

**NOMINATIONS OF JIM ESQUEA, ELLEN
GLONINGER MURRAY, AND BRYAN SAMUELS**

HEARING

BEFORE THE

**COMMITTEE ON FINANCE
UNITED STATES SENATE**

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

ON THE

NOMINATIONS OF

JIM ESQUEA, TO BE ASSISTANT SECRETARY FOR LEGISLATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES; ELLEN GLONINGER MURRAY, TO BE ASSISTANT SECRETARY FOR RESOURCES AND TECHNOLOGY, DEPARTMENT OF HEALTH AND HUMAN SERVICES; AND BRYAN SAMUELS, TO BE COMMISSIONER OF CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT OF HEALTH AND HUMAN SERVICES

OCTOBER 15, 2009



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NOMINATIONS OF JIM ESQUEA, TO BE ASSISTANT SECRETARY FOR LEGISLATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES; ELLEN GLONINGER MURRAY, TO BE ASSISTANT SECRETARY FOR RESOURCES AND TECHNOLOGY, DEPARTMENT OF HEALTH AND HUMAN SERVICES; AND BRYAN SAMUELS, TO BE COMMISSIONER OF CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT OF HEALTH AND HUMAN SERVICES

THURSDAY, OCTOBER 15, 2009

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC.

The hearing was convened, pursuant to notice, at 10:08 a.m., in room SD-215, Dirksen Senate Office Building, Hon. Max Baucus (chairman of the committee) presiding.

Present: Senators Conrad and Grassley.

Also present: Democratic Staff: Bill Dauster, Deputy Staff Director; Ayesha Khanna, International Trade Counsel; Deidra Henry-Spires, Professional Staff; Mary Baker, Detailee; and Liz Fowler, Senior Counsel to the chairman and Chief Health Counsel. Republican Staff: Mark Hayes, Health Policy Director and Chief Health Counsel; Michael Park, Health Policy Advisor; Kevin Courtois, Health Staff Assistant; Nick Wyatt, Tax and Nomination Professional Staff Member; and Becky Shipp, Health Policy Advisor.

OPENING STATEMENT OF HON. MAX BAUCUS, A U.S. SENATOR FROM MONTANA, CHAIRMAN, COMMITTEE ON FINANCE

The CHAIRMAN. The hearing will come to order.

The English novelist George Eliot said: "The reward of one duty is the power to fulfill another."

To each of our witnesses today: you have ably performed duties in public service. Your reward is that President Obama has called on you to fulfill another duty for your country, and I counsel you to fulfill your new duty honestly and ably, for you should wish to do no less.

Mr. Esquea, President Obama nominated you to be Assistant Secretary for Legislation at the Department of Health and Human

Services. This is not the first time that you have been called upon to serve your country, and you have always fulfilled your duty well.

You have devoted your career to health care policy. Previously, you served as Health Analyst at the Office of Management and Budget. Currently, you analyze children's health and Medicaid issues for the Senate Budget Committee, assessing the fiscal responsibility of vital health policies considered by this Congress.

In that capacity, you have been known to occupy one of the staff seats on this side of the dais, behind Senator Conrad. Welcome to the other side of the dais. [Laughter.]

Your success in carrying out your duties has brought you new duties. As Assistant Secretary for Legislation you will be responsible for developing the Department's legislative agenda. You will also serve as the primary link between Congress and HHS. This task, always important, will be crucial as we work to enact and implement health care reform.

Ms. Murray, President Obama nominated you to be Assistant Secretary of Resources and Technology at HHS. You too have been called upon to serve your country before, and you too fulfilled your duty well.

For 10 years you have served as Staff Director for the Senate Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, and in this position you have played a key role in funding HHS. Those duties have given you important insight into the costs associated with policies and programs carried out there.

You previously served in the Budget Office and the Office of the General Counsel at HHS. Those duties provided you with first-hand experience assessing and carrying out the department's activities. Your success in fulfilling those duties has brought you new duties.

As the Assistant Secretary of Resources and Technology you will provide the Secretary of HHS with essential guidance on budget, financial management, and information technology resources at the Department. As HHS begins to implement health care reform, you will play a vital role ensuring that new programs and policies passed by the Congress have the resources that they need to start working immediately for the American people.

Mr. Samuels, President Obama nominated you to be Commissioner of Children, Youth, and Families at HHS. This is not the first time that you have been called upon to serve your country, and you have fulfilled your duty very well.

You most recently were chief of staff for the Chicago public school system. There you helped to oversee the third-largest public school system in the country. In that role, you assessed the needs of hundreds of thousands of school children and evaluated educational and other policies directly affecting their lives.

Before that, you served as the director of the Illinois Department of Children and Family Services. That is the Nation's third-largest child welfare agency. In that capacity, you worked to implement comprehensive assessments of all children entering care, and you also redesigned transitional and independent living programs to help prepare youth for transitioning to adulthood. Your success in carrying out these duties has brought you new duties.

As the Commissioner of the Administration on Children, Youth, and Families, you will administer Federal social programs that promote the growth and development of children and youth, as well as their families.

As an alumnus of the foster care system, you have the personal experience that will guide you as you fulfill this role, for America's future depends on our children and our youth. It is essential that we ensure their welfare so that each child has the opportunity to forge a successful life, and I compliment you, very, very deeply.

Each of you has the experience that will serve you well in the positions for which you have been nominated, and I am sure that you will more than ever fulfill your duties. It is imperative that you do no less.

Congratulations to all three of you, and I look forward to hearing your testimony.

Senator Grassley?

**OPENING STATEMENT OF HON. CHUCK GRASSLEY,
A U.S. SENATOR FROM IOWA**

Senator GRASSLEY. Thank you, Mr. Chairman and Senator Harkin.

I congratulate you, too, and more importantly, your willingness to serve your country.

I am going to start with Mr. Esquea and talk about the ability of Congress and HHS to work together for the best possible outcomes. It is very important. In your position as Assistant Secretary for Legislation, you play a very key role, and it is a role that is especially important to me. You will be our primary contact at the Department of Health and Human Services as we work in the Senate to write good policy, but also to fulfill our oversight responsibilities.

It is good that you will be bringing your experience working for Congress to this position. For the last 10 years you have served very well on the staff of the Budget Committee, a committee that I have served on my entire time in the Congress. In that position, you were always responsive to my questions and concerns, and I would like to continue that sort of relationship with you in your new position. My staff speaks very highly of you, so, if confirmed, I ask that you maintain those qualities, and I am sure you will.

You probably already know that I take my oversight responsibilities very seriously, and I think I do it in an equal opportunity way, the same for Republican and Democrat presidents. It does not matter who and what party is serving. I conduct vigorous oversight of the public's business because I believe that the public's business ought to be made public.

Sometimes I have trouble getting responses to my letters and sometimes I have trouble getting accurate answers, so I hope you will help us make sure that that happens timely and accurately. I am confident that, if you are as responsive and thorough as you were as a member of the Budget Committee, that there will not be any problems in that area.

Mr. Samuels, nominated to be Commissioner of the Administration for Children, Youth, and Families, you are to be congratulated because this is obviously a very important position. Helping young

people get off to a good start is good for them individually, but it is also good for our country as we look ahead to the next generation.

If confirmed, you will oversee programs that are critical to protecting and ensuring the well-being of our Nation's most vulnerable children, and I cannot repeat enough the good things that the chairman has said about making that task very important.

If confirmed, you will be tasked with implementing one of the most far-reaching child welfare bills to be enacted in over a decade, the bi-partisan Fostering Connections for Success in Increasing Adoptions Act which was passed in 2008.

This law promotes adoptions, provides States with an option to allow children to reside permanently with a relative, extends Federal payments for youth in foster care up to age 21, and allows qualified tribes to administer their own child welfare programs. The implementation of this bill, as well as continued implementation of the Child and Family Services Improvement Act passed in 2006, which reauthorized and improved another bill called the Safe and Stable Families Act, will be challenging.

States are struggling with fiscal problems and may not take up a number of options to improve child welfare that that law permits. If that happens, it is going to be disheartening to me. If confirmed, I look forward to working with you on strategies to encourage States to exercise options that are currently available to improve outcomes of children in that child welfare system.

Additionally, if confirmed, I would like to work with you to address issues related to both child welfare programs and TANF. Congress will need to reauthorize TANF, and I would like to use that exercise to focus on what is called child-only TANF cases. It may be that a number of children in child-only TANF cases may be better served by placement in foster care, relative care, or by receiving services through child welfare programs.

I am hopeful that, if confirmed, you would advance a positive agenda, as I am sure you will, for children and youth.

And, now, to Ellen Murray. I have to save you for last, because Senator Harkin was so dogged in making sure that we got your name before the committee, and I am glad to have your name before the committee.

As an Iowan, I must thank Ms. Murray for her long-time service to my home State, and for the past 10 years serving as Staff Director for the Senate Appropriations Subcommittee on Labor, Health and Human Services, and Education for our fellow Iowan, Senator Harkin.

In addition to serving Iowans, you have gained knowledge and experience that I believe will serve you well in the position you have been nominated for. We are at a point in our history where we face serious challenges with health care.

You have all answered the President's call, and we look forward to working together, and I do not have any reason to believe that you will not be confirmed positively.

The CHAIRMAN. Thank you, Senator.

I was very envious to watch the three of you: Senator Harkin, yourself, and Ms. Murray, all Iowans together. It is kind of a bond-

ing, the three of you, thinking back on Iowan experiences together in Iowa.

In that regard, Senator Harkin, why don't you go first? Senator Conrad has very, very graciously deferred to you, because you probably have important business you want to take care of. So why don't you proceed in introducing Ms. Murray?

**STATEMENT OF HON. TOM HARKIN,
A U.S. SENATOR FROM IOWA**

Senator HARKIN. Thank you very much, Mr. Chairman, my colleague Senator Grassley, and my good friend Senator Conrad.

It is an honor to appear before the committee to introduce a good friend, my long-time assistant, Ellen Murray, to serve as HHS Assistant Secretary for Resources and Technology.

As members of the committee are well aware, Ms. Murray is superbly qualified for this important position at the Department of Health and Human Services. As has been said, for the last decade she has served as a Staff Director for the Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies.

In that capacity, she has acquired an encyclopedic knowledge of the programs and activities within the Department of HHS. And, of course, she is acquainted with every line item in the Department's budget, all of which means that she would hit the ground running as Assistant Secretary in charge of drafting and executing the Department's budget.

Of course, Ms. Murray has many other formal credentials. She earned an undergraduate degree in economics from Trinity College, and I might just add, parenthetically, played basketball for Trinity College along with someone else by the name of Kathleen Sebelius. [Laughter.]

She also received a law degree from George Mason School of Law. Prior to coming to the Senate Appropriations Committee, she was an attorney with the HHS Office of General Counsel. Before that, she was a Budget Specialist for the Department's Administration for Children and Families and at the Social Security Administration.

But aside from those former credentials, I would emphasize to the committee that Ellen Murray is a person of extraordinary personal qualities. I have worked very closely with Ellen, as has been said, over the last decade. I have the highest respect for her competence, her intelligence, her integrity, as well as her capacity for hard work and extremely long hours. I long ago lost track of the number of people thanking me for the good work that Ellen did.

When you think of all the things that we have done for NIH, for biomedical research, all of the new facilities we have invested in at the Centers for Disease Control and Prevention, all of the flu vaccines that are being developed right now that people are lining up and getting, and then into education, all of the different education programs, everything from elementary and secondary through college loans, work study programs, in the whole area of workers, job training, work safety—all of these have the fingerprints of Ellen Murray. She has been diligent in working on every single one of those, and then people thank me for doing it.

I also want to mention Ellen's passion for public service. It is no secret that senior appropriation staffers can move on to jobs downtown for much greater pay and far fewer hours. But that was not Ellen's choice. She has been devoted to her work and responsibilities here in the Senate. She believes strongly in the capacity of government to give a hand up to people in need and to improve the lives of all Americans, whether, as I have said, through biomedical research or public education or workplace safety.

