

MAJORITY MEMBERS:

VIRGINIA FOXX, NORTH CAROLINA,
Chairwoman

JOE WILSON, SOUTH CAROLINA
GLENN THOMPSON, PENNSYLVANIA
TIM WALBERG, MICHIGAN
GLENN GROTHMAN, WISCONSIN
ELISE M. STEFANIK, NEW YORK
RICK W. ALLEN, GEORGIA
JIM BANKS, INDIANA
JAMES COMER, KENTUCKY
LLOYD SMUCKER, PENNSYLVANIA
BURGESS OWENS, UTAH
BOB GOOD, VIRGINIA
LISA C. MCCLAIN, MICHIGAN
MARY E. MILLER, ILLINOIS
MICHELLE STEEL, CALIFORNIA
RON ESTES, KANSAS
JULIA LETLOW, LOUISIANA
KEVIN KILEY, CALIFORNIA
AARON BEAN, FLORIDA
ERIC BURLISON, MISSOURI
NATHANIEL MORAN, TEXAS
JOHN JAMES, MICHIGAN
LORI CHAVEZ-DEREMER, OREGON
BRANDON WILLIAMS, NEW YORK
ERIN HOUCHEIN, INDIANA



COMMITTEE ON
EDUCATION AND THE WORKFORCE
U.S. HOUSE OF REPRESENTATIVES
2176 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6100

MINORITY MEMBERS:

ROBERT C. "BOBBY" SCOTT, VIRGINIA,
Ranking Member

RAÚL M. GRIJALVA, ARIZONA
JOE COURTNEY, CONNECTICUT
GREGORIO KILIJI CAMACHO SABLÁN,
NORTHERN MARIANA ISLANDS
FREDERICA S. WILSON, FLORIDA
SUZANNE BONAMICI, OREGON
MARK TAKANO, CALIFORNIA
ALMA S. ADAMS, NORTH CAROLINA
MARK DESAULNIER, CALIFORNIA
DONALD NORCROSS, NEW JERSEY
PRAMILA JAYAPAL, WASHINGTON
SUSAN WILD, PENNSYLVANIA
LUCY MCBATH, GEORGIA
JAHANA HAYES, CONNECTICUT
ILHAN OMAR, MINNESOTA
HALEY M. STEVENS, MICHIGAN
TERESA LEGER FERNÁNDEZ,
NEW MEXICO
KATHY E. MANNING, NORTH CAROLINA
FRANK J. MRVAN, INDIANA
JAMAAL BOWMAN, NEW YORK

April 18, 2023

The Honorable Julie A. Su
Acting Secretary
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Dear Acting Secretary Su:

On January 3, 2023, the House of Representatives began its work in the 118th Congress under the leadership of a new majority. Republicans are fulfilling their commitment to conduct oversight and to ensure accountability on behalf of the American people. As Chairwoman of the Committee on Education and the Workforce (Committee), I am conducting needed oversight on federal departments and high-ranking officials. In so doing, I am holding hearings with agency heads in a timely and expeditious manner. The purpose of this letter is to remind you—as the acting head of the Department of Labor (DOL or Department) and as the President’s nominee to be the next Secretary of Labor¹—of your obligation to be accountable and to invite you to appear before the Committee.

Oversight of DOL and your management of the agency is critically needed. Not only are you seeking to be the next Secretary of Labor, but you have also held a senior leadership role at the Department since July 2021. During that time, DOL has pursued a destructive agenda that stifled economic growth with more regulations and red tape, produced fewer results for workers and employers, and ballooned costs at the expense of the American taxpayer. DOL has also been unresponsive to the committee’s oversight requests. It is critical for Committee Members to question you about this alarming record.

DOL is currently pursuing a regulatory agenda that includes nearly 100 rulemakings and long-term actions.² These regulatory actions and more being considered by DOL are likely to be

¹ Release, The White House, President Biden Nominates Julie Su for Secretary of the Department of Labor (Feb. 28, 2023), <https://www.whitehouse.gov/briefing-room/statements-releases/2023/02/28/president-biden-nominates-julie-su-for-secretary-of-the-department-of-labor/>.

² OFF. OF MGMT. & BUDGET, FALL 2022 REGUL. PLAN & THE UNIFIED AGENDA OF FED. REGUL. & DEREGUL. ACTIONS, <https://www.reginfo.gov/public/do/eAgendaMain>.

