

Opening Statement of Alex M. Azar II
Before the Senate Committee on Finance

Tuesday, July 31, 2001

Senate Confirmation Hearing for the General Counsel
of the Department of Health and Human Services

Mr. Chairman, Senator Grassley, and Members of the Committee, it is a great honor to appear before the Senate Finance Committee today as the President's nominee to be General Counsel of the Department of Health and Human Services (HHS). I would like to thank the President and Secretary Thompson for their confidence in me.

This is a Committee of broad and far-reaching jurisdiction, with responsibility for so many activities that affect all Americans. It is also a Committee that is well-known for its tradition of working together to formulate historic legislation. I hope to have the opportunity and privilege of working with the Senators and staff of this Committee on both sides of the aisle.

I would like to take a short moment to introduce my wife, Jennifer, and our 18-month old daughter Claire, both of whom are here today, at least until our daughter begins showing off her new-found talking abilities. I also would like to introduce my father and step-mother. My father is an eye surgeon in rural Maryland and was kind enough to reschedule his patients to be here with me today. My mother, who is a registered nurse, was unfortunately not able to be here today because my grandmother had to be hospitalized at the end of last week. I am very grateful for my family's support.

I attach great importance to public service and have devoted almost half of my professional career to serving as a federal government attorney. I am honored by this opportunity to return to public service. I am energized by the Secretary's goals of improving the efficiency and effectiveness of HHS in delivering high-quality health care and other services to all Americans. My goal would be to ensure that the Office of the General Counsel provides the best possible legal advice to assist in the accomplishment of that critical mission.

The Office of the General Counsel at HHS has one of the most diverse and challenging legal portfolios of any legal office in the federal government. The legal issues range from technical program rules to a broad range of general legal issues facing every federal agency, such as administrative law, personnel and employment law, ethics, and information access. In addition to the legal issues, the General Counsel is responsible for the management of approximately 375 attorneys and 100 additional staff. The Office of the General Counsel has employees in eighteen locations spread across the United States. It would be a profound honor for me to be able to lead this team of dedicated, hard-working, loyal, and highly-skilled career attorneys for the public benefit.

I view the role of the General Counsel not as making policy, but rather as providing those who do set policy with the best possible dispassionate, objective legal advice. This is reflected in my priorities for the Office if confirmed. First, the responsiveness of the Office of the General Counsel to its clients within the Department and to the Congress would be a central priority of mine. Clients must secure timely, accurate, and objective legal advice, and the Congress must know that the Office of the General Counsel is responsive to its needs and concerns. Second, I would work to promote the highest ethical standards throughout the Department. I have experience as an attorney in the important field of government ethics, and I would work with the Designated Agency Ethics Officer, who is an Associate General Counsel, to

keep ethics education and counseling as a top priority. Third, I would devote my time and energy to the critical mission of recruiting and retaining the highest quality civil service attorneys possible. I believe the General Counsel's Office can and should be able to continue to recruit a diverse pool of the best and brightest attorneys available. Finally, I would like to continue and expand the existing use of practice groups, which bring together attorneys in different offices and divisions who are rendering advice and litigating in particular specialized areas. Through the use of practice groups, attorneys who are dealing with matters involving fields such as provider bankruptcies and nursing home quality of care enforcement can compare best practices and ensure consistency among the Office's many components.

I believe that my professional training has prepared me well for the challenges of this office. Up until my nomination for the position of General Counsel, the greatest professional honor I had was serving as a law clerk at the Supreme Court of the United States after my graduation from Yale Law School over ten years ago. My career has included both government service and extensive private practice experience. Most recently, I was a partner at the Washington, D.C., law firm of Wiley, Rein & Fielding. I had the privilege of practicing at that firm for over four and a half years, during which time I worked with and learned from some of the premier attorneys in the country.

As a general litigator and counselor, my law practice has been varied and has included supervising legal and other personnel in handling a wide range of legal problems. The diversity of my law practice is similar to the breadth of law practiced in the Office of the General Counsel and in fact has overlapped in several critical areas. I have litigated and counseled on a broad range of complex federal constitutional, statutory, and regulatory issues, in areas as varied as federal tort law, the federal criminal code, judicial review of federal agency actions, government ethics regulations, the Freedom of Information Act and the Privacy Act, regulations on government contractors, congressional investigations and oversight, and civil service laws, to name a few. I would hope to bring my experience in these and other areas to bear if confirmed as General Counsel.

Again, thank you for the opportunity to present myself before you today and for your consideration of my nomination. I would be happy to answer any questions you may have.