I would just say, I guess, that it is an honor and a privilege to be here, although I must admit it is a bittersweet moment for me. I know I can speak for all of us. We just hate to lose good staff, especially staff you have come to rely on. You never have to look over their shoulder, you never have to second-guess them, they put in all the time and the expertise and they hand you the finished product. It is all there and it is all done and you never have to worry about it. So that is why you hate to lose staff like that.

But, then again, as I have said, this is again another step in her career path and a chance for her to have even a broader impact than what she has had before. I hope that we can continue to work closely together as you develop the budget at HHS to coordinate our appropriations measures along with the Department's budget.

Parenthetically, Mr. Chairman, I might say, I was at the Kennedy Institute dinner last night, and I was at the table and Secretary Sebelius came over and engaged me in conversation. I think the conversation went something like this. She said, "Look, I know this is a sore point, but we really need Ellen Murray down there in a hurry." [Laughter.]

I said, "Well, fancy you should say that, because tomorrow morning she is going to be before the committee." And I said, "We will do everything we can to get her in there." So, that happened just last night.

So, Mr. Chairman, Ellen Murray is the epitome of the dedicated, and talented, and seasoned, and compassionate public servant. I urge committee members to send her nomination to the full Senate with a positive recommendation so that I can keep my commitment to Secretary Sebelius last night. I said we will do it as soon as possible.

Thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you, Senator. It is a real testament to you of your fine, fine work. I mean the whole Senate and much of the country recognizes your excellent work, and that was what my next point was going to be, that a lot of it clearly is Ms. Murray. [Laughter.] But your public service is unexcelled, and part of it is allowing excellent people like Ms. Murray, if allowing is the word, to encourage them to go to an even higher, better job where she can do even more than she is doing already. You are both to be highly commended.

Senator HARKIN. Thank you, Mr. Chairman, very much. Thank you. I appreciate that.

The CHAIRMAN. All right. If you have to leave, Senator—

Senator HARKIN. All right. [To Ms. Murray] Don't forget me now, all right? [Laughter.] Thank you, Mr. Chairman.

The CHAIRMAN. All right. Ms. Murray, you can take Senator Harkin with you. [Laughter.]

Thank you, Senator. Thank you, very much.
Senator Conrad?

**OPENING STATEMENT OF HON. KENT CONRAD,
A U.S. SENATOR FROM NORTH DAKOTA**

Senator CONRAD. Mr. Chairman, as Senator Harkin is leaving, it reminds me of when Senator Muskie was running for President. I was on his presidential campaign staff, and one of my first assignments was to run the operation in western Iowa. I have never forgotten the first eight meals I had there. Ham was served at each one. [Laughter.]

Mr. Chairman, Senator Grassley, members of the committee, I am here today to offer my very strong backing to President Obama's nomination of Jim Esquea to serve as the Assistant Secretary for Legislation at the Department of Health and Human Services.

Jim is truly exceptional. He is what a public servant should be. He not only understands the most detailed elements of every program but, just as important, he understands how they impact real people. Jim was born and raised in New York City, a long way from North Dakota. He graduated from Wesleyan University and received his masters in public policy and administration from Columbia University.

Many of you know Jim very well already. He has had a close working relationship with this committee, while serving with me and others on the Senate Budget Committee as our analyst for income security and Medicaid. He has been with the Senate Budget Committee for 10 years. In fact, I think he is the last of the Senator Lautenberg staff members on the Budget Committee.

He has been deeply involved in many of the health issues that we on this committee have tackled, from comprehensive health care reform, to the CHIP reauthorization, to changes affecting unemployment insurance that were designed to help the economy earlier this year.

I have witnessed first-hand his insightful analysis, his thoughtful recommendations, and his warm and engaging personality, and nobody can miss that in Jim. He is a delight to have around, and I am going to miss him, personally, very much.

While Jim is one of us, a veteran of the Hill, he also has extensive Executive Branch experiences as you referred to, Mr. Chairman. He worked in the Health Division of the Office of Management and Budget for more than 4 years. He served on the White House committee reviewing the 1997 tobacco settlement and on the Vice President's 1995 Reinventing Regulations initiatives. In all of those assignments, he served admirably.

His administrative experience, coupled with his long Hill service, make Jim perfectly suited to be the next Assistant Secretary for Legislation at the Department of Health and Human Services. He will be an outstanding liaison between HHS and the Congress. He knows the Legislative Branch, he understands our needs, and he is respected on both sides of the aisle.

The Obama administration is extremely fortunate to attract someone of Jim Esquea's quality and character to this important assignment. He is superbly qualified to serve in this position. I

have every confidence that Jim will make us, the President, and the American people proud.

I fully support his nomination, and I urge the committee to act quickly and the full Senate to confirm him expeditiously.

Mr. Chairman, thank you very much for this opportunity.

The CHAIRMAN. Well, thank you, Senator. I mean, clearly, Jim is a good man, and I appreciate that very ringing endorsement of him.

Senator CONRAD. Mr. Chairman, if I could just say that, while I am here to introduce him and to endorse his confirmation, I personally cannot support his confirmation. I do not want to lose him. [Laughter.]

The CHAIRMAN. You just know too much about him. [Laughter.]

Senator CONRAD. I will really miss Jim Esquea, as will all of the staff of the Budget Committee and my personal staff as well. I think it goes for every member of the Budget Committee, who knows, likes, and respects Jim Esquea.

The CHAIRMAN. It is really true. All of us have been here for a while over the years, great people working for us really hard, for constituents, and for the country. Just wonderful, wonderful, hard-working people. They wonder, gosh, there could not be anybody any better, and sure enough, something comes along where there is another opportunity for them. It is such a bittersweet revelation when they tell you, because on one hand you want what is best for them, and on the other hand you want to keep them because they are doing such a great, great job. But you really do know what is best for them is what is best for them. I just encourage them to go on, because that is his life, it is her life, and that means the most, and for the balance, it is positive all the way around.

To be honest, it took me a while to learn that lesson, because the first time somebody really came to me a long time ago, I was frankly quite distraught and did not want that person to leave and tried to persuade that person from leaving, knowing it was futile. But since then, I have learned that the best thing to do is to encourage them to do what is best for them, and it is better for everybody all the way around. And I say that to Ms. Murray and also to you, Mr. Esquea. You did not work for me or for anyone up here, Mr. Samuels, but I know you would be in the same situation.

All right. I have just a couple of points I want to make to Mr. Esquea.

Oh yes. Excuse me. I forgot about that. I would like each of you to give your opening statements. [Laughter.]

Tell us why you want these jobs. Why don't you go ahead first, Mr. Esquea?

STATEMENT OF JIM ESQUEA, NOMINATED TO BE ASSISTANT SECRETARY FOR LEGISLATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES, WASHINGTON, DC

Mr. ESQUEA. Chairman Baucus, Senator Grassley, members of the committee, thank you for inviting me here today to discuss my nomination to be Assistant Secretary for Legislation at the Department of Health and Human Services.

If the committee can indulge me for a moment, I want to go rogue here for a second, go off script, and say I would just like to

thank Senator Conrad for that generous introduction. It has been a pleasure and an honor to work for him on the Budget Committee.

If confirmed, any success that I may have at HHS will be in no small part because of what I learned from Senator Conrad, the outstanding colleagues on the Budget Committee, and the rest of the Conrad team.

I also want to give special thanks to my family. They could not make the trip down from the Bronx today, but I am here because of their love and support. I especially want to thank my parents, Hymat and Lisa. They immigrated to this country more than 40 years ago from the Dominican Republic, looking for a better way of life. My dad owned a small bodega—grocery store—in East Harlem for a number of years and later drove a taxi cab. My mom works on the janitorial staff of a theater in New York. They sacrificed much to ensure that their children got a good education. In my case, they also stayed out of trouble. Truth be told, my parents are still not quite sure what I do for a living, but they love and support me, nonetheless. [Laughter.]

It is an honor to be nominated. I am grateful to President Obama and Secretary Sebelius for providing me this opportunity to serve the American people. It is especially gratifying to testify before this committee.

As a staffer for Senator Conrad, I have had the opportunity to work with the committee's members and staff on a range of important issues over the years, including the reauthorization programs like the Temporary Assistance for Needy Families program and the Children's Health Insurance Program, as well as the recent efforts to reform the Nation's health care system.

I want to commend you, Chairman Baucus, and Ranking Member Grassley, for your leadership. I also want to give special thanks and praise to the committee's staff, both Democratic and Republican. They have been generous, even-handed in approach, and dedicated to excellence and good policy, and always, always a pleasure to work with.

The Assistant Secretary for Legislation serves as a principal advisor to the Secretary with respect to all aspects of the Department's legislative agenda and congressional liaison activities. The agenda of the Department is driven by its main mission: protecting the health of all Americans and providing essential human services, especially for those who are least able to help themselves.

It is a mission that the more than 65,000 employees are dedicated to fulfilling. If I am confirmed, it will be my responsibility to work with this and other committees in support of the mission of the Department and the Health and Human Services' agenda in the administration.

I believe my experience at the Office of Management and Budget and the Senate Budget Committee will serve me well as the Assistant Secretary for Legislation.

From August 1994 to January 1999, I was a Program Examiner at the Health Division of OMB, where I helped to guide the formulation and review of the budget for HHS public health service agencies, with my primary area of responsibility the Food and Drug Administration. Along with evaluating the HHS agency programs to ensure program effectiveness and proper spending of funds, I also

helped to coordinate and develop the administration's positions on bills and amendments and to review congressional testimony reports for consistency with the administration positions and policies.

This experience provided me with detailed knowledge of HHS and its agencies, as well as knowledge of how those agencies interact with Congress and provide members and congressional committees the best information possible.

For the last 10 years, I have been the analyst for Income Security, Medicaid, the Children's Health Insurance Program, and discretionary health programs for the Senate Budget Committee. In that position, I have assisted in developing and drafting the annual congressional budget resolution and in making program recommendations for my areas of responsibility as they affect the Federal budget.

The position has also required me to track the cost of appropriation and authorization legislation to ensure compliance with the budget resolution and to enforce Budget Act points of order. Because of this important responsibility, I have worked with many member offices and committee staff to provide advice on how best to shape and draft legislative amendments so that they are consistent with the budget resolution.

Because considerable policy depth and knowledge of the budget are necessary in order to provide the best possible advice, I believe my work in this area highlights one of my particular strengths, a clear understanding of the intersection between policy and budgeting.

If confirmed, I will be your liaison to the Department. I am well aware of how important the help and assistance of the professional staff and the Office of the Assistant Secretary for Legislation are to the legislative and oversight efforts of Congress.

I will work to ensure the Office continues to focus on providing members the tactical assistance they need on legislative priorities, answering oversight requests—again, answering oversight requests—and ensuring that members have the information necessary to meet the needs of their constituents.

I also have a particular interest in ensuring that members are provided the most accurate information available and that it is presented in a manner that is useful. The only way information is of any use to members and policymakers is if it is timely delivered and clearly articulated.

Chairman Baucus, Senator Grassley, members of the committee, thank you again for the opportunity to testify today. I am confident that my knowledge of health policy and programs and income security programs, my familiarity with the Federal budget process, and my experience working with congressional offices and committees will serve me well, if I am confirmed.

I look forward to the opportunity to apply this knowledge and experience in support of the mission of the Department of Health and Human Services, and with that I am happy to answer any questions.

The CHAIRMAN. Thank you very much, Mr. Esquea.

[The prepared statement of Mr. Esquea appears in the appendix.]

The CHAIRMAN. Ms. Murray?

**STATEMENT OF ELLEN GLONINGER MURRAY, NOMINATED TO
BE ASSISTANT SECRETARY FOR RESOURCES AND TECH-
NOLOGY, DEPARTMENT OF HEALTH AND HUMAN SERVICES,
WASHINGTON, DC**

Ms. MURRAY. Senator Baucus, Senator Grassley, Senator Conrad, thank you for the opportunity to appear before you today in connection with my nomination to be Assistant Secretary for Resources and Technology at HHS.

