

Prepared Statement of Ranking Member Richard Burr

Nominations of Jennifer Abruzzo, General Counsel of NLRB, and Seema Nanda, Solicitor for the Department of Labor

April 29, 2021

Good morning, Chair Murray. Thank you for scheduling this hearing to consider the nominations of Jennifer Abruzzo for General Counsel of NLRB and Seema Nanda for Solicitor of Labor.

Welcome Ms. Abruzzo and Ms. Nanda. Congratulations on your nominations.

President Biden called for bipartisanship and unity in his inaugural address stating “this is our historic moment of crisis and challenge. And unity is the path forward.” Yet, while he was reading his speech, his staff was engaged in unprecedented firings of government officials.

That’s not good for the Senate, it’s not good for our country and ultimately this behavior isn’t good for our nation’s workers.

One of those firings during the President’s call for unity was the removal of NLRB General Counsel Peter Robb.

This was the first time a newly elected President has ever fired the NLRB General Counsel, a Senate-confirmed position that under the National Labor Relations Act serves a four-year term.

Congress set a specific term for the General Counsel to provide integrity and independence to the position.

We need both independence and integrity in the General Counsel's office, which we had with Peter Robb until he was abruptly fired by White House staff while the President was still standing on the Capitol balcony calling for unity.

Just as Congress prizes the independence of the FBI Director and the set term for that position, we should prize it for the General Counsel.

And just as we view the abrupt firing of an FBI director as shocking and unprecedented, we should view the firing of the General Counsel with similar concern.

President Biden's actions not only harm the independence of the Board and the General Counsel, but this is an aggressive and unnecessary partisan escalation. For example, President Trump left President Obama's General Counsel, Richard Griffin, in office for 10 months until Griffin's term expired.

President Obama left President George W. Bush's General Counsel, Ronald Meisburg, in office for 18 months until he left on his own accord in June 2010—two months before his term expired.

So, while President Biden was reading pretty words about unity, his politically motivated staff escalated the unending partisan war, and as a result workers and business will suffer.

I'd say "Say it ain't so, Joe" but unfortunately, we have the nomination before us, so I know it is so.

Ms. Abruzzo says she wasn't involved in the firing, but that's frankly a little hard to believe as she was heavily involved in the Agency Review Team for Labor, which covered the NLRB.

I can't imagine this firing was a surprise to her.

Ms. Abruzzo's fingerprints are on many of the NLRB's most radical decisions and some of the Administration's most partisan post-election labor moves.

If confirmed, she will come in with a dark cloud over her head.

Turning to Seema Nanda, the solicitor of the Department of Labor should be someone with balance, without an ideological agenda. But Ms. Nanda is a highly partisan individual.

While she has Department experience, it was under Tom Perez who was himself a radical partisan.

Ms. Nanda followed Mr. Perez to the DNC where she was his top executive in charge of fundraising.

I find it hard to believe that the American people want labor laws enforced by someone whose job it was to raise money for the Democratic Party.

She has used her time at the DNC to make a series of inflammatory, aggressive, and narrow-minded tweets and re-tweets about and against Republicans.

She has accused our own Committee member Senator Collins of not caring about survivors of sexual assault, which is offensively false. Susan Collins stands head and shoulders above those slurs against her.

Ms. Nanda has accused Republican Senators of wanting to “break” the government when it was Democrats who were ruthlessly filibustering much needed aid for COVID-19 last year.

The list goes on, and I won’t abuse this committee by repeating her tweets here.

I’m sure she’ll offer some form of an apology, but I suspect that she’s simply sorry she got caught.

But such rhetoric is in sharp contrast to the bipartisanship the President promised as late as last night.

Ms. Nanda seems to view employers not as job creators but as cartoonish evildoers set upon disadvantaging and harming the American worker.

I fear her confirmation would lead to a partisan assault against employers, the great majority of whom are eager to comply with their regulatory obligations and keep their workers safe.

Ms. Nanda's zero-sum mentality of American labor-management relations—that in order for the worker to gain the employer must suffer—is an out-of-the-mainstream view that has no place in American government.

I welcome this hearing as an opportunity to understand exactly what this Administration and the Majority intends to attempt to impose on business and job creators in the coming months.

Hopefully instead they will set aside their partisan, ideological agendas and instead work together to protect workers, create jobs, and grow our economy, not our government.

Since the foundation of the American Federation of Labor, American union members, the actual workers --not their union bosses-- have been engaged in a struggle against radical socialists who wish to seize control and repurpose the labor

movement away from prioritizing the economy and creating jobs to pushing socialism where government reigns.

The AFL's founder, Samuel Gompers (GAHM-PERS) only lost one internal election to the Socialist faction.

Gompers knew our country needed thriving businesses for his members to bargain with and work for.

He had no time for socialists who wanted to hijack the labor movement as a means of destroying the very idea of a free market economy.

That battle for the soul of labor continues today.

The labor of American workers drives our free-market economy and their demand for good jobs and fair wages helps our competitive spirit thrive, but some unions have instead become partisans masquerading as worker advocates.

Workers should be protected, and their rights to organize, and not to organize, should be respected under the law.

But partisan legislation, like the poorly named PRO Act, masquerading as a pro-worker bill, is truly a dagger aimed at the heart of America's free enterprise system.

Our two nominees today have fine qualifications for their previous jobs – Ms. Abruzzo, as a union lawyer and Ms. Nanda, as a Democratic party activist, but they represent the wrong side of the struggle for the soul of the American worker.

It's unclear to me that they will ever enjoy the confidence of anyone outside of the biased anti-business bubbles that fester in the fringes of the left, further undermining public confidence in the independent nature of the positions they seek to hold.