

## **OPENING STATEMENT OF JONATHAN BERRY**

Nominee for Solicitor of Labor, U.S. Department of Labor

Senate Committee on Health, Labor & Pensions

June 18, 2025

Thank you, Chairman Cassidy, Ranking Member Sanders, and all the members of this Committee. I'll start by expressing my gratitude to God for the uncountable blessings in my life, including this opportunity to serve Him and our Republic should the Senate confirm me. I want to thank President Donald J. Trump for putting his trust in me to return to the Department of Labor, and more importantly to thank him for his unflagging courage on behalf of the American people over the past decade, especially in the last year against unrelenting elite hostility and multiple attempts to murder him. I want to thank Secretary Lori Chavez-DeRemer and my old friend and colleague Deputy Secretary Keith Sonderling for all their support of my nomination to return to the department we love. I want to thank my team at Boyden Gray PLLC for all their love and support; my dear friend and partner Michael is here to represent them all. And finally, my family: my wonderful wife Meghan is here today, allowing me to thank her personally for all that she has done to support me in over fifteen years of marriage, most especially in raising up and homeschooling our precious children. Our oldest three are here, Miriam, Virginia, and Simon, and I hope the younger five are watching the stream at home with our friends and not setting the house on fire in our absence. I'm grateful that my brother Daniel and my sister Samantha are watching this remotely with their families. And I'm grateful that our parents, Jim and Karen Berry, could come, so I can likewise thank them in person for all their sacrifices that have gone into making me who I am.

My dad is an attorney, as was his father before him, my grandfather. And it was from my dad that I learned not only the value of hard work—which my mother also taught me, as a successful small business owner—but that the *workplace* itself was charged with moral meaning. You see, employment law was always a big part of his practice, and I grew up at our dinner table hearing stories about case after case of people behaving badly in the office or on the warehouse floor. So for me, the law's influence on the world of work has always been where I've directed my attention, because of my dad.

That's why I've returned to the topic over and over again in my professional work, as a practicing lawyer and as someone who has tried to contribute to the policy conversation off and on for two decades. For me, the inflection point came in 2018, when I had the privilege to head the Department's policy office, first under Secretary Alex Acosta and then Secretary Gene Scalia. There I focused more specifically on workers and on how to better protect them while honoring employers' essential role as job creators. I remain extremely proud of the work we were able to do, including with Keith Sonderling and my fellow nominee here, my friend Andy Rogers.

In the last five years my focus on the law's treatment of work has only intensified. I'm proud that my firm repeatedly challenged the previous administration's overreach, from OSHA's unlawful COVID vaccine mandate to ETA's illegal intrusion of DEI into registered apprenticeships to EBSA's encouragement of ESG under ERISA, to the detriment of retirement security. I'm proud that we've represented employers against unlawful federal actions *and* that we've represented workers mistreated by their employers. And I've been privileged to use those experiences to refine my thinking on employment law, in hopes of contributing to a better understanding of how the law can and should build up the dignity of labor.

This past Labor Day, I published my working vision statement at *First Things*: “the overarching goal of a just policy about work should be to reinforce the nature of work as service.”

Work is service to God, it's service to family, to community, and to nation. And it is vindicating work as service that would be my greatest honor if confirmed as Solicitor. Work can't be service—not fully—when it does not also help us serve our families and communities. If your employer is holding back the wages you need to support those depending on you. If you're unduly risking life or limb on the job. If stewards are faithless with your family's retirement savings.

If confirmed as Solicitor, it would be my solemn responsibility to vindicate these rights, and more, of workers before our courts of law. And it would likewise be my responsibility to give my best possible advice to the Secretary on what the law does and does not authorize—on the good work that you, the Congress, have commissioned DOL to do.

I thank you for the privilege of speaking with you today and look forward to your questions.