I am honored to be the President's nominee for this position at this important time in the Department's history. Before I begin, I just want to thank Senator Harkin for the very kind introduction, and also thank my family for all their support, and, if I could, just recognize them who came here today to support me.

The CHAIRMAN. We would very much like that.

Ms. MURRAY. My husband Rich, cousin David, my sister Mimi, who drove down from Pittsburgh, and my son and his wife, Carolyn and John Barrett.

The CHAIRMAN. Could you all stand please so we could recognize you and acknowledge your support here? Thank you very much for all that you have done.

[Applause.]

Ms. MURRAY. If I could, Senator, I would like to also thank my work family, whom I spend so much time with, the staff of the subcommittee: Eric, Adrian, Mark, Lisa, and Terry are also here to support me today. I want to thank them.

The CHAIRMAN. They are here? Why don't you have them stand up, all of you, her work family? Eric, there you are.

[Applause.]

Ms. MURRAY. Thank you.

The CHAIRMAN. You are welcome.

Ms. MURRAY. The Assistant Secretary for Resources and Technology at HHS is responsible for the development of the HHS annual budget, the execution of that budget, the implementation of the Recovery Act, for grants policy and information technology policy, and for financial management, to provide for the direction and coordination of these activities through HHS.

Mr. Chairman, I believe my education and experience qualify me for this position. My educational background includes a degree in economics from Trinity College and a law degree from George Mason University School of Law. For the past 10 years, I have been Staff Director for the Senate Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies.

In that position, I am responsible for coordinating the Senate's appropriation of funds to most HHS agencies, which begins with the review of the President's budget submitted to Congress by HHS. I also have had a large role in the development of the HHS section of the Recovery Act, passed by Congress earlier this year.

In addition, I have previous experience working for the Department. As an attorney with the HHS Office of General Counsel, one of my principal responsibilities included advising the Office of Budget on appropriation matters. I also represented OGC on a department-wide task force on grants policies and represented the Department at the Board of Contract Appeals.

As a Budget Analyst for the Administration for Children and Families, I was not only responsible for the development of the ACF section of the budget, but also for the execution of the final appropriation.

In my roles both at ACF and earlier at the Social Security Administration, my responsibilities included the development of cost estimates for mandatory HHS programs, including child support and what was AFDC.

In summary, I have a strong understanding of the Federal budget process, including its execution. I am very familiar with the HHS budget and the issues that surround that budget. I have experience in the areas of grant policy, and I bring a unique understanding of the Recovery Act as it relates to HHS.

I am eager to begin work as Assistant Secretary for Resources and Technology. I cannot think of another Federal agency that does more good than HHS. I believe in the Department's mission, and I look forward to tackling the many budgetary challenges that it will face.

As members of this committee know well, we are facing years of scarce resources. My over-arching priority as Assistant Secretary will be to ensure that HHS can continue to fill its commitment to promoting health and providing essential human services, even under difficult budgetary circumstances. That will mean investing in programs that work, eliminating those that do not, and doing more with less.

More broadly speaking, President Obama has expressed a firm commitment to promoting efficiency government-wide by examining Federal budgets as a whole, rather than as a collection of unrelated programs. I intend to take that approach at HHS by working to ensure that programs and initiatives led by each of the Department's many agencies complement, rather than compete with one another.

My final priority will be to ensure that the resources of HHS are in place to facilitate the implementation of legislation to reform our Nation's health care system. I know that, after months of working tirelessly, this committee recently approved legislation in this area, and the discussions in both the Senate and the House of Representatives are ongoing. Whatever that final product looks like, I understand that the effort to implement the legislation will be an enormous undertaking.

If confirmed, I stand ready to marshal the resources of HHS in support of the President's and the Secretary's effort to expand coverage and lower health care costs for the American people.

Chairman Baucus, Senator Grassley, thank you again for the opportunity to appear today and discuss my nomination. I would be happy to answer any questions. Thank you.

The CHAIRMAN. Thank you, Ms. Murray. I will bet you have the answers, too. [Laughter.]

[The prepared statement of Ms. Murray appears in the appendix.]

The CHAIRMAN. Mr. Samuels?

STATEMENT OF BRYAN SAMUELS, NOMINATED TO BE COMMISSIONER OF CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, WASHINGTON, DC

Mr. SAMUELS. Good morning, Mr. Chairman, Senator Grassley.

It is my honor to appear before this committee as President Obama's nominee to be the Commissioner for the Administration for Children, Youth, and Families.

It is also an honor to come before this particular committee because of your long commitment to improving the quality of life for children who find themselves in the foster care system. I want to assure you that I share your same commitment to these young people.

If confirmed, I will bring more than 20 years of experience working at the State and local levels to promote the social and emotional well-being of children and families.

Throughout my career, I have worked to build public systems that produce positive results for the clients that they serve. My commitment to public service grows largely out of my experience as a child. I grew up in a residential home for disadvantaged children. I was there for 11½ years.

That experience has helped to shape my commitment to serving the highest-risk youth, and it continues to reinforce my belief that dedicated people and well-designed programs can make a dramatic difference in the lives of the children who need them the most.

During my career, I have served as the chief of staff for the Chicago public schools, the director of Child Welfare for the State of Illinois, deputy director of Social Services for the State of Nebraska, and assistant to the Governor for Human Services.

If confirmed as Commissioner, I hope to take advantage of my experience as the director of the Nation's third-largest Child Welfare Agency, with 16,000 children in custody and more than 10,000 public and private employees.

While director of Child Welfare, I worked with a team of very committed public servants to reduce the caseload ratio from 20 cases per worker down to 14, to decrease the child welfare population by 4,000 statewide, to reduce the number of children "on run" by 40 percent, and reduce the number of days they spent running away by 50 percent. We also were able to decrease the use of residential treatment in group homes by 20 percent.

We eliminated the number of late child welfare investigations by more than 60 percent, and we were able to decrease the distance between the home of origin and placement in foster care from 20 miles down to less than 8 miles. It is my experience in this position that validates my strongly held belief that administrative data, academic research, and evidence-based interventions should play a critical role in the way in which we make public policy and design programs.

If confirmed, my first priority as Commissioner will be to ensure the effective implementation of the Fostering Connections Act. The comprehensive nature of the act gives me great confidence that we can begin to move the child welfare system beyond solely ensuring the protection of children and towards improving their overall well-being.

My experience at the Chicago public schools should help in the implementation of the Act's provisions around the improved educational outcomes for foster youth. There is no denying that education is the cornerstone to their future economic success.

For foster youth, particularly those who age out of the system, I fervently believe that completing their high school education provides a vital, positive counterweight to the abuse, neglect, separation, and impermanence that many of them have experienced.

I also plan to work for the full implementation of the guardianship provisions, as well as the tribal 4(e) provisions. I know those are priorities for members of this committee. As you know, the State of Illinois participated in one of the demonstration waiver grants around subsidized guardianship beginning in 1997, and has since then moved more than 10,000 children into permanent homes with guardianship agreements. I hope to share the experience of Illinois as we work to implement the Fostering Connections Act.

My second priority is to expand the availability and the use of services that impact children with trauma and exposure to violence. There is a growing body of literature that shows the dramatic impact that trauma and violence have on the healthy development of children. One study found that adults who had more than 4 Adverse Childhood Experiences are 4 times more likely to experience depression, 5 times more likely to use illegal drugs, 7 times more likely to abuse alcohol, and 12 times more likely to attempt suicide.

Most children in the Child Welfare System have already experienced multiple traumatic incidents and, therefore, are at high risk for these debilitating conditions. Despite the truism that time heals all, this study clearly demonstrates that time alone does not heal the experience of childhood trauma.

Finally, my third priority is to focus on strengthening families and preventing child abuse and neglect. As the child welfare director, I learned first-hand how difficult it is to put families back together after abuse has occurred. A 2009 report from the Institute of Medicine stated that the most effective approach to reducing the impact of maltreatment is to prevent it from occurring.

In most cases, I believe, prevention can be done without a host of new programs but instead by integrating empirically supported elements into the programs and systems that ACYF already supports and funds.

In closing, Mr. Chairman, Ranking Member Grassley, I believe that I am prepared to lead the Administration on Children, Youth, and Families. If confirmed, I look forward to working with members of this committee to build on the most rigorous science currently available to track the results that we get for all kids and to focus relentlessly on securing better lives for the Nation's most at-risk children, youth, and families.

Thank you, and I welcome any questions.

The CHAIRMAN. Well, thank you, Mr. Samuels, for that very moving statement. You clearly are deeply committed, with deep experience, care, and concern. I deeply appreciate your statement.

Mr. SAMUELS. Thank you.

[The prepared statement of Mr. Samuels appears in the appendix.]

The CHAIRMAN. I now have some questions that are obligatory I must ask each of you, and I will just go down the line here.

Is there anything you are aware of in your background that might present a conflict of interest with the duties of the office to which you have been nominated?

Ms. Murray?

Ms. MURRAY. No, sir.

The CHAIRMAN. Mr. Esquea?

Mr. ESQUEA. No.

The CHAIRMAN. Mr. Samuels?

Mr. SAMUELS. No, sir.

The CHAIRMAN. Do you know of any reason, personal or otherwise, that would in any way prevent you from fully and honorably discharging the responsibilities of the office to which you have been nominated?

Ms. MURRAY. No, Senator.

Mr. Esquea. No.

Mr. SAMUELS. No, sir.

The CHAIRMAN. Do you agree, without reservation, to respond to any reasonable summons to appear and testify before any duly constituted committee of Congress if you are confirmed?

Ms. MURRAY. Yes, I do.

Mr. ESQUEA. Absolutely, Senator.

Mr. SAMUELS. Absolutely, sir.

The CHAIRMAN. Thank you.

All right. I will just go down the line here with questions. Actually, I will begin with you, Ms. Murray.

My main concern is resources, as we not only implement health care reform, but ancillary programs that are related.

Do you have some kind of plan, some kind of strategy that helps you have the proper amount of resources as well as the resources that are properly targeted to where they are needed? I know it is basically a budget question. It is what the budget submission is to the Congress that you will have a large role in. But if you could just tell us a little bit of what your thoughts are on how we make sure we get the proper resources.

Ms. MURRAY. Well, Mr. Chairman, I think, of course, probably the most important responsibility of HHS in the coming years will be to implement health care reform, and it is going to be one of my most important responsibilities to make sure that our budget includes sufficient resources to do so. I think to find those resources we have to make sure that our budget makes best use of limited Federal dollars.

First, I want to make sure that we do not duplicate programs in HHS among the various options, so that we get the biggest bang for the dollar. Also, that we look carefully at all of our programs and make sure those that do not work are not funded, those that do are, and that we find the resources to most efficiently implement whatever type of health care reform legislation comes out of this Congress.

The CHAIRMAN. Do you have any preliminary thoughts of what works and maybe what might be duplicative?

Ms. MURRAY. Well, I have some ideas from working with the budget for years. I think that the Program Assessment Rating Tool

(PART), done by OMB, is something that we need to look at closely. You know, for many years, we had hoped we would be able to do just that on the Appropriations Committee, really to look at programs, look at what works and make those decisions. Unfortunately, the appropriation process had become a year-long process. I do not believe we have done enough of it here, and I hope that we are able to do much more of it when I am down at the Department.

The CHAIRMAN. And the concern with the year-long process, is what?

Ms. MURRAY. We spend so much time getting the bill through Congress that we do not have the hours to really look at the programs, to visit, to look at the outcomes, to make good decisions about what programs should be increased, what should be eliminated, what should be reduced. As you can see in the Federal budget, many years all programs are level-funded. Obviously, some programs work better than others. We have to find out what those programs are. We have to look at the various options of HHS and see if there is duplication in programs, if a coordinated effort could provide better outcomes at a lower cost.

The CHAIRMAN. Will you be able to focus a little more effectively in your new role because you will not be doing quite the same? Maybe you will.

