadler

Harry E. Mitchell

Danford W. Bishop

Dana White

Mike Michty

Tom P. Elden

Caro Bause

Mike Thompson

Kevin Brady

Kathy Castor

John A

Bob A

Henry Cuellar

Joe Manly

Jim

Chris M

Ed Perlmutter

Dave Scott

Alan

Pete Stark

Pat Keen

Melissa L. Bean

Mia Bogn

Michael A. C

John Lewis

Shelley Berkley

Jim McGovern

Chris P. Carney

Thomas Price

Bob A

Bob A

Stanford

Walden

Chris Van Gollen

Loetta Sanchez

Heather Zil

Rum Candace

Jabille Tijels



Stephen D. Lynch      Thomson Goulds

Yvette W. Clarke      Vito Jankovic

Blank lined writing area consisting of multiple horizontal lines.