

volved) before that date, see section 2664(b) of Pub. L. 98-369, set out as a note under section 401 of this title.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-35 effective Oct. 1, 1981, except as otherwise explicitly provided, see section 2354 of Pub. L. 97-35, set out as an Effective Date note under section 1397 of this title.

#### EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 93-647 effective with respect to payments under sections 603 and 803 of this title for quarters commencing after Sept. 30, 1975, see section 7(b) of Pub. L. 93-647, set out as a note under section 303 of this title.

#### EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-233 effective on and after Jan. 1, 1974, see section 18(z-2)(2) of Pub. L. 93-233, set out as a note under section 1301 of this title.

#### EFFECTIVE DATE

Section 404(b) of Pub. L. 89-97 provided that: "The amendment made by subsection (a) [enacting this section] shall apply only with respect to determinations made after December 31, 1965."

### § 1317. Appointment of the Administrator and Chief Actuary of the Centers for Medicare & Medicaid Services

(a) The Administrator of the Centers for Medicare & Medicaid Services shall be appointed by the President by and with the advice and consent of the Senate.

(b)(1) There is established in the Centers for Medicare & Medicaid Services the position of Chief Actuary. The Chief Actuary shall be appointed by, and in direct line of authority to, the Administrator of such Centers. The Chief Actuary shall be appointed from among individuals who have demonstrated, by their education and experience, superior expertise in the actuarial sciences. The Chief Actuary shall exercise such duties as are appropriate for the office of the Chief Actuary and in accordance with professional standards of actuarial independence. The Chief Actuary may be removed only for cause.

(2) The Chief Actuary shall be compensated at the highest rate of basic pay for the Senior Executive Service under section 5382(b) of title 5.

(3) In the office of the Chief Actuary there shall be an actuary whose duties relate exclusively to the programs under parts C and D of subchapter XVIII of this chapter and related provisions of such subchapter.

(Aug. 14, 1935, ch. 531, title XI, §1117, as added Pub. L. 98-369, div. B, title III, §2332(a), July 18, 1984, 98 Stat. 1088; amended Pub. L. 105-33, title IV, §4643, Aug. 5, 1997, 111 Stat. 487; Pub. L. 108-173, title IX, §900(c), (e)(1)(A), Dec. 8, 2003, 117 Stat. 2370.)

#### PRIOR PROVISIONS

A prior section 1317, act Aug. 14, 1935, ch. 531, title XI, §1117, as added July 30, 1965, Pub. L. 89-97, title IV, §405, 79 Stat. 420; amended Jan. 2, 1968, Pub. L. 90-248, title II, §§221(a)-(c), 241(c)(6), 81 Stat. 899, 917, related to maintenance of State public assistance expenditures, prior to repeal by Pub. L. 90-248, title II, §221(d), Jan. 2, 1968, 81 Stat. 900, eff. July 1, 1968.

#### AMENDMENTS

2003—Pub. L. 108-173, §900(e)(1)(A)(i), substituted "Appointment of the Administrator and Chief Actuary of

the Centers for Medicare & Medicaid Services" for "Appointment of Administrator and Chief Actuary of Health Care Financing Administration" in section catchline.

Subsec. (a). Pub. L. 108-173, §900(e)(1)(A)(ii), substituted "Centers for Medicare & Medicaid Services" for "Health Care Financing Administration".

Subsec. (b)(1). Pub. L. 108-173, §900(e)(1)(A)(iii), substituted "Centers for Medicare & Medicaid Services" for "Health Care Financing Administration" and "such Centers" for "such Administration".

Subsec. (b)(3). Pub. L. 108-173, §900(c), added par. (3). 1997—Pub. L. 105-33 amended section catchline, designated existing provisions as subsec. (a), and added subsec. (b).

#### EFFECTIVE DATE

Section 2332(c) of Pub. L. 98-369 provided that: "The amendments made by this section [enacting this section and amending section 5315 of Title 5, Government Organization and Employees] shall apply to appointments made after the date of the enactment of this Act [July 18, 1984]."

### § 1318. Alternative Federal payment with respect to public assistance expenditures

In the case of any State which has in effect a plan approved under subchapter XIX of this chapter for any calendar quarter, the total of the payments to which such State is entitled for such quarter, and for each succeeding quarter in the same fiscal year (which for purposes of this section means the 4 calendar quarters ending with September 30), under paragraphs (1) and (2) of sections 303(a),<sup>1</sup> 1203(a),<sup>1</sup> 1353(a),<sup>1</sup> and 1383(a)<sup>1</sup> of this title shall, at the option of the State, be determined by application of the Federal medical assistance percentage (as defined in section 1396d of this title), instead of the percentages provided under each such section, to the expenditures under its State plans approved under subchapters I, X, XIV, and XVI of this chapter, which would be included in determining the amounts of the Federal payments to which such State is entitled under such sections, but without regard to any maximum on the dollar amounts per recipient which may be counted under such sections. For purposes of the preceding sentence, the term "Federal medical assistance percentage" shall, in the case of Puerto Rico, the Virgin Islands, and Guam, mean 75 per centum.

(Aug. 14, 1935, ch. 531, title XI, §1118, as added Pub. L. 89-97, title IV, §411, July 30, 1965, 79 Stat. 423; amended Pub. L. 90-248, title II, §241(c)(7), Jan. 2, 1968, 81 Stat. 917; Pub. L. 94-273, §2(23), Apr. 21, 1976, 90 Stat. 376; Pub. L. 95-600, title VIII, §802(a), Nov. 6, 1978, 92 Stat. 2945; Pub. L. 96-272, title III, §305(c), June 17, 1980, 94 Stat. 530; Pub. L. 100-485, title VI, §601(c)(3), Oct. 13, 1988, 102 Stat. 2408; Pub. L. 104-193, title I, §108(g)(4), Aug. 22, 1996, 110 Stat. 2168.)

#### REFERENCES IN TEXT

Paragraph (1) of sections 303(a), 1203(a), and 1353(a) of this title, referred to in text, were repealed by Pub. L. 97-35, title XXI, §2184(a)(4)(A), (c)(2)(A), Aug. 13, 1981, 95 Stat. 816, 817.

Section 1383(a) of this title, referred to in text, is a reference to section 1383(a) of this title as it existed prior to the general revision of subchapter XVI of this

<sup>1</sup> See References in Text note below.