Ms. MURRAY. Yes, sir. I believe I will.

The CHAIRMAN. And so you have more time on—

Ms. MURRAY. A little more time and a little more staff.

The CHAIRMAN [continuing]. On which projects, which programs are better than other programs?

Ms. MURRAY. Yes, sir.

The CHAIRMAN. I strongly encourage you to do so and just be strong when you are talking to OMB.

Ms. MURRAY. I will, sir.

The CHAIRMAN. All right.

Mr. ESQUEA, my main question is just the relationship between the administration and Congress. Clearly, you have to work very closely together. It is teamwork. Clearly we should not be surprised by something HHS might do, and we should always give them a heads up, and so forth. It works both ways when we are working with you as well. A lot of it comes down to staff relationships, our staffs and you and your staff at HHS.

I really do not have a question to ask, but just very, very strongly encourage you to very, very closely consult with us. You already answered the question that Senator Grassley referred to. He believes fervently in this point, as do I, and you mention in your statement, speed counts and prompt attention counts so much, and that is so true. I just strongly encourage you to keep that up, just to be a bearcat over there, just to make sure that your staff and the whole Department responds very quickly to our requests. It will go a long, long way to minimizing misunderstandings.

Mr. ESQUEA. I appreciate that support. I guess I would like to paraphrase John W. Garner, a former Secretary of Health, Education, and Welfare under President Johnson, and say that what I want, the way I want Congress to view the ASL and the office

of assistant secretaries is, I hope that you view them as effective, accessible, responsive, and accountable.

In my good years here as a staffer, I have heard many stories and I have been in rooms where people have just been utterly and totally frustrated and confounded by an HHS response, an HHS non-response, an HHS explanation, and I think more often than not, it is a question of communication.

I think one of my key jobs here is to make sure, not only that I am able to translate to the Hill what the agenda and priorities are of the Secretary and the President, but just as important, to translate back to the Department and the administration what the priorities and the thinking is of the Congress. I mean there is a lot of good thinking being done around here, and sometimes we just do not hear each other. And my hope is that I will be an active ASL, and that I will be hearing you loud and clear, and, hopefully, you will be hearing what we have to say loud and clear, if confirmed.

The CHAIRMAN. Well, I sure wish you the best, because it is so important.

Mr. Samuels, I am just, as I said, very moved by your statement. As you were speaking, I was thinking of a young kid I mentored a long time ago who ended up in a foster home, and it just did so much for him. It just turned his life around.

He was in junior high when I first met him, he was failing in school, and I just decided on the spot that I was going to mentor this kid. He had problems. He walked up to me and he started crying. His mother was on meth, he was taken away from his mother, and one thing led to another. Actually, his mother died of meth consequences, but then he went into a foster home. I visited him there and he just blossomed, he just grew up, and he referred to the woman who ran the foster home as his mother, which to me was moving evidence that these things are starting to happen here.

Mr. SAMUELS. Absolutely.

The CHAIRMAN. I know you are the kind of guy who is going to keep encouraging that and I just—

Mr. SAMUELS. Yes. I fully support that. There is both, from an emotional standpoint as well as a research standpoint, lots of evidence that successful children have somebody in their life whom they know believes in them, and whether that is a mentor or foster parent or just a relative, it is a critical component to their own development. So, you are absolutely right, that foster parents can be that resource that allows a child to turn his life around or her life around, and so that is a critical component.

One of the interesting challenges we have going forward is, in some respects, as the Child Welfare System gets better at moving children to adoption, we are actually losing adoptive homes where we can place children in the future, because those homes typically then go off-line and we have to be able to recruit additional foster parents in order to have adequate resources to support young people.

It is an interesting challenge in the sense that, on one side, you want to move as many children to permanence as possible, but, at the same time, you have to redouble your efforts to recruit additional foster parents so you can support children who enter the sys-

tem. It is an interesting dynamic, and it is obviously one I hope to be able to work on with States across the country to ensure that they have sufficient homes where they need them to support young people as they enter the system.

The CHAIRMAN. Well, you certainly have my support.

Mr. SAMUELS. Thank you.

The CHAIRMAN. I can tell you will be very effective.

As a Montanan, I am just a little bit concerned about Indian tribes—Native Americans—too, because sometimes they get kind of pushed on the side. Your thoughts on how you can focus on reservation kids?

Mr. SAMUELS. Well, I tell you, I spent about 2 years in Nebraska as a deputy director. In that role I had a chance to visit a number of the reservations there in Nebraska, and I was first just really shocked by some of the economic conditions that children were having to be raised in. I was struck by how little social services or interventions are available on the reservation.

At the same time, these were very proud people. They believed in their culture, they believed in caring for their kids, and so I think that the work with tribes is really about a partnership. It is about meeting them halfway and starting there and, where it is necessary to go beyond halfway, to support their overall development.

I think the challenge we have will be not on the limited number of reservations that have casinos and other resources, but really on those reservations where there is no economic development, there is no base for employment, and it is really building the capacity in those areas. I think a lot of technical assistance will be required, and I would anticipate being very active as we move forward with the tribal 4(e) component of the Fostering Connections Act, because I think it will make a huge difference for those kids on that reservation. But it is difficult work.

The CHAIRMAN. I would like you to come to Montana to see the entire State. I do not mean every nook and cranny, but see Montana, including our reservations. I think it would be very helpful.

Mr. SAMUELS. I would welcome that opportunity.

The CHAIRMAN. Thank you. I have no further questions.

Senator Grassley?

Senator GRASSLEY. I am going to continue along the lines of questioning I had in my opening comment about oversight. Hence, the chairman has already brought that up to some extent, but I wanted to repeat that I think I treat oversight the same, regardless of which party is in charge of the Executive Branch.

I want to bring to light something that is a problem for Democrats when they are in the minority, and, obviously, Republicans are in the minority now. Can you believe it goes back to the Reagan administration? For some reason or other, that Republican President maybe was irritated with minority oversight or something, so he found someone in the Justice Department to issue some ruling that really the Executive Branch of government does not have to pay much attention to a ranking member's request.

If it does not come from the chairman, it does not have much weight. So, it brings up this question.

The CHAIRMAN. Before you go any further, as far as I am concerned, Senator Grassley is the co-chairman, too, so any request he has is treated—because we go back and forth, sometimes he is chairman and sometimes I am chairman. [Laughter.]

Senator GRASSLEY. Well, he stated that before, and so I appreciate that very much. We have had this cooperative relationship where, if need be, I would back him up and he backs me up. But it creates a lot of complication, so I am going to ask you for this public commitment.

If you are confirmed to serve in the positions you have been nominated for, a clear public commitment that, as a ranking member of this committee, I will not be required to provide you with a chairman's letter for the Department to respond to my letters and to provide to me the Department documents that I need to do my work.

Would you be receptive, then, to my inquiries and will you assure me that I will not need a chairman's letter to get this information?

I have to ask each of you the same question.

Ms. MURRAY. Senator, I understand the importance of receiving accurate and timely information from the Executive Branch. As a member of the staff of the subcommittee, we face that issue all the time and are often disappointed about the timeliness or accuracy of information.

I pledge to you that I will do everything that I am allowed under the law to make sure that you receive the information you need in a timely and efficient manner.

Senator GRASSLEY. All right. Thank you.

Mr. Esquea?

Mr. ESQUEA. Senator Grassley, you are rightly famous for your devotion to your oversight responsibilities. I, too, am a fan of congressional oversight. If confirmed, I hope to continue to be a fan of congressional oversight. [Laughter.]

Given that, I will do all that I can, within the boundaries of law, to make sure that you get everything that you need.

Senator GRASSLEY. Thank you.

Mr. Samuels?

Mr. SAMUELS. I will be very receptive to your request, and with little doubt I will do everything within the boundaries of the law to respond to your request.

Senator GRASSLEY. Unrelated to your department, another agency of government I will not mention at this point—they probably know who I am. If they are listening, they know who I am.

I want to give you an example of where I thought an agency, very recently, was not responsible. I am holding up a nomination. The person who has that nomination had previously been in charge of the agency, and we requested information way back in—let us see, what was it—in June, I think, and, until I put the hold on it, I never got any response whatsoever. And, just recently, we did start getting some documents. But you can see why I do not consider these very responsive. [Laughter.]

They are all redacted. So a friend of mine who is a head of another department called me up and said, what could he do to help so I could release this. I sent these to him, just one example that his inquiries to the White House have not done much good yet.

Now, maybe this is perfectly legitimate if there is some reason of privacy or national security, but I would at least like to know why every word is redacted.

Another issue that I have very much of an interest in is the qui tam. You probably know that qui tam or false claims type things are very good to get money back to the Federal Treasury, and you probably know that I am the author of that legislation. No, wait a minute. I am getting ahead of myself here. I have another question on oversight before I get to that question.

This will be for all three of you. It is mostly about fair, honest and transparent government. Congressional oversight is the linchpin of checks and balances. Oversight of HHS programs and activities requires a review of documents and interviews with agency officials or other employees to inform us about questions we might have. In furtherance of our oversight responsibilities, sometimes we engage the Government Accountability Office to evaluate HHS programs and activities and sometimes we involve the Office of the Inspector General.

A follow-up question to the first one I asked you: would you commit to working with the Congress, Government Accountability Office, and OIG to, in a timely and constructive manner, address the oversight and other needs of Congress, and will you encourage others to do so?

The reason I ask this question—although I probably ask it of everybody—but on the TARP legislation we set up a special Inspector General to just oversee all that work, all that money going out, and he has had tremendous trouble, even within his own department, of getting information he ought to have.

Now, you can disregard what I have said about the special Inspector General, but I give you that as an example that we need cooperation within a department or for other agencies like the Government Accountability Office to get information that maybe we are not going to seek directly. So, I ask if we would have cooperation the same way, as I suggested in my question, of helping those agencies or OIG to help in oversight?

Ms. MURRAY. Yes, Senator, you definitely have my cooperation.

Senator GRASSLEY. All right.

Mr. ESQUEA. Yes, Senator.

Senator GRASSLEY. Yes. All right.

Mr. SAMUELS. Absolutely.

Senator GRASSLEY. Yes, thank you.

Now I would like to go to the False Claims Act, if the three of you would respond to this question. I said I was the author of it. I think it has been very good, bringing \$22 billion back into the Federal Treasury.

It is my hope that all three of you would vigorously support the False Claims Act and, particularly, the qui tam provisions.

Would you work cooperatively with the—I think I am going to have to ask four separate questions and get responses from each of you.

Will you work cooperatively with the Attorney General in the Department of Justice to vigorously enforce the False Claims Act?

Ms. MURRAY. Yes, sir.

Mr. ESQUEA. Yes, Senator.

Mr. SAMUELS. I will.

Senator GRASSLEY. Would you oppose efforts by industry groups, including the health care industry, to weaken the False Claims Act and the qui tam provisions of the False Claims Act? Let me give you some background on this.

First, getting the bill passed, you are fighting the defense industry. Then the defense industry, after we got it passed, the defense industry tried to gut it. Then when the defense industry did not have enough support to get it gutted, they got the American Hospital Association, in the early 1990s, to get the thing gutted, and that did not succeed.

There still are efforts to do that. I cannot be specific on recent ones, but they never go away. There is always somebody wanting to get at this tool that works so well. I guess I asked the question and did not wait for the answer.

Will you oppose efforts of industry groups to weaken it?

Ms. MURRAY. Yes sir, I will.

Mr. ESQUEA. Yes, Senator.

Mr. SAMUELS. Absolutely.

Senator GRASSLEY. And I think the reason I ask that question is, I believe that in one of the Republican administrations they had the cooperation of the department in that effort. I do not know whether it is your department or another department.

Would you agree to promote close working relationships between qui tam relators and the Department of Health and Human Services for purposes of reducing fraud, waste, and abuse in Federal health care programs?

Ms. MURRAY. Yes, sir.

Mr. ESQUEA. Yes, Senator.

