

108TH CONGRESS
2D SESSION

S. 2076

To amend title XI of the Social Security Act to provide direct congressional access to the office of the Chief Actuary in the Centers for Medicare & Medicaid Services.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2004

Mr. BAUCUS introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XI of the Social Security Act to provide direct congressional access to the office of the Chief Actuary in the Centers for Medicare & Medicaid Services.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Congressional Access
5 to the CMS Chief Actuary Act of 2004”.

6 **SEC. 2. DIRECT CONGRESSIONAL ACCESS TO THE OFFICE**
7 **OF THE CHIEF ACTUARY IN THE CENTERS**
8 **FOR MEDICARE & MEDICAID SERVICES.**

9 (a) FINDINGS.—Congress finds the following:

1 (1) In creating the Office of the Actuary in the
2 Health Care Financing Administration (now known
3 as the Centers for Medicare & Medicaid Services)
4 with the enactment of the Balanced Budget Act of
5 1997, Congress intended that the Office would pro-
6 vide independent advice and analysis to assist in the
7 development of health care legislation.

8 (2) While the Congressional Budget Office
9 would continue to serve as the official source for cost
10 estimates for Congress, Congress created the Office
11 of the Actuary in order to have—

12 (A) an additional, independent source for
13 estimates in the development of health care leg-
14 islation; and

15 (B) access to more detailed actuarial data
16 and assumptions related to program participa-
17 tion, payments, and costs.

18 (3) While the joint explanatory statement of the
19 committee of conference contained in the conference
20 report for the Balanced Budget Act of 1997 pro-
21 vided a clear statement of the Congressional intent
22 described in paragraphs (1) and (2), Congressional
23 access to the Office of the Actuary has been inap-
24 propriately restricted over the past year.

1 (b) ACCESS.—Section 1117(b) of the Social Security
2 Act (42 U.S.C. 1317(b)), as amended by section 900(c)
3 of the Medicare Prescription Drug, Improvement, and
4 Modernization Act of 2003 (Public Law 108–173), is
5 amended by adding at the end the following new para-
6 graph:

7 “(4)(A) In exercising the duties of the office of the
8 Chief Actuary, the Chief Actuary shall provide the com-
9 mittees of jurisdiction of Congress with independent coun-
10 sel and technical assistance with respect to the programs
11 under titles XVIII, XIX, and XXI.

12 “(B) The Chief Actuary may directly provide Con-
13 gress with reports, comments on, and estimates of, the fi-
14 nancial effects of potential legislation, and other actuarial
15 information related to the programs described in subpara-
16 graph (A). No officer or agency of the United States may
17 require the Chief Actuary to submit to any officer or agen-
18 cy of the United States for approval, comments, or review,
19 prior to the provision to Congress of such reports, com-
20 ments, estimates, or other information.”.

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