

members and their families live in housing the Navy obtained when Ft. Sheridan and Naval Air Station Glenview, located well away from North Chicago, were closed in the 1990's. These former bases are located within the boundaries of other school districts—districts that bear the economic cost of educating children from a base, but receive none of the economic benefits a base provides. Thus, it is vitally important that we both ensure North Chicago continues to receive heavily impacted payments for the benefit of students living there, and that the surrounding communities are more fairly compensated for their loss of property taxes.

Mr. Speaker, we cannot abdicate our responsibility towards our military families. I have already introduced a bill this Congress, H.R. 390, the Government Reservation Accelerated Development for Education Act (GRADE-A), to fully fund the Impact Aid program. However, the situation in my district warrants special attention. In order to ensure that our students most in need continue to receive necessary resources, I have introduced a new bill to help North Chicago remain qualified for heavily impacted payments, and Glenview and Highland Park receive fair compensation.

By passing this bill, the federal government will be fulfilling its responsibility to these communities, and giving our military families the support they deserve. I urge the local communities to continue to work to come to an agreement that most importantly, takes care of our students.

TRIBUTE TO MINNESOTA NATIONAL GUARD'S 1ST BRIGADE COMBAT TEAM

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. KENNEDY of Minnesota. Mr. Speaker, I express today my strong support and appreciation for the 2,600 soldiers of the Minnesota National Guard's 1st Brigade Combat team as they prepare to depart Camp Shelby, Mississippi for Iraq.

As the 1st Brigade heads overseas for their 12 month deployment, we will remember not just their service and sacrifice, but also that each and every one of these soldiers has a family who is also sacrificing for their country's security in the War on Terror.

Today these soldiers and their families are showing us their commitment to their Nation's security and safety.

Let us make sure we show them ours by giving them the tools and support they need to do their jobs and return home quickly and safely.

As these brave soldiers depart over St. Patrick's day, may all our prayers and the luck of the Irish be with them. May they come home safely.

HONORING MS. KATHY ALJOE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. BURGESS. Mr. Speaker, I rise today to honor the service and commitment of Ms. Kathy Aljoe of Flower Mound, Texas. Ms. Aljoe's zealous and passionate spirit towards community service warrants recognition. Recently, she retired as the town's longest-tenured employee after 31 years of service.

Kathy Aljoe started working for the City of Flower Mound on July 16, 1975 as an administrative assistant to the town manager. When Ms. Aljoe started working for Flower Mound, she was one of only seven town employees—Flower Mound only had 1,600 residents. The town now has grown to 62,000 residents, and Kathy has had her hand in many parts of the development throughout her career, in particular with the planning services division. Ms. Aljoe's work has been so influential, that the Town of Flower Mound has announced February 24th as Kathy Aljoe Day.

Mr. Speaker, it is with great honor that I stand here today to recognize Ms. Kathy Aljoe, who has dedicated her career to her community. Ms. Aljoe's admirable commitment to the Town of Flower Mound is greatly appreciated. I am honored to represent her in Congress, and I hope that others will follow in her steps of service to their community.

TENNESSEE CONGRESSIONAL DELEGATION LETTERS TO ATTORNEY GENERAL ALBERTO GONZALES

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. COOPER. Mr. Speaker, I would like to insert into the RECORD letters that the entire Tennessee Congressional Delegation recently sent to Alberto Gonzales, Attorney General of the United States and Michael O. Leavitt, Secretary of the Department of Health and Human Services. These letters discuss the case of *Cookeville v. Thompson* and Section 5002 of the Deficit Reduction Act of 2005. The U.S. District Court decision in this case awarded 15 Tennessee hospitals up to \$100 million in Medicare Disproportionate Share Hospital payments.

CONGRESS OF THE UNITED STATES,
Washington, DC, March 10, 2006.

Hon. ALBERTO GONZALES,
Department of Justice,
Washington, DC.

DEAR ATTORNEY GENERAL GONZALES: We are writing to express our deep concern regarding the recent Motion filed by the Department of Health and Human Services (HHS) to alter the judgment in the case of *Cookeville v. Thompson* based on Section 5002 of the Deficit Reduction Act of 2005 (DRA). As you will recall, the U.S. District Court decision in this case awarded 15 Tennessee hospitals up to \$100 million in Medicare Disproportionate Share Hospital (DSH) payments.

The U.S. District Court's ruling, which is now being challenged, was based on its rejection of the Centers for Medicare and Med-

icaid Services (CMS) DSH policy as a violation of the Medicare statute. In CMS' 2000 policy statement announcing the inclusion of certain expansion population individuals in the DSH formula, CMS stated that these individuals would only be included in the DSH calculation prospectively. Hospitals challenged the prospective nature of the policy and were awarded compensation for patients treated prior to 2000.

At the recommendation of CMS, Congress included a provision in the DRA ratifying the 2000 policy and its prospective application. Tennessee hospitals expressed concern that court decisions directing CMS to pay retroactively could be appealed with the new law. During the reconciliation process, however, CMS continually assured Congressional staff verbally, and by electronic communication, that hospitals which had been successful in litigation would still receive payment. CMS asserted that the new provision would not affect decided cases and would only be applied prospectively.

In its Motion, however, HHS cites the DRA as support for the reversal of the *Cookeville* decision. There is no mention that the regulation should only apply prospectively. In fact, HHS' position suggests that recalculation of the DSH formula should not have been required. Congress intended that this provision would only be used prospectively. Thus, hospitals that had been successful in litigation prior to passage of the DRA would still receive payment. Considering the argument made by HHS rests upon the DRA, and that it was our understanding that this provision would not be used to appeal decided cases, we request further explanation of what we believe to be a serious miscommunication by CMS.

Thank you for your time and attention. We look forward to your prompt response.

Sincerely,

William H. Frist, M.D., Majority Leader,
United States Senate, Zach Wamp,
John Duncan, Jr., Jim Cooper, Marsha
Blackburn, Harold Ford, Lamar Alexander,
William L. Jenkins, Lincoln Davis,
Bart Gordon, John Tanner, *Members of Congress.*

CONGRESS OF THE UNITED STATES,
Washington, DC, March 10, 2006.

Hon. MICHAEL O. LEAVITT,
Secretary, U.S. Department of Health and
Human Services, Washington, DC.

DEAR SECRETARY LEAVITT: We are writing to express our deep concern regarding the recent Motion filed by the Department of Health and Human Services (HHS) to alter the judgment in the case of *Cookeville v. Thompson* based on Section 5002 of the Deficit Reduction Act of 2005 (DRA). As you will recall, the U.S. District Court decision in this case awarded 15 Tennessee hospitals up to \$100 million in Medicare Disproportionate Share Hospital (DSH) payments.

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