Mr. SAMUELS. Yes.

Senator GRASSLEY. Thank you.

This is the last one. Would you work cooperatively with me to ensure that a bill I introduced earlier this year to restore the original intent of FCA is reviewed and commented on by the Department in a timely manner and with constructive input? That is not to say you agree with the bill or not, it is just to get the information from the Department so that is not standing in the way of our moving the bill along.

Ms. MURRAY. Yes, Senator.

Mr. ESQUEA. We will definitely be helpful, yes.

Mr. SAMUELS. Yes, I will.

Senator GRASSLEY. Thank you.

Could I ask Mr. Samuels—can I go ahead, because this would really be a second round? Mr. Samuels, as you know, the so-called child-only TANF cases are increasing as a percentage of the total welfare caseload, yet States have very little in the way of requirement to provide services to these children.

A couple questions, and I want to ask them together. Do you share my concern that some States are shifting children into a child-only TANF case instead of directing them to a guardianship arrangement or even into foster care? If confirmed, how would you plan to address or coordinate the effort within ACF to improve access to services to these children? Two separate questions. One is not tied to the other, as far as—

Mr. SAMUELS. I think, first of all, I certainly share your concern about this population. I have not spent enough time looking State by State to see the behavior that individual States are engaged in, but this is a population that has remained, even as the larger TANF population has decreased. It is certainly an area where we need to look.

I think the challenge on this is that I am not sure we know enough about all of the kids and families that are in this child-only population. There are a number of studies out there that would describe it as a pretty heterogeneous population, so it is not all one kind of parent or non-parent. So, I think the first thing we need to do is get clear on exactly who this population is.

I think the second question is, really, are the issues that these families are facing really issues around child welfare or are they issues around child poverty? I think, depending on who is responsible for the child, we could very easily be in a child welfare situation or we could be in a child poverty situation. I would like to explore that some with you and your staff before taking a position.

The last question I would ask in looking at this issue is: What is the outcome we want to get for these kids and families? Because I think, in the absence of stating up front what we want to accomplish, it is very difficult to then decide what the appropriate intervention is.

Those are the kinds of questions I would ask and that would be the kind of conversation I would like to have with you and your staff as this issue moves forward.

Senator GRASSLEY. Well, I would like to give you my—first of all, I am satisfied with your answer, particularly because you said you wanted to confer with my staff on this. I would like to answer the question you raised about what the goals are. Obviously, we have to have goals and they are good. For me, what I have heard from the kids themselves, what they want is permanence. They want a mom and dad. We ought to help them get that, and we ought to be ashamed of the number of people who are aging out and not having had that arrangement.

When you go through the maze that is an example of what you have to go through when you are in this system—because I have done that when the Wendy's founder was alive—you come to the conclusion that when kids who are 15 years old say that what they want is a mom and dad, they want permanence, they do not want to be shoved from one place to another. That is the goal that I seek, and it is not something I thought of, it is something I have heard from them.

Mr. SAMUELS. I think the only issue I would raise on that one is that, when you look at the child welfare population, in all of the work that this committee and others have done to really first make sure that the appropriate services are available and that we reduce the population as quickly as is appropriate, we have seen some reduction in the overall population.

As we sit here today, the child-only population is larger than the entire child welfare system is today. There is an order of magnitude issue here of really making sure that the children in the child-only population who are appropriate for child welfare services are identified without assuming that all of the children in that cat-

egory necessarily need to be placed in the child welfare system. I would just like to work through the details on that going forward.

Senator GRASSLEY. Well, I appreciate your sincerity.

Also, for you, if you are confirmed, you will oversee an implementation of the Success in Increasing Adoptions, or what we call the Connection Act. That is a very expansive reform that we have passed. You dealt with this in your opening statement, that it is a priority for you

I would ask you to be a little more specific, because a number of key reforms, including in this legislation, are options for States. Of particular importance for me are the options to establish permanent kinship relationship and extend eligibility for foster care to age 21.

If confirmed, how do you intend to work with States to ensure that as many of them as possible take up the options provided in the 2008 act? And if you can be specific, I would appreciate it.

Mr. SAMUELS. Sure. Let us start with me articulating where I think the field is at. I think that the last couple of years of reductions in budgets have really had a negative impact on the child welfare system. I think that there are States out there that are today really struggling to meet the basic obligation they have to children in the foster care system.

One of the things I would like to do in this position, if confirmed, is to engage those directors again and get a much better feel for exactly where the field is at and the kind of struggles that they are having to just keep the basic services in place. I think that is a precursor to some of this work. As it relates to the Fostering Connections Act, in Illinois, as you know, we aggressively worked to move children through and out of the system using kinship guardianship as one of the major vehicles. Over a 10-year period of time we moved about 10,000 children out of the system using that vehicle.

We have some experience there, and I would hope to apply what we did in Illinois to the circumstances that other States have, and to work with those States to adopt strategies. Their strategy may look different than the one we used in Illinois. It probably will look different. But I think I have some credibility on that issue, and I think I can work with State directors to move that forward.

On the other side, as you also know, we have worked pretty extensively in the State of Illinois to move kids out of the system, and part of the experience there was beginning to understand that, even after kids leave the system, they need ongoing support. We have really looked at that issue very closely, particularly given that Illinois has been one of the few States that actually allowed children to stay in care to the age of 21.

What we found there is, you get dramatically better outcomes for the kids who are allowed to stay until they are 21. I think it is a conversation with the States about what are the options they have available to them to really move to 21 and what are the kinds of outcomes they can achieve for their kids by moving to 21.

I think there is a decent amount of experience. I would like to blend it with other things that have happened in the country and then work very closely with State directors to figure out how to help them move forward on each of these critical areas, even if one State's strategy looks very different than the other. I think that is

probably likely to be the case, and so we will just have to work one-by-one with those States to move each of those components forward.

Senator GRASSLEY. Yes. In regard to your first statement about States having trouble, that may now be a problem. Is it your belief that that is directly related to the recession we are in, or do you think there are other problems?

Mr. SAMUELS. No, I think it is the recession we are in. So you have a number of States that just have much fewer tax revenues coming in, and as a result they have had to make significant decreases in their overall commitment, and that is having an impact on the child welfare system.

Senator GRASSLEY. My last question to you, and then I am done. I am sorry to hold up the other two.

Nearly everyone in the child welfare community thinks that the financing system is in need of serious overhaul. The eligibility threshold goes back to former AFDC standards and that is outdated. The majority of Federal funding is directed to the least preferable outcome, which is placing children in foster care. Funding for family preservation, including treatment for substance abuse, continues to be insufficient. However, one of the longstanding debates in the child welfare community has been on how to restructure child welfare financing. Some favor expanding the entitlements, others argue for block grant. So, what do you see is the greatest challenge to reforming the current child welfare financing structure, and what ideas for reform do you bring to the position that you have been nominated for?

Mr. SAMUELS. I think the biggest challenge is the need for more resources. That would be the easy answer, which is that I think, as a director of child welfare, I found myself often having to choose between two very unattractive options in terms of what I could afford to do for kids.

I think there are a number of State directors who would simply argue that they need access to additional resources. But given that that is unlikely to occur, I think that—again I would like to play with the details a little bit on this, but—I would like to look very closely at the block granting option.

I think that the States need some flexibility. I think States take different approaches to it. A good example is, the work that we did in Illinois resulted in us having about 16,000 kids in care, 17,000 when I left, but today there are about 16,000. If you look at the county of Los Angeles alone, they have almost 15,000 kids in care.

So, you take one county versus an entire State, the reality is that each of these systems looks very different. You also have the phenomenon of States that have county-based systems, so each county is making decisions about how to create and craft support services for children in the child welfare system.

I think block granting is worth exploring because it would give States the flexibility to attune what their kids need with the system that they currently have and support. I would like to take a look at that, but it is a complex system, obviously, and there would have to be a whole lot of discussions about what we would do to really get the kind of results we want. I agree with you that right

now we are funding the wrong things in terms of the kinds of outcomes we want to achieve.

Senator GRASSLEY. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. I thank all of you for serving and wish you the very, very, very best. There will be ups and downs as there always are, but, basically, you will be guided through dedication to service and helping the people that you are serving. So I just wish the very, very best. I urge you to just go for it, give it all you have, and work with us, because you have a committee here that wants to work with you.

The committee is adjourned.

[Whereupon, at 11:25 a.m., the hearing was concluded.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

Opening Statement

Jim Esquea

**Nominee to be Assistant Secretary for Legislation,
U.S. Department of Health and Human Services**

Senate Committee on Finance

October 15, 2009

Chairman Baucus, Senator Grassley, members of the Committee, thank you for inviting me here today to discuss my nomination to be Assistant Secretary for Legislation at the Department of Health and Human Services.

It is an honor to be nominated, and I am grateful to President Obama and Secretary Sebelius for providing me this opportunity to serve the American people. It is especially gratifying to testify before this Committee. As a staffer for Senator Conrad, I have had the opportunity to work with the Committee's members and staff on a range of important issues over the years, including the reauthorization of programs like the Temporary Assistance for Needy Families program and the Children's Health Insurance Program, as well as the recent effort to reform the nation's health care system. I want to commend you, Chairman Baucus and Ranking Member Grassley, for your leadership. I also want to give special thanks and praise to the Committee staff – both Democratic and Republican – which has been generous, even-handed in its approach, dedicated to excellence and good policy, and always a pleasure to work with.

The Assistant Secretary for Legislation serves as principal advisor to the Secretary with respect to all aspects of the Department's legislative agenda and congressional liaison activities. The agenda of the Department is driven by its main mission – protecting the health of all Americans and providing essential human services, especially for those who are least able to help themselves. It is a mission that the more than 65,000 employees are dedicated to fulfilling.

If I am confirmed, it will be my responsibility to work with this and other committees in support of the mission of the Department and the health and human services agenda of the Administration.

I believe my experiences at the Office of Management and Budget (OMB) and the Senate Budget Committee will serve me well as the Assistant Secretary for Legislation.

From August 1994 to January 1999, I was a program examiner at the Health Division of OMB, where I helped to guide the formulation and review of the budget for HHS Public Health Service agencies, with my primary area of responsibility being the Food and

Drug Administration. Along with evaluating HHS agency programs to ensure program effectiveness and proper spending of funds, I also helped to coordinate and develop the Administration's position on bills and amendments and to review congressional testimony and reports for consistency with Administration positions and policy. This experience provided me with detailed knowledge of HHS and its agencies, as well as knowledge of how those agencies interact with Congress to provide members and congressional committees the best information possible.

For the last ten years, I have been the analyst for Income Security, Medicaid, the Children's Health Insurance Program (CHIP), and discretionary health programs for the Senate Budget Committee. In that position, I have assisted in developing and drafting the annual congressional budget resolution, and in making program recommendations for my areas of responsibility as they affect the federal budget.

The position has also required me to track the cost of appropriation and authorization legislation to ensure compliance with the budget resolution and to enforce Budget Act points of order. Because of this important responsibility, I have worked with many member offices and committee staff to provide advice on how best to shape and draft legislation and amendments so that they are consistent with the budget resolution. Because considerable policy depth and knowledge of the budget are necessary in order to provide the best advice possible, I believe my work in this area highlights one my particular strengths – a clear understanding of the intersection between policy and budgeting.

If confirmed, I will be your liaison to the Department. I am well aware of how important the help and assistance of the professional staff in the Office of the Assistant Secretary for Legislation are to the legislative and oversight efforts of Congress. I will work to ensure that the office continues to focus on providing members the technical assistance they need on legislative priorities, answering oversight requests, and ensuring members have the information necessary to meet the needs of their constituents.

I also have a particular interest in ensuring that members are provided the most accurate information available and that it is presented in a manner that is useful. The only way information is of any use to members and policymakers is if it is timely delivered and clearly articulated.

