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January 23, 2025

The Honorable Larry D. Turner
Inspector General
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Dear Inspector General Turner:

On January 15, the Committee on Education and Workforce (Committee) convened for its first meeting of the 119th Congress. The meeting's purpose was to formally organize, which included the adoption of a rules package and an oversight plan. With this letter, I am providing part of my statement from this meeting and am formally re-issuing a request by this Committee that the Office of Inspector General (OIG) investigate allegations that Department of Labor (DOL) personnel shared confidential information regarding pension benefit plans with a plaintiff's attorney.¹

This oversight matter is of such concern to me and Committee members that I highlighted it in my first address to the Committee.² I said in my statement:

As we saw in the first Trump administration, career bureaucrats have sought to undermine the goals of the President and his cabinet Secretaries. We know of cases where bureaucrats have leaked sensitive information or are working with plaintiffs' attorneys to skew court cases against employers.

The Committee's oversight work recently brought to light how the Employee Benefits Security Administration (EBSA) is abusing its authority to secretly share information with class action law firms. This is a blatant abuse of the law, and our Committee will hold EBSA accountable.

¹ See Transcript of Proc. Before Magis. J. Braswell, No. 1:21-cv-00304-CNS-MDB, Document 164-2, at 21 (D. Colo. filed Apr. 25, 2024).

² Press Release, H. Comm. Educ. & Workforce, Chairman Walberg Delivers Remarks at Organizing Meeting for 119th Congress (Jan. 15, 2025), <https://edworkforce.house.gov/news/documentsingle.aspx?DocumentID=412150>.

The Honorable Larry D. Turner

January 23, 2025

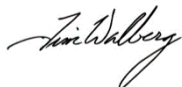
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On November 21, 2024, then-Chairwoman Virginia Foxx wrote to you urging the OIG to investigate DOL's use of common interest agreements and relationships with plaintiffs' law firms that affect employee benefit plans and their fiduciaries.³ Since that time, Cohen Milstein Sellers and Toll, PLLC, a law firm known for pursuing class actions lawsuits involving employee benefit plans, was quoted as saying, "Against this backdrop [of employee benefit plans], common interest