

STATEMENT OF SEEMA NANDA
NOMINEE FOR SOLICITOR OF LABOR
BEFORE THE COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS
OF THE UNITED STATES SENATE

APRIL 26, 2021

Chairwoman Murray, Ranking Member Burr, and Members of the Committee, I'm honored to appear before you today as the nominee for the Solicitor of Labor. Thank you for welcoming me here today, and for meeting with me over the last several days. I've appreciated our conversations very much. If confirmed, I look forward to serving the American people, and helping the Department of Labor fulfill its critical mission of promoting the welfare of American workers, job seekers, and retirees during these challenging times for America's workers and families.

I want to thank President Biden and Vice President Harris for nominating me to this position, and Secretary Walsh for recommending me. I also want to thank my family, my husband, Vincent Falvo, and my children Leonardo and Roman, who are missing some remote high schooling to watch today. I am glad they are able to learn about the Senate's advice and consent function up close.

I want to also thank my parents. As young children, my parents were forced to leave their homes behind during the partition of India and Pakistan. They worked hard in India, with dreams, like so many other immigrants, to come to the United States for freedom and opportunity. I'm grateful for all that they, and this country, have provided to me, and honored to be the first woman of color nominated for the position of Solicitor of Labor.

I have spent the vast majority of my career in public service. I started my career in private practice representing management in labor and employment matters in Seattle before going to the National Labor Relations Board. While at the NLRB, I worked in Democratic and Republican Administrations, serving under four different General Counsels, three Republican, one Democrat. I spent nearly 10 years at the NLRB, always seeking to come to the right decision, one based on a careful review of case law, precedent, and the specific circumstances of the case. My work often involved significant interaction with the General Counsel's office. I appreciated these collaborative interactions with colleagues, both Republic and Democratic, including General Counsels Leonard Page, Ronald Meisburg, John Higgins, the late Arthur Rosenfeld.

I left the NLRB to join the now-named Office of Employee and Immigrant Rights at the Department of Justice's Civil Rights Division. I served as the career head of that office, helping to revitalize the office's litigation, to deepen our cross-agency work with ICE and USCIS, which

had related missions, and to run an outreach program to employers and affected communities. We were a small office with limited resources, and I learned the importance of being strategic with enforcement and engaging in employer outreach.

I had the honor of serving in various roles at the U.S. Department of Labor, including as Deputy Solicitor and Chief of Staff of the Department. The breadth of work of the DOL -- from the roughly 180 laws it enforces, the workforce training programs and unemployment insurance programs it administers, to data and research -- are critical to the wellbeing of America's workers, job seekers, and retirees. I'm proudest of our work on employee engagement, where DOL became the most improved federal agency in the Employee Viewpoint Survey two years in a row. People are the most valuable asset at the DOL and at the Solicitor's office, and if confirmed, I plan on listening and working collaboratively.

In my more than 20 years of my legal career in labor, employment, and civil rights work, I have learned that most employers want to do the right thing, and clear guidance and compliance assistance are critical. But at the same time, wrongful termination, wage theft, discrimination in employment, retaliation, or denial of employment, is devastating to workers, particularly the most vulnerable workers. The erosion of labor standards hurts all workers and our economy, as well as the majority of employers that are complying with the law.

I've seen the role of Solicitor up close, and I believe that my experiences at DOL, in government, as well as my years outside of government, have prepared me for the role. I understand that as the chief legal advisor to the Department, my role as Solicitor will sometimes be to tell my superiors that they can't do things -- that it's not legally defensible. That's something I've done before and am prepared to do.

I believe that decision-making is almost always better when it involves consideration of multiple viewpoints. If confirmed, I commit to listening and learning from a diversity of perspectives as I work to enforce the laws fully and fairly. I also understand the importance of working in a bipartisan manner and working with Congress and members of this committee to find common ground whenever possible.

I'm truly humbled by this nomination. If confirmed, I would be excited to return to public service and to work with the hundreds of highly competent career attorneys who are working every day to enforce the agency's mission and fairly consider the complex equities at stake in making decisions. This collaborative work I have engaged in throughout my time in government has been the highlight of my career, and I would be honored to have the opportunity to serve again.

Thank you, and I look forward to your questions.