Chairman Baucus, Senator Grassley, members of the Committee, thank you again for the opportunity to testify today. I am confident that my knowledge of health policy and programs and income security programs, my familiarity with the federal budget process, and my experience working with congressional offices and committees will serve me well if I am confirmed as the Assistant Secretary for Legislation. I look forward to the opportunity to apply this knowledge and experience in support of the mission of the Department of Health and Human Services.

I am happy to answer any questions.

**SENATE FINANCE COMMITTEE
STATEMENT OF INFORMATION REQUESTED OF NOMINEE**

A. BIOGRAPHICAL INFORMATION

1. Name: (Include any former names used.)

Jim Ramon Esquea

2. Position to which nominated:

Assistant Secretary for Legislation, U.S. Department of Health and Human Services

3. Date of nomination:

August 6, 2009

4. Address: (List current residence, office, and mailing addresses.)

5. Date and place of birth:

March 22, 1967
New York, NY

6. Marital status: (Include maiden name of wife or husband's name.)

Single

7. Names and ages of children:

None

8. Education: (List secondary and higher education institutions, dates attended, degree received, and date degree granted.)

Columbia University
New York, NY
September 1992 – June 1994
MPA, June 1994

Wesleyan University
Middletown, CT
September 1986 – June 1990
BA, June 1990

The Collegiate School
New York, NY
September 1981 – June 1986
High School Diploma, June 1986

9. Employment record: (List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment.)

January 1999 – Present, Analyst for Income Security and Medicaid, Committee on the Budget, United States Senate, Washington, DC

August 1994 – January 1999, Program Examiner, Health Division, Office of Management and Budget, Executive Office of the President, Washington, DC

October 1993 – June 1994, Capital Budget Analyst Intern, Economic Development Task Force, New York City Office of Management and Budget, New York, NY

September 1992 – June 1994, Dean's Assistant, Graduate Program of Public Policy and Administration, Columbia University, New York, NY

May 1993 – December 1993, Management Intern, Office of Economic and Policy Analysis, Port Authority of New York and New Jersey, New York, NY

August 1990 – August 1992, Deputy Paralegal Supervisor, Appeals Bureau, Manhattan District Attorney's Office, New York, NY

10. Government experience: (List any advisory, consultative, honorary, or

other part-time service or positions with Federal, State or local governments, other than those listed above.)

Legislative Intern, Connecticut Legislative Assembly, Spring 1989

Program Intern, New York City Housing Preservation and Development Office, Summer 1998

- 11. Business relationships: (List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, other business enterprise, or educational or other institution.)**

None

- 12. Memberships: (List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.)**

None

- 13. Political affiliations and activities:**

- a. List all public offices for which you have been a candidate.**

None

- b. List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.**

None

- c. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$50 or more for the past 10 years.**

2006, \$50 Friends of Joseline Pena-Melnyk (MD state delegate race)

2006, \$70 Friends of Aaron Klein (MD state delegate race)

- 14. Honors and Awards: (List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievement.)**

Charles B. Ray Scholarship, Wesleyan University, 1986

Program Research Assistant Fellowship, Columbia University, 1994

Picker Prize Recipient for Excellence & Public Service, Columbia University, 1994

OMB Special Achievement Award for sustained excellence in analyzing and developing Food and Drug Administration policies, regulations, and reform legislation, Office of Management and Budget, 1995 – 1996

OMB Group Award for excellence in analyzing, developing, and assisting in Food and Drug Administration reform legislation, Office of Management and Budget, 1997 – 1998

15. Published writings: (List the titles, publishers, and dates of all books, articles, reports, or other published materials you have written.)

None

16. Speeches: (List all formal speeches you have delivered during the past five years which are on topics relevant to the position for which you have been nominated. Provide the Committee with two copies of each formal speech.)

None

17. Qualifications: (State what, in your opinion, qualifies you to serve in the position to which you have been nominated.)

I believe my experiences at the Office of Management and Budget (OMB) and the Senate Budget Committee makes me well-qualified to serve as the Assistant Secretary for Legislation at the Department of Health and Human Services.

From August 1994 to January 1999, I was a program examiner at the Health Division of OMB, where I helped to guide the formulation and review of the budget for HHS Public Health Service agencies, with my primary area of responsibility being the Food and Drug Administration. Along with evaluating HHS agency programs to ensure program effectiveness and proper spending of funds, I also helped to coordinate and develop administration positions on bills and amendments and to review congressional testimony and reports for consistency with administration positions and policy. This experience provided me with detailed knowledge of HHS and its agencies, as well as knowledge of how those agencies interact with Congress to provide members and congressional committees the best information possible.

For the last ten years, I have been the analyst for Income Security, Medicaid, the Children's Health Insurance Program (CHIP), and discretionary health programs for the

Senate Budget Committee. In that position, I have assisted in developing and drafting the annual congressional budget resolution and in making program recommendations for my areas of responsibility as they affect the federal budget.

The position has also required me to track the cost of appropriation and authorization legislation to ensure compliance with the budget resolution and to enforce Budget Act points of order. Because of this important responsibility, I have worked with many member offices and committee staff to provide advice on how best to shape and draft legislation so that it is consistent with the budget resolution. Because considerable policy depth and knowledge of the budget are necessary in order to provide the best advice possible, I believe my work in this area highlights one my particular strengths – a clear understanding of the intersection between policy and budgeting.

I believe my knowledge of health policy and income security programs (like the Temporary Assistant for Needy Families (TANF) program, child care, and child support programs), my familiarity with the federal budget process and Congress's role in that process, and my experience working with congressional offices and committees will serve me well if I am confirmed as Assistant Secretary for Legislation. I look forward to the opportunity to apply this knowledge and experience in support of the mission of HHS as recently described by Secretary Sebelius – to protect the health of the American people and provide essential human services, especially for those who are least able to help themselves.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. **Will you sever all connections with your present employers, business firms, associations, or organizations if you are confirmed by the Senate? If not, provide details.**

Yes

2. **Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, provide details.**

No

3. **Has any person or entity made a commitment or agreement to employ your services in any capacity after you leave government service? If so, provide details.**

No

4. **If you are confirmed by the Senate, do you expect to serve out your full**

term or until the next Presidential election, whichever is applicable? If not, explain.

Yes

C. POTENTIAL CONFLICTS OF INTEREST

- 1. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.**

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Health and Human Service's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

- 2. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.**

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Health and Human Service's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

- 3. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy. Activities performed as an employee of the Federal government need not be listed.**

None

- 4. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Provide the Committee with two copies of any trust or other agreements.)**

In connection with the nomination process, I have consulted with the Office of

Government Ethics and the Department of Health and Human Service's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

5. **Two copies of written opinions should be provided directly to the Committee by the designated agency ethics officer of the agency to which you have been nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position.**
6. **The following information is to be provided only by nominees to the positions of United States Trade Representative and Deputy United States Trade Representative:**

Have you ever represented, advised, or otherwise aided a foreign government or a foreign political organization with respect to any international trade matter? If so, provide the name of the foreign entity, a description of the work performed (including any work you supervised), the time frame of the work (e.g., March to December 1995), and the number of hours spent on the representation.

N/A

D. LEGAL AND OTHER MATTERS

1. **Have you ever been the subject of a complaint or been investigated, disciplined, or otherwise cited for a breach of ethics for unprofessional conduct before any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.**

No

2. **Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority for a violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, provide details.**

No

3. **Have you ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.**

In 1994, Signet Bank obtained a judgment against me in a circuit court in Virginia for \$3,256 in credit card debt. To the best of my recollection, I subsequently paid the outstanding debt in full. Although I have attempted to confirm this with the Virginia courts, the courts have so far been unable to locate a record of the judgment or the disposition. I have also attempted to confirm this with the creditor, but Capitol One, which acquired Signet Bank through a series of mergers, has been unable to locate any record of the debt or subsequent payment.

In 1997, Columbia University brought suit in New York City Civil Court because I was behind in my student loan payments by \$7,796. I was behind in payments due to financial difficulties. I worked out a payment plan, and by 2005 I had fully paid the loans at issue.

4. **Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, provide details.**

No

5. **Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.**

None

E. TESTIFYING BEFORE CONGRESS

1. **If you are confirmed by the Senate, are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?**

Yes

2. **If you are confirmed by the Senate, are you willing to provide such information as is requested by such committees?**

Yes

Opening Statement

Ellen Murray

Nominee to be Assistant Secretary for Resources and Technology, U.S. Department of Health and Human Services

Senate Committee on Finance

October 15, 2009

Chairman Baucus, Ranking Member Grassley, and members of the Committee, thank you for the opportunity to appear before you today in connection with my nomination to be Assistant Secretary for Resources and Technology at the U.S. Department of Health and Human Services (HHS). I am honored to be the President's nominee for this position at this important time in the Department's and the nation's history.

The Assistant Secretary for Resources and Technology at the Department of Health and Human Services (HHS) is responsible for development of the HHS annual budget, the execution of that budget, the implementation of the Recovery Act, for grants policy and information technology policy, and for financial management – to provide for the direction and coordination of these activities throughout HHS.

Mr. Chairman, I believe my education and experience uniquely qualify me for this position.

My educational background includes a degree in Economics from Trinity College and a J.D. degree from the George Mason University School of Law.

For the past ten years, I have been staff director for the Senate Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies. In that position, I am responsible for coordinating the Senate's appropriation of funds to most HHS agencies, which begins with a review of the President's Budget submitted to Congress by HHS. I also had a large role in the development of the HHS section of the Recovery Act passed by Congress earlier this year.

In addition, I have previous experience working at the Department. As an attorney with the HHS Office of General Counsel (OGC), one of my principal responsibilities included advising the Office of Budget on appropriations matters. I also represented the OGC on a Department-wide task force on grants policy and represented the Department at the Board of Contract Appeals.

As a budget analyst for the Administration for Children and Families (ACF), I was not only responsible for development of the ACF section of the HHS budget, but also for the execution of the final appropriation.

In my roles both at ACF and earlier at the Social Security Administration (then a part of HHS), my responsibilities included the development of cost estimates for mandatory HHS programs, including Child Support and Aid to Families with Dependent Children (AFDC).

In summary, I have a strong understanding of the federal budget process, including its execution; I am very familiar with the HHS budget and the issues that surround that budget; I have experience in the area of grants policy; and I bring a unique understanding of the Recovery Act as it relates to HHS.

I am eager to begin work as Assistant Secretary for Resources and Technology. I cannot think of another federal agency that does more good than the Department of Health and Human Services. I believe in the Department's mission, and I look forward to tackling the many budgetary challenges that lie ahead.

As the members of this Committee know well, we are potentially facing years of scarce resources. My overarching priority as Assistant Secretary would be to ensure that HHS can continue to fulfill its commitment to promoting health and providing essential human services, even under difficult budgetary circumstances. That will mean investing in programs that work, eliminating those that don't, and doing more with less

More broadly speaking, President Obama has expressed a firm commitment to promoting efficiency government-wide by examining federal budgets as a whole, rather than as a collection of unrelated components. I intend to take that approach to HHS by working to ensure that the programs and initiatives led by each of the Department's many agencies and divisions complement, rather than compete with, one another.

My final priority would be to ensure that the resources of HHS are in place to facilitate the implementation of legislation to reform our nation's health care system. I know that, after months of working tirelessly, the Committee recently approved legislation in this area, and that discussions in both the Senate and House of Representatives are ongoing. Whatever the final product looks like, I understand that the effort to implement the legislation will be an enormous undertaking. If confirmed, I stand ready to marshal the resources of HHS in support of the President's and the Secretary's effort to expand coverage and lower health care costs for the American people.

Chairman Baucus, Ranking Member Grassley, thank you again for the opportunity to appear before you today to discuss my nomination. I would be happy to answer any questions.

**SENATE FINANCE COMMITTEE
STATEMENT OF INFORMATION REQUESTED OF NOMINEE**

A. BIOGRAPHICAL INFORMATION

1. Name: (Include any former names used.)

Ellen Gloninger Murray
Ellen Gloninger (maiden name)

2. Position to which nominated:

Assistant Secretary for Resources and Technology
U.S. Department of Health and Human Services

3. Date of nomination:

June 1, 2009

4. Address: (List current residence, office, and mailing addresses.)

5. Date and place of birth:

June 18, 1948
Pittsburgh, Pennsylvania

6. Marital status: (Include maiden name of wife or husband's name.)

7. Names and ages of children:

8. Education: (List secondary and higher education institutions, dates attended, degree received, and date degree granted.)