The Honorable Julie A. Su

April 18, 2023

Page 2

harmful to workers and their families—which is particularly damaging at this time when many Americans are already facing economic hardships. It is critical that Members of the Committee be able to question you about your plans for further regulatory actions.

As you and former Secretary of Labor Martin J. Walsh led DOL, some agencies simply produced less for workers. For example, despite the Department’s Wage and Hour Division (WHD) budget increasing by \$22 million—or nearly 10 percent—over the last four years,³ this agency is failing to do its job.⁴ According to enforcement data, WHD collected the least amount of back wages for workers since Fiscal Year (FY) 2010, down by nearly 33 percent from four years ago. The number of workers receiving back wages is the lowest on record for WHD, down by more than 51 percent from four years ago. The number of enforcement hours and concluded cases have also reached their lowest levels on record. Remarkably, WHD’s performance is worse on all counts than was seen during the height of the pandemic in FY 2020 and 2021. Committee Members must have the opportunity to question you about why such a high funding level has yielded such dismal results.

Additionally, during your tenure as Deputy Secretary and as Acting Secretary, the Department has demonstrated a lack of respect for inquiries made by Congress. For example, in one of my first acts as chairwoman, I wrote to the Department to re-open nine inquiries made by House and Senate Republicans during the 117th Congress.⁵ However, DOL’s response failed to provide complete answers to any of these inquiries.⁶ To date, the Department has provided none of the requested documents or materials included in the inquiries that I resubmitted. Additionally, your track record as the Acting Secretary now includes a failure to respond to a letter sent by Senate Committee on Health, Education, Labor, and Pensions Ranking Member Bill Cassidy (R-LA) and me.⁷ The Department’s failure to respond to the Committee in an adequate manner is unacceptable, and I seek an opportunity to question you about our outstanding items.

For all these reasons, it is important that the Committee hold a hearing to review DOL’s previous and ongoing work and to evaluate your performance as a leader of the agency. During the week of March 27, Committee staff engaged with the Department to determine a time for you to appear before the Committee. However, despite offering dates that provided you with between nearly one month and nearly two months to prepare, we understand that you do not plan to make yourself available to the Committee before June—nearly halfway through the First Session of the 118th Congress. This is unacceptable, and it is an undue delay preventing the Committee from conducting its oversight work. Furthermore, it suggests that you are more concerned about

³ DOL, FY 2024 CONGRESSIONAL BUDGET JUSTIFICATION WAGE AND HOUR DIVISION at 17, <https://www.dol.gov/sites/dolgov/files/general/budget/2024/CBJ-2024-V2-09.pdf>.

⁴ WHD, BY THE NUMBERS 2022 FISCAL YEAR DATA FOR WHD, ALL ACTS, <https://www.dol.gov/agencies/whd/data/charts/all-acts>.

⁵ Letter from Rep. Virginia Foxx to Martin J. Walsh, Sec’y of Lab. (Jan. 12, 2023), https://edworkforce.house.gov/uploadedfiles/01.12.23_follow_up_letter_dol.pdf.

⁶ Letter from Liz Watson, Assistant Sec’y of Lab. for Cong. & Intergov’tal Aff., to Rep. Virginia Foxx (Jan. 27, 2023) (on file).

⁷ Letter from Sen. Bill Cassidy & Rep. Virginia Foxx to Shalanda Young, Dir., Off. of Mgmt. & Budget, & Julie A. Su, Acting Sec’y of Lab. (Mar. 16, 2023), <https://edworkforce.house.gov/news/documentsingle.aspx?DocumentID=408969>.

The Honorable Julie A. Su

April 18, 2023

Page 3

protecting your record and your prospects as a nominee than fulfilling your obligation to respond to oversight and be accountable.

Therefore, I invite you to testify before the Committee on Education and the Workforce at a hearing to examine the policies and priorities of DOL on Wednesday, May 17, at 10:15 a.m. in room 2175 of the Rayburn House Office Building, Washington, D.C.

At the hearing, you will be given five minutes to present your oral testimony. You are welcome to submit a longer statement in writing that will be included in the hearing record. After your oral testimony, each Member of the Committee will have five minutes to comment and ask questions.

Please review the enclosed documents and submit any requested information at least 48 hours prior to the scheduled hearing date. I look forward to hearing your testimony and your answers to our questions.

Sincerely,



Virginia Foxx
Chairwoman

CC: The Honorable Robert C. "Bobby" Scott