

APPENDIX

Exhibits

<u>Exhibit No.</u>	<u>Title</u>
1.	Timeline of Rule and Congressional Action
2.	Sen. Rep. No. 96-471 (1979) (excerpt).
3.	Sen. Rep. No. 97-139 (1981) (excerpt).
4.	H.R. Rep. No. 97-158 (1981) (excerpt).
5.	H.R. Rep. No. 105-149 (1997) (excerpt).
6.	U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act of 2007, H.R.1591, 110th Cong. § 2705 (March 29, 2007) (Engrossed Amendment as Agreed to by Senate) (excerpt).
7.	H.R. Conf. Rep. No. 110-107, § 6002 (April 24, 2007) (excerpt).
8.	H.R. 1591, 110th Cong., § 6002 (2007) (excerpt).
9.	153 Cong. Rec. H4315-01 (daily ed. May 2, 2007) (Statement of President Bush).
10.	153 Cong. Rec. S6795-01 (daily ed. May 24, 2007).
11.	U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, Pub. L. No. 110-28, § 7002(a), 121 Stat. 112 (2007) (excerpt).
12.	Budget of the United States Government, Fiscal Year 2005 (excerpt).
13.	Budget of the United States Government, Fiscal Year 2006 (excerpt).
14.	Budget of the United States Government, Fiscal Year 2007 (excerpt).
15.	Department of Health and Human Services Budget in Brief, Fiscal Year 2008 (excerpt).
16.	<i>Cost Limit for Providers Operated by Units of Government and Provisions To Ensure the Integrity of Federal-State Financial Partnership</i> , Proposed Rule, 72 Fed. Reg. 2236 (Jan. 18, 2007).
17.	<i>Cost Limit for Providers Operated by Units of Government and Provisions To Ensure the Integrity of Federal-State Financial Partnership</i> , Final Rule, 72 Fed. Reg. 29748 (May 29, 2007).

18. Congressional Budget Office, *Nonprofit Hospitals and the Provision of Community Benefits*, Dec. 2006.
19. MedPAC, Rep. to the Congress on Medicare Payment Policy. (Mar. 2007).
20. Committee on Oversight and Government Reform, *The Administration's Medicaid Regulations: State-by-State Impacts*, March 2008.
21. Letter from Sec. Michael O. Leavitt, Secretary of CMS, to the Honorable J. Dennis Hastert, Speaker of the House of Representatives (Aug. 5, 2005).
22. Letter from Daniel R. Levinson, Inspector General to Mark B. McClellan, CMS Administrator (Mar. 16, 2006).
23. Letter from Leslie Norwalk to Sens. Max Baucus and Charles Grassley (Mar. 27, 2007).
24. Comment Letter from Carol A. Herrmann-Steckel, Commission Alabama Medicaid Agency to Leslie V. Norwalk (Jul. 10, 2007).
25. Declaration of Christine Capito Burch, Executive Director of National Association of Public Hospitals and Health Systems ("NAPH").
 - A. Letter from Sens. Jeff Bingaman, Elizabeth Dole, *et al.*, to Senate Finance, Energy & Commerce and Ways & Means Committees (December 12, 2007).
 - B. Letter from Sens. Richard Durbin, Elizabeth Dole, *et al.*, to Senate Finance Committee (Feb. 15, 2007).
 - C. Letter from Representatives Ann Eshoo, Peter King, *et al.*, to Energy & Commerce and Ways & Means Committees (February 26, 2007).
 - D. Comment Letter to Proposed Rule from NAPH to Acting Administrator Leslie Norwalk (Mar. 8, 2007).
 - E. Letter from Representatives Gene Green, Michael Burgess, *et al.*, to Sec. Michael Leavitt (Mar. 8, 2007).
 - F. Letter from Chairman John Dingell, *et al.*, to Sec. Michael Leavitt (Mar. 12, 2007).
 - G. Letter from Sens. John Rockefeller, Gordon Smith, *et al.*, to Sec. Michael Leavitt (Mar. 16, 2007).
 - H. Letter from Rep. Henry Waxman, *et al.*, to Sec. Michael O. Leavitt (Mar. 19, 2007).