Our Lady of Mercy Academy, Pittsburgh, PA
September 1962 – June 1966
High School Diploma – June 1966

Trinity College, Washington, DC
September 1966 – May/June 1970
BA, June 1970

George Mason University School of Law, Arlington, VA
September 1987 – June 1990
JD, June 1990

9. Employment record: (List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment.)

Economist
Social Security Administration
Washington, DC
June 1970 – January 1977

Project Manager
Stephen G. Yeonas Investment Company
Arlington, VA
January 1977 – January 1979

Project Manager and Assistant Vice President
B. F. Saul Company
Chevy Chase, MD
January 1979 – August 1987

Tour Guide at Arlington National Cemetery
Andary Associates
(Part-time job during law school – do not remember exact dates)

Law Clerk/General Attorney
 Office of General Counsel
 U.S. Department of Health and Human Services
 Washington, DC
 September 1990 – April 1992

Budget Analyst; Director of the Division of Budget and Finance
 Administration for Children and Families
 U.S. Department of Health and Human Services
 Washington, DC
 April 1992 – February 1994
 October 1994 – February 1995

Budget Analyst; Director of Budget Planning and Communication
 Office of Assistant Secretary for Management and Budget
 U.S. Department of Health and Human Services
 Washington, DC
 May 1996 – February 1997

Detaillee from U.S. Department of Health and Human Services
 U.S. Senate Appropriations Subcommittee on Labor, Health and Human Services, and
 Education and Related Agencies
 Washington, DC
 February 1997 – January 1999
 February 1995 – May 1996
 February 1994 – October 1994

Clerk (Staff Director)
 U.S. Senate Appropriations Subcommittee on Labor, Health and Human Services, and
 Education and Related Agencies
 Washington, DC
 January 1999 – Present

10. Government experience: (List any advisory, consultative, honorary, or other part-time service or positions with Federal, State or local governments, other than those listed above.)

None

11. Business relationships: (List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, other business enterprise, or educational or other institution.)

None

12. Memberships: (List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.)

Director, Alexandria Little League, Alexandria, VA
Member, Army-Navy Country Club, Arlington, VA

13. Political affiliations and activities:

a. List all public offices for which you have been a candidate.

None

b. List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

None

c. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$50 or more for the past 10 years.

4/28/09	Paul Smedberg (Alexandria City Council)	\$100
7/23/08	Obama for America	\$100
11/18/07	Obama for America	\$50
12/12/07	Democratic Senatorial Committee	\$50
5/9/06	Paul Smedberg	\$100
10/05/06	Webb for Senate	\$50
2/1/05	DNC	\$100
6/17/04	Reid for Senate	\$100
6/21/04	Kerry for President	\$250
9/10/03	Jay Test (VA Delegate)	\$100

14. Honors and Awards: (List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievement.)

None

- 15. Published writings: (List the titles, publishers, and dates of all books, articles, reports, or other published materials you have written.)**

None

- 16. Speeches: (List all formal speeches you have delivered during the past five years which are on topics relevant to the position for which you have been nominated. Provide the Committee with two copies of each formal speech.)**

None

- 17. Qualifications: (State what, in your opinion, qualifies you to serve in the position to which you have been nominated.)**

The Assistant Secretary for Resources and Technology at the Department of Health and Human Services (HHS) is responsible for development of the HHS annual budget, the execution of that budget, the implementation of the Recovery Act, grants policy, and information technology. I believe my education and experience uniquely qualify me for this position.

My educational background includes a degree in Economics from Trinity College and a J.D. degree from the George Mason University School of Law.

For the past ten years, I have been staff director for the Senate Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies. In that position, I am responsible for coordinating the Senate appropriation of funds to HHS, which begins with a review of the budget submitted to Congress by HHS. I also had a large role in the development of the HHS section of the Recovery Act passed by Congress earlier this year.

In addition, I have previous experience working at the Department. As an attorney with the HHS Office of General Counsel (OGC), one of my principal responsibilities included advising the Office of Budget on appropriations matters. I also represented the OGC on a Department-wide task force on grants policy.

As a budget analyst for the Administration for Children and Families (ACF), I was not only responsible for development of the ACF section of the HHS budget, but also for the execution of the final appropriation.

In my roles both at ACF and earlier at the Social Security Administration (then a part of HHS), my responsibilities included the development of cost estimates for mandatory

HHS programs, including Child Support and Aid to Families with Dependent Children (AFDC).

In summary, I have a strong understanding of the federal budget process, including its execution; I am very familiar with the HHS budget and the issues that surround that budget; I have experience in the area of grants policy; and I bring a unique understanding of the Recovery Act as it relates to HHS.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. **Will you sever all connections with your present employers, business firms, associations, or organizations if you are confirmed by the Senate? If not, provide details.**

Yes

2. **Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, provide details.**

No

3. **Has any person or entity made a commitment or agreement to employ your services in any capacity after you leave government service? If so, provide details.**

No

4. **If you are confirmed by the Senate, do you expect to serve out your full term or until the next Presidential election, whichever is applicable? If not, explain.**

Yes

C. POTENTIAL CONFLICTS OF INTEREST

1. **Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.**

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Health and Human Service's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have

entered into with the Department's Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

- 2. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.**

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Health and Human Service's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

- 3. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy. Activities performed as an employee of the Federal government need not be listed.**

None

- 4. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Provide the Committee with two copies of any trust or other agreements.)**

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Health and Human Service's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

- 5. Two copies of written opinions should be provided directly to the Committee by the designated agency ethics officer of the agency to which you have been nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position.**
- 6. The following information is to be provided only by nominees to the positions of United States Trade Representative and Deputy United States Trade Representative:**

Have you ever represented, advised, or otherwise aided a foreign government or a foreign political organization with respect to any international trade matter? If so, provide the name of the foreign entity, a description of the work performed (including any work you supervised), the time frame of the work (e.g., March to December 1995), and the number of hours spent on the representation.

N/A

D. LEGAL AND OTHER MATTERS

- 1. Have you ever been the subject of a complaint or been investigated, disciplined, or otherwise cited for a breach of ethics for unprofessional conduct before any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.**

No

- 2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority for a violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, provide details.**

No

- 3. Have you ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.**

Yes. In my role as an employee of the B.F. Saul Company, I served on a condominium association Board of Directors named by the developer. The board and developer were sued by the homeowners association over a matter in which I had no personal involvement. The suit was filed in Arlington County Circuit Court, Civil Division, in 1988, and transferred to chancery court in 1991. To the best of my recollection, it was settled.

- 4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, provide details.**

No

5. **Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.**

None

E. TESTIFYING BEFORE CONGRESS

1. **If you are confirmed by the Senate, are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?**

Yes

2. **If you are confirmed by the Senate, are you willing to provide such information as is requested by such committees?**

Yes

Opening Statement

Bryan Samuels

Nominee to be Commissioner for the Administration on Children, Youth, and Families, U.S. Department of Health and Human Services

Senate Committee on Finance

October 15, 2009

Mr. Chairman and members of the Committee, my name is Bryan Samuels. It is an honor for me to appear before you as President Obama's nominee to be Commissioner of the Administration on Children, Youth, and Families. I'm also honored to come before this particular Committee for confirmation because of your long commitment to improving the quality of life for children and youth placed in the child welfare system. I want to assure you that I share your commitment to serving our nation's most vulnerable children and youth.

If confirmed, I will bring more than 20 years of experience working at the state and local levels to promote the social and emotional well-being of children and families. I have worked to build systems that promote proven results for children that have been adopted and youth in foster care, runaway youth, youth in juvenile detention, childhood victims of trauma and exposure to violence, and those struggling with academic achievement.

I have spent my career focused on cost-effective service strategies and streamlined operations in large government organizations on behalf of children, youth, and families. My commitment to public service is largely motivated by my own childhood experience of spending eleven and half years in a residential school for disadvantaged children. This experience helped shape my commitment to serve high-risk children like me, and it continues to reinforce my belief that dedicated people and well-designed programs can have a dramatic and positive impact on the lives of vulnerable youth. I believe that we need to build public systems that are more concerned about the long-term results for children, than they are with meeting minimal standards and requirements.

During my career, I have been Chief of Staff for Chicago Public Schools, Director of Child Welfare for the State of Illinois, Deputy Director of the Department of Social Services for State of Nebraska, and Assistant to the Governor for Human Services for the State of Illinois. I also taught at the University of Chicago's School of Social Service Administration for seven years. I hold a Master's Degree from the University of Chicago, Harris School of Public Policy Studies and a Bachelor's of Arts Degree from the University of Notre Dame.

My academic training as well as my experience leads me to a strong belief in the use of data, research, and evidence-based interventions to guide policy decisions. In my most recent leadership roles, I have been responsible for addressing some of the most

intransigent issues facing our children and youth through implementing the best practices I could find, based on research.

Given that the Children's Bureau is responsible for "supporting and encouraging services that prevent or remedy the effects of abuse and/or neglect of children and youth," I hope to draw on my experience as the Director of the nation's third-largest child welfare agency with 16,500 children in custody, 10,000 public/private employees, and a budget of \$1.3 billion. My record provides some insight into how I will approach my job as Commissioner. While Director of DCFS, I worked with a team of committed public servants to:

- reduce caseload ratios in the public and private sectors from 20 cases per worker to 14 cases per worker;
- continue to decrease child welfare population from 20,500 to 16,500 statewide;
- reduce number of youth "on run" by 40%, decrease the number of days "on run" by 50%;
- decrease the use of residential treatment or group home care by 20%;
- reduce number of past due child protection investigations by 60%; and
- decrease distance between home of origin and foster care placement from 20 miles to 7.8 using new school placement protocol.

If confirmed, my first priority as Commissioner will be to ensure effective implementation of Fostering Connections to Success and Increasing Adoptions Act, which I know this Committee was instrumental in enacting. I believe successful implementation of the Act will provide a valuable opportunity to improve the child welfare system's focus on child and family well-being – the long-term measure of success – as well as on the safety of children. The comprehensive nature of the Act gives me great confidence that we can do more to ensure that the children in the system have better lifetime outcomes.

Because of my most recent experience for two and half years as Chief of Staff for the Chicago Public Schools (CPS), I'm particularly interested in the Act's provisions that address improving educational outcomes for children and youth in foster care. There is no denying that education is a cornerstone of future economic success. For foster youth, I believe successful completion of high school also provides a vital, positive counterweight to the abuse, neglect, separation, and impermanence they have experienced. The Fostering Connections Act makes improving educational outcomes a focal point for all the child welfare agencies – an example of focusing on the long-term outcomes for children. I will also work to ensure effective implementation of the Act's kinship guardianship and tribal IV-E initiatives, which I know are priorities for many members of the Committee.

My second priority, after successful guidance for Fostering Connections, is to work with the members of this Committee to expand the availability and use of interventions that draw upon the latest research on the trauma these children have experienced. There is a growing body of literature that shows dramatically how trauma and violence disrupts healthy development. A powerful place to begin is the longitudinal research on adverse

childhood experiences (ACEs). The study found that individuals with more than four of these ACEs were 2 times as likely to smoke cigarettes, over 4 times as likely to experience depression, 12 times as likely to attempt suicide, nearly 5 times as likely to use illegal drugs, 10 times as likely to have injected drugs, 2.5 times as likely to contract a sexually transmitted disease, and 7 times as likely to abuse alcohol. Despite the truism that “time heals all,” these studies show that time alone does not heal childhood trauma.

Many of the children and youth served through funding the Family and Youth Services Bureau (FYSB) have had traumatic experiences that place them at high risk for these debilitating conditions. FYSB can play an important role in supporting the development of evidence-based policies and strategies that promote positive development for these high-risk children and youth.

