

**Statement of Kate O’Scannlain
Nominee for Solicitor of the Department of Labor
Before the Committee on Health, Education, Labor and Pensions
United States Senate**

November 15, 2017

Thank you, Mr. Chairman, Ranking Member Murray, 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 want to thank the President of the United States for nominating me and Secretary Acosta for recommending me. And I want to thank the family members and friends who are here today supporting me.

In particular, I want to acknowledge my husband Matt Johnson, my parents Diarmuid and Maura O’Scannlain, five of my seven siblings who are here today (Sean, Jane, Kevin, Megan, and Annie), my father-in-law Walter Johnson, and my four children Nolan, Cormac, Bowen, and Jane. I also want to recognize and thank my long-time mentor and friend from Kirkland & Ellis, John Irving, as well as my firm’s leadership and colleagues for their support.

You might say that my journey to this appointment began my junior year at Jesuit High School in Portland, Oregon in Father Larry Robinson’s U.S. History Class. I was part of a small group of women who transferred that year into the previously all-male school. I remember vividly the day Father Robinson wrote the name “Frances Perkins” on the chalk board and called on me to answer what was unique about the spelling of Frances—an “e” instead of an “i” —a woman’s spelling. Of course, I came to learn—and never have forgotten—that Frances Perkins was the first female cabinet member, the longest serving Secretary of Labor, and the first woman in presidential line of succession. If confirmed, it will be my honor to go to work every morning in

the Department of Labor Frances Perkins Building to “ensure that the Nation’s labor laws are forcefully and fairly applied to protect [our] Nation’s workers.”^[1]

We are at a critical time in history for the American Worker as our employers and labor force face increasingly complex issues: the rise of the gig economy; rapid advances in automation and artificial intelligence; an aging work force; more women in the workplace—including in Board rooms and the frontlines of the military; an increase of women as the primary bread-winner in families; the challenges of seasonal and agricultural workforces; revelations of sexual harassment and predatory behavior on the front pages; the burdens of excessive occupational licensing requirements; a decline in organized labor; opioid abuse that is plaguing many American families and workers; higher compliance costs for small businesses—just to name a few.

If confirmed, I pledge to tackle these challenges with the thoughtfulness and care that they merit. I will work to enforce laws under the Labor Department’s jurisdiction fully and fairly. I commit, if confirmed, to collaborate with the career officials who possess the bulk of the subject-matter expertise in these areas and to have open and fulsome dialogue before committing to or recommending any particular course of action. I commit, to listen carefully to all stake holders.

If confirmed, I look forward to helping further this Administration’s Labor agenda, including issues that are of particular importance to this Committee. These include job creation, advancing opportunities for profitable employment through apprenticeship and job-training programs, improving workplace safety, helping efforts to reintegrate veterans into the workforce, assuring work-related benefits and rights are protected—among many other stated goals. I will bring a

^[1] DOL Solicitor’s Mission Statement.

diversity of experiences to the Solicitor's office from more than a decade in private practice. In my experience, the vast majority of employers seek to comply with the law. Indeed, they spend significant amounts of money on compliance costs—only to confront laws, rules, and regulations that can be confusing in their application to the modern workplace. The rules of the road should be clear and compliance guidance ample and easily accessible. Our laws should not be a game of “gotcha” or involve gamesmanship using novel legal theories. That benefits no one, especially the American worker. Like Secretary Acosta, I am committed to helping employers understand their obligations to their workforces and properly incentivizing compliance with the law.

If confirmed, I intend to promote understanding and effective enforcement. And, also to reduce unnecessary redundancies through communication and cooperation with our federal and state agencies. I would challenge this committee, just as I will challenge the Labor Department every day of my service, to write laws, rules, and guidance that are clear to both employers, employees, and unions—so that we can be confident when bringing an action the offending party deserves to be met with the full force of the Labor Department's enforcement resources.

In closing, it is not lost on me that if confirmed I will serve as the highest ranking woman in this Labor Department. That is not a responsibility I take lightly. I pledge to this Committee to bring the totality of my experiences to bear upon the unique challenges facing today's modern work place.

Thank you again. I look forward to any questions the Committee may have.