- I. Comment Letter to Final Rule from NAPH to Acting Administrator Leslie Norwalk (Jul. 13, 2007).
26. Declaration of Melinda Reid Hatton, Senior Vice President and General Counsel of the American Hospital Association (“AHA”).
- A. Comment Letter to Proposed Rule from AHA to Acting Administrator Leslie Norwalk (Mar. 15, 2007).
 - B. Comment Letter to Final Rule from AHA to Acting Administrator Leslie Norwalk (Jul. 13, 2007).
27. Declaration of Ivy Baer, Regulatory Counsel of the Association of American Medical Colleges (“AAMC”).
- A. Comment Letter to Proposed Rule from AAMC to Acting Administrator Leslie Norwalk (Mar. 19, 2007).
 - B. Comment Letter to Final Rule from AAMC to Acting Administrator Leslie Norwalk (Jul. 13, 2007).
28. Declaration of Lawrence A. McAndrews, President and Chief Executive Officer of the National Association of Children’s Hospitals (“N.A.C.H.”).
- A. Comment Letter to Proposed Rule from N.A.C.H. to Acting Administrator Leslie Norwalk (Mar. 12, 2007).
29. Declaration of Wright Lassiter, Chief Executive Officer of Alameda County Medical Center.
- A. Comment Letter to Proposed Rule from Alameda County Medical Center to Acting Administrator Leslie Norwalk (Mar. 16, 2007).
 - B. Comment Letter to Final Rule from Alameda County Medical Center to Acting Administrator Leslie Norwalk (Jul. 13, 2007).
30. Declaration of Patrick R. Wardell, President and Chief Executive Officer of Hurley Medical Center.
- A. Comment Letter to Final Rule from Hurley Medical Center to Acting Administrator Leslie Norwalk (Jul. 13, 2007).
 - B. Letter from the IRS to Hurley Medical Center (Oct. 18, 1995).
 - C. Michigan Sales and Use Tax Certificate of Exemption
31. Declaration of James R. Nathan, President and Chief Executive Officer of Lee Memorial Health System.

- A. Comment Letter to Final Rule from Lee Memorial Health System to Acting Administrator Leslie Norwalk (Mar. 16, 2007).
 - B. Comment Letter to Proposed Rule from Lee Memorial Health System to Acting Administrator Leslie Norwalk (Jul. 18, 2007).
32. Declaration of Peter Rapp, Executive Vice President of Oregon Health & Science University.
- A. Comment Letter to Proposed Rule from Oregon Health & Science University to Acting Administrator Leslie Norwalk (Mar. 7, 2007).
 - B. Comment Letter to Final Rule from Oregon Health & Science University to Acting Administrator Leslie Norwalk (Jul. 13, 2007).
33. Declaration of James N. Valenti, Chief Executive Officer of R.E. Thomason General Hospital.
- A. Resolution of the Board of Managers of the El Paso County Hospital District Opposing Proposed Medicaid Rule (Mar. 13, 2007).
 - B. Comment Letter to Proposed Rule from Thomason General Hospital to Acting Administrator Leslie Norwalk (Mar. 19, 2007).
34. Declaration of Bruce Schroffel, President and Chief Executive Officer of University of Colorado Hospital Authority.
- A. Comment Letter to Proposed Rule from University of Colorado Hospital to Acting Administrator Leslie Norwalk (Mar. 19, 2007).
 - B. Comment Letter to Final Rule from University of Colorado Hospital to Acting Administrator Leslie Norwalk (Jul. 13, 2007).
35. Declaration of David Entwistle, Chief Executive Officer of the University of Utah Hospitals and Clinics.
- A. Comment Letter to the Proposed Rule from A. Lorris Betz and David Entwistle to Acting Administrator Leslie Norwalk (Mar. 16, 2007).