Finally, my third priority is to focus on strengthening families and preventing adverse experiences in the first place. As the Child Welfare Director in Illinois, I learned first-hand that putting families back together after a prolonged separation is difficult work for everyone involved. As a 2009 report from the Institute for Medicine stated, “The most effective approach to reducing the effects of maltreatment is to prevent its occurrence. Because of the pervasive mental, emotional, and behavioral problems for which maltreated children are at risk, programs that prevent abuse have the potential to avert multiple disorders and promote healthy development across multiple domains of functioning.”

Rigorous research shows that building key “protective factors” with families reduces the likelihood of child maltreatment and increases the health and well being of children at the same time. The five protective factors in use across multiple agencies in more than half the states are:

- Promoting parental resilience,
- facilitating social connections,
- enhancing knowledge of parenting and child development,
- ensuring children’s social and emotional development, and
- providing concrete support in times of need.

These attributes serve as buffers, helping parents who might otherwise be at risk of abusing or neglecting their children to instead, find resources, supports, or learn coping strategies that allow them to parent effectively, even under stress. In most cases, this does not require a host of new programs as much as it requires integrating empirically supported elements into programs and systems that are already funded through the Administration on Children, Youth, and Families.

Mr. Chairman, Ranking Member Grassley, and Members of the Committee, I believe I’m well prepared to lead the Administration on Children, Youth, and Families. Again, I will build on the most rigorous science currently available, track the results we are getting, and focus relentlessly on better lifetime outcomes for children and youth.

If confirmed, I look forward to working with the members of this Committee to improve the lifetime outcomes for this nation's most vulnerable children, youth, and families. Thank you.

**SENATE FINANCE COMMITTEE
STATEMENT OF INFORMATION REQUESTED OF NOMINEE**

A. BIOGRAPHICAL INFORMATION

- 1. Name: (Include any former names used.)**

Bryan Hayes Samuels

- 2. Position to which nominated:**

Commissioner for Administration on Children, Youth, and Families, U.S. Department of Health and Human Services

- 3. Date of nomination:**

July 13, 2009

- 4. Address: (List current residence, office, and mailing addresses.)**

- 5. Date and place of birth:**

June 17, 1966, Chicago, IL

- 6. Marital status: (Include maiden name of wife or husband's name.)**

- 7. Names and ages of children:**

None

8. Education: (List secondary and higher education institutions, dates attended, degree received, and date degree granted.)

University of Chicago
1992-1993
Master's of Public Policy, 1993

University of Notre Dame
1985-1989
Bachelor of Arts in Economics, 1989

Bloom Township High School
1981-1985
High School Diploma, 1985

9. Employment record: (List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment.)

January 2007-Present	Chief of Staff Chicago Public Schools Chicago, IL
April 2003-January 2007	Director Illinois Department of Children and Family Services Chicago, IL
August 2002-April 2003	Program Manager Chicago Metropolis 2020 Chicago, IL
1996-2003	Adjunct Professor University of Chicago School of Social Service Administration Chicago, IL
Dec. 2001-August 2003	Independent Consultant (self-employed) Chicago, IL
Feb. 2000-Dec. 2001	Deputy Director Nebraska Dept. of Health and Human Services Lincoln, NE

1996-February 2000	Independent Consultant (self-employed) Chicago, IL
1991-1996	Director of Community Planning and Organizing Family Resource Coalition Chicago, IL
1990-1991	Assistant to Governor for Human Services Office of the Governor, State of Illinois Springfield, IL

10. Government experience: (List any advisory, consultative, honorary, or other part-time service or positions with Federal, State or local governments, other than those listed above.)

None

11. Business relationships: (List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, other business enterprise, or educational or other institution.)

Board member, Voices for Illinois Children, June 2008-Present

Board member, SOS Children's Village Illinois, February 2009-Present

12. Memberships: (List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.)

None

13. Political affiliations and activities:

a. List all public offices for which you have been a candidate.

None

b. List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

None

- c. **Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$50 or more for the past 10 years.**

None

14. **Honors and Awards: (List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievement.)**

1992-1993, Alfred P. Sloan Foundation Fellowship (paid for Masters Degree in public policy)

15. **Published writings: (List the titles, publishers, and dates of all books, articles, reports, or other published materials you have written.)**

Know Your Community: A Step-by-Step Guide to Community Needs and Resources Assessment. Publisher: Family Support America - January 1995.

From the Program Director's Desk: Missing Children, Changing Populations and Unrecognized Needs. Publisher: Illinois Child Welfare Journal – 2004.

16. **Speeches: (List all formal speeches you have delivered during the past five years which are on topics relevant to the position for which you have been nominated. Provide the Committee with two copies of each formal speech.)**

October 8, 2004, Chicago, IL – “Next Phase of Child Welfare Reform in Illinois – Lifetime Approach” (speech delivered to Illinois child welfare community concurrent with release of Illinois Department of Child and Family Services’ program improvement plan)

17. **Qualifications: (State what, in your opinion, qualifies you to serve in the position to which you have been nominated.)**

Thank you for the opportunity to outline my qualifications for Commissioner of the Administration on Children, Youth, and Families within the Administration of Children and Families at the U.S. Department of Health and Human Services.

I believe I possess a strong leadership background on youth and family issues. Throughout two decades of guiding state and local programs that promote the social well-being of children and youth, the common thread in all my work is building systems that promote positive outcomes for at-risk children and youth, including adoptive and foster-care populations, runaway and homeless youth, children and youth in residential

care and juvenile justice settings, childhood victims of trauma and exposure to violence, youth transitioning to independence, children and youth in mental health systems, and those struggling with academic achievement.

By taking a lifetime (or proactive) view toward a child's experiences and development, I have worked to design and implement systems that achieve the kind of outcomes all parents want for their children. Whether in education, foster care, or youth development – or via the provision of behavioral, mental health, and/or other human services – my policy focus has always been on building systems that address safety, childhood, and adolescent developmental milestones, as well as educational and vocational needs, while attuning the child welfare and other systems to the long-term potential impact of early adverse experiences like childhood abuse, neglect, and exposure to violence.

I strongly believe in the use of data, research, and evidence-based interventions. In both my most recent leadership roles, through partnerships with experts in fields ranging from mental health clinical practice to academic achievement, I have examined some of the most intransigent children and youth issues and have attempted to drive forward a policy agenda based on best-practice research and outcomes. Additionally, I have advocated successfully in multiple arenas for the adoption of new data collection points designed to identify children's strengths and resilience, leading to better planning, the further development of positive youth skills, and important new approaches to service provision.

I also have significant experience working to comply, monitor, and implement a range of federally funded programs, including Title IV-E, Title IV-B, and IDEA, among others. I have led and integrated the federally supported statewide automated child welfare information systems (SACWIS) into a state child welfare agency made up of over 30,000 caseworkers. Under my direction, Illinois completed its outcomes action plan designed under the Administration for Children and Families program improvement planning process. In addition, I have experience moving policy agendas across legislative and executive branches of government at state and city levels, as well as across private agencies, community providers, foundations, universities, and other research bodies. As part of these efforts, I have consistently worked to maximize resources by aligning projects and creating bridges of shared responsibility.

With respect to the management of the Children's Bureau, which is responsible for "supporting and encouraging services that prevent or remedy the effects of abuse and/or neglect of children and youth," as well as the Adoption Opportunities program and other discretionary child welfare and runaway youth service programs, I hope to draw on my experience as the Director of the nation's third-largest child welfare agency with 16,500 children in custody, 10,000 public/private employees, and a budget of \$1.3 billion. During my four-year tenure as Director, caseload ratios in public and private sectors decreased from 20 cases per worker to 14 cases per worker; the child welfare population declined from 20,500 to 16,500 statewide; and disproportionate

representation of African American children in child welfare system declined from 69.3% to 60%.

If I am confirmed, experiences building systems for positive youth development programming at Chicago Public Schools, the Nebraska Department of Social Services, the Family Resource Coalition, as well as the Illinois DCFS, will inform my leadership of the Family and Youth Services Bureau, which focuses on reducing risks by strengthening families and communities and helping all youth to thrive. In addition, my professional experience includes re-engineering service delivery for youth exposed to violence, runaway youth, incarcerated youth, children with incarcerated parents, children with special needs, and others.

I believe my background and experience, which has afforded me numerous opportunities to develop outcome-based service systems, enhance staff development, encourage performance accountability, and re-engineer case management systems, has prepared me well for the position of Commissioner of the Administration on Children, Youth, and Families. I greatly look forward to the opportunity.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. **Will you sever all connections with your present employers, business firms, associations, or organizations if you are confirmed by the Senate? If not, provide details.**

Yes

2. **Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, provide details.**

No

3. **Has any person or entity made a commitment or agreement to employ your services in any capacity after you leave government service? If so, provide details.**

No

4. **If you are confirmed by the Senate, do you expect to serve out your full term or until the next Presidential election, whichever is applicable? If not, explain.**

Yes

C. POTENTIAL CONFLICTS OF INTEREST

- 1. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.**

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Health and Human Service's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

- 2. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.**

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Health and Human Service's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

- 3. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy. Activities performed as an employee of the Federal government need not be listed.**

None

- 4. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Provide the Committee with two copies of any trust or other agreements.)**

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Health and Human Service's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

5. **Two copies of written opinions should be provided directly to the Committee by the designated agency ethics officer of the agency to which you have been nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position.**
6. **The following information is to be provided only by nominees to the positions of United States Trade Representative and Deputy United States Trade Representative:**

Have you ever represented, advised, or otherwise aided a foreign government or a foreign political organization with respect to any international trade matter? If so, provide the name of the foreign entity, a description of the work performed (including any work you supervised), the time frame of the work (e.g., March to December 1995), and the number of hours spent on the representation.

N/A

D. LEGAL AND OTHER MATTERS

1. **Have you ever been the subject of a complaint or been investigated, disciplined, or otherwise cited for a breach of ethics for unprofessional conduct before any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.**

In September 2005, a supervisor at the Illinois Department of Children and Family Services (DCFS) placed an employee on paid administrative leave due to poor work performance. As Director of DCFS, I signed the leave paperwork. It then received final approval by state personnel officials. The employee subsequently alleged retaliation, leading to an investigation by the state's inspector general (IG). The IG's report criticized the supervisor's decision to discipline the employee, but found no evidence that I played a substantive role in this decision. The report recommended that my decision to sign the leave paperwork should be "reviewed." DCFS disputed the IG's findings, and no further action was taken.

2. **Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority for a violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, provide details.**

No

3. Have you ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

In *O'Quinn v. Ruebhausen*, a plaintiff father sued several parties, including me in my official capacity as Director of Illinois Department of Children and Family Services (DCFS), the local chief of police, and the governor, after the plaintiff's parental rights were terminated by DCFS. The suit was filed in U.S. District Court for the Southern District of Illinois in 2005. In 2006, the court, on its own motion, dismissed with prejudice the claim with respect to me.

In *Boyd v. Free*, a plaintiff brought a civil rights claim against several defendants, including me in my official capacity as Director of DCFS, after he had been indicted for child abuse for beating up his girlfriend's child. The suit was filed in U.S. District Court for the Southern District of Illinois in 2004. I had no personal knowledge of the abuse investigation, and the court dismissed me from the case in February 2005.

Dupuy v. McDonald is an ongoing class action suit filed in the Northern District of Illinois in 1997. Plaintiffs challenge DCFS's authority to ask a parent to leave a home during a child welfare investigation and, if the parent refuses, to remove the child during the investigation. The case was filed prior to my tenure at DCFS, and I was added as a defendant after I became Director. The case is pending. When I left my post as Director of DCFS, I was removed as a defendant.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, provide details.

No

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

None

E. TESTIFYING BEFORE CONGRESS

1. If you are confirmed by the Senate, are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?

Yes

2. If you are confirmed by the Senate, are you willing to provide such information as is requested by such committees?

Yes