

**STATEMENT OF GREGORY F. JACOB
NOMINEE FOR SOLICITOR
U.S. DEPARTMENT OF LABOR**

**HEARING BEFORE THE
COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS
UNITED STATES SENATE
NOVEMBER 1, 2007
OPENING STATEMENT OF**

Thank you, Mr. Chairman, Senator Enzi, and distinguished members of the Committee. It is an honor to appear before you today as you consider my nomination to be Solicitor of Labor. I am eager to get to work enforcing the nation's labor and employment laws on behalf of the job seekers, wage earners, and retirees of the United States, and I am deeply grateful for the Committee's expeditious scheduling of today's hearing. I want to thank the President of the United States for nominating me for the position, and Secretary Elaine L. Chao for the confidence she has shown in me by recommending me for the position. Finally, I want to thank the family members and friends who are here supporting me today.

I have been blessed in my career as an attorney with diverse experiences that have been both challenging and rewarding. After a time in private practice, I decided to embark upon a career of public service. My first position with the federal government was as a career attorney in the Justice Department's Office of Legal Counsel. My first day was the Monday after September 11th. I remember thinking that morning as I walked through the Department's massive front doors on Pennsylvania Avenue that, at a time when the entire nation was hurting and every citizen was looking for a chance to contribute, I had been given a rare and awesome opportunity, but also entrusted with a heavy responsibility – to fairly and faithfully administer the law, and to advise other federal agencies on how to do the same.

I later served as Deputy Solicitor at the Department of Labor, a position that expanded my legal horizons not only to the management of an office of more than 425 attorneys and nearly 600 employees, but also to the application and enforcement of a body of laws that touch and affect the lives of virtually every worker in America. Most recently, I served at the White House as Special Assistant to the President for Domestic Policy with a portfolio that included justice and immigration issues. During the recent immigration debate in Congress, I got to spend a lot of time here in the Dirksen building and over at the Capitol, and had the pleasure of getting to know many members of your staffs.

As a government official, I believe it is important to stay directly in touch with the impact government policy has on ordinary citizens. Accordingly, while serving in each of the positions I have held with the federal government, I have simultaneously been involved in one or more cases outside the government on a pro bono basis. I entered each of these cases through the auspices of Justice for

Children, a non-profit organization that seeks to provide legal representation to protect children who are the victims of physical or sexual abuse. This work, which has been among the most meaningful of my career, has kept me actively involved in both trial and appellate litigation, and has given me the opportunity to personally get to know some truly courageous individuals – parents who persevere through every difficulty and frustration to protect their children from the horrible specter of abuse, and men and women who have dedicated their lives to providing those families the support and resources they need to succeed.

In addition to my work experience, I have tried to remain academically engaged as well. I have written one law journal article each year for the last five years, and since early 2002 I have served as editor and then senior editor for the law journal *The Green Bag*.

I believe my tripartite career of public service, regular pro bono representation, and scholarly endeavor has prepared me well for the challenges of running the Solicitor's office. I like to think of the Office of the Solicitor as the Labor Department's muscle on the ground, playing a critical role in helping the Department fulfill its mission to "foster[] and promote[] the welfare of the job seekers, wage earners, and retirees of the United States." Inspectors and investigators alone cannot secure full compliance with the law; if workers are to truly enjoy the rights and protections Congress has established for them, the Department's enforcement agencies must be backed by active and dedicated lawyers who stand ready to prosecute violators.

Every area of law that the Solicitor's Office enforces is important. Nevertheless, there are some enforcement areas that, if confirmed, I would make particular priorities. Wage and Hour enforcement in low-wage industries such as poultry and agriculture, where workers tend to be least able to defend their statutory rights, has long been an enforcement priority for the Department, and I would continue that emphasis. Recent tragedies have highlighted the incredible importance of enforcing safety and health laws, where the very lives of workers are at stake. In the area of Federal Contract Compliance, I believe it is critical that the Solicitor's Office expand on its recent record of historic recoveries by continuing to bring cases against those who fail to comply with the law and maintain deterrence through vigorous enforcement. And aggressive USERRA enforcement is particularly important in light of the continued deployment of our troops abroad.

The reach of the Solicitor's Office is coextensive with that of the Department, and its work must be excellent in every area that it touches. No single attorney can be an expert in all the areas of law that fall within the purview of the Office, but I believe my broad experience as Deputy Solicitor assisting in the enforcement of virtually all the areas of law entrusted to the Department, combined with my respect for and good working relationships with the Department's knowledgeable and seasoned career attorneys, have prepared me well to serve as Solicitor of Labor. If confirmed, I am confident that my background will allow me to hit the ground

**running in fairly and vigorously enforcing the nation's labor and employment laws.
Thank you again for considering my nomination.**