United States Senate

WASHINGTON, DC 20510

March 15, 2004

The Honorable George W. Bush
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President:

We are writing to respectfully request that you make it clear to the White House staff that they are not to engage in any kind of retaliation against the Medicare official who last week said he was told to withhold information from Congress regarding the true cost of the Medicare Bill.

Last week, Medicare's Chief Actuary, Richard S. Foster, told news organizations that Administration officials ordered him not to respond to several inquiries from Members of Congress regarding the Medicare bill and that he would be severely reprimanded for if he did so. In fact, he said that he was told he would be fired if he provided the information requested.

This Administration has shown its willingness to engage in unfair and untoward retaliation when it is confronted with criticism. When Ambassador Joseph Wilson disclosed his findings about potential uranium exports from Niger to Iraq, senior Administration officials were quoted in the media trying to discredit him by disclosing that his wife was a covert CIA operative. This effort has spurred a grand jury investigation into whether Administration operatives illegally disclosed her identity.

When the *Price of Loyalty*, a book about Paul O'Neill's tenure as Treasury Secretary, was published, an official inquiry was launched into whether Mr. O'Neill had improperly given classified files to the author. The investigation found that Mr. O'Neill had done nothing wrong and that the Treasury Department's screening process was at fault. In addition, a White House official was quoted belittling the role Mr. O'Neill played within the Administration.

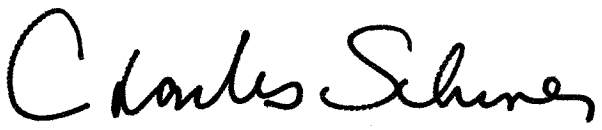
As you are aware, Medicare actuaries play a key role in helping Members of Congress shape health care policy. In fact, Congress recognized the need to maintain independence for the Office of the Actuary when it added language to the Balanced Budget Act conference report in 1997 which said:

> It is important to emphasize that the Senate Committee on Finance, the House Committee on Ways and Means, and the House Committee on Commerce all rely on their ability to seek estimates and other technical assistance from the Chief Actuary, especially when developing new legislation. ... The process of monitoring, updating and reforming the Medicare and Medicaid programs is greatly enhanced by the free flow of actuarial

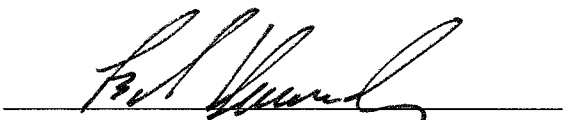
information from the Office of the Actuary to the committees of jurisdiction in the Congress. ... When information is delayed or circumscribed by the operation of an internal Administration clearance process or the inadequacy of actuarial resources, the Committees' ability to make informed decisions based on the best available information is compromised.

It is vital that politics not influence the Administration's investigation into Mr. Foster's allegations which, if substantiated, could constitute significant wrongdoing on the part of some. Mr. Foster is a well respected official who has dedicated his career to public service. He should be treated with the respect that he has earned and given an opportunity to air his grievances without being demonized in the public eye.

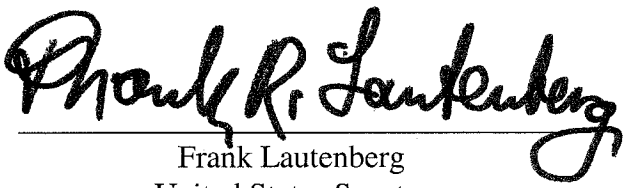
Sincerely,



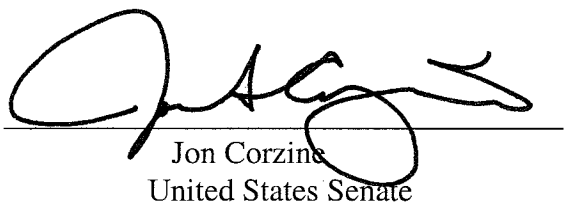
Charles E. Schumer
United States Senate



Edward M. Kennedy
United States Senate



Frank Lautenberg
United States Senate



Jon Corzine
United States Senate