



# Committee On Finance

Max Baucus, Ranking Member

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For Immediate Release  
Tuesday, July 6, 2004

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**STATEMENT BY UNITED STATES SENATOR MAX BAUCUS ON OIG REPORT ON  
SCULLY AND THE CMS CHIEF ACTUARY: LACK OF CRIMINAL VIOLATION  
DOES NOT JUSTIFY ADMINISTRATION'S BEHAVIOR  
July 6, 2004**

The Office of the Inspector General had a narrow mandate – namely, to investigate whether officials in the Department of Health and Human Services engaged in criminal behavior to keep information from the Congress. While the OIG did not determine that criminal laws were violated, the report confirms that the Administration failed to respond to Congressional requests and suppressed information relating to several aspects of the Medicare prescription drug legislation. Because of its limited jurisdiction, the OIG did not look beyond the Department of Health and Human Services in conducting its investigation, so we cannot know about the involvement or knowledge of White House officials. And the OIG did not consider whether the suppression of information may have violated appropriations law. Regardless of the OIG's findings on the matter of a criminal violation, however, the fundamental fact remains: for the legislative process to work properly, we must ensure that Congress has access to all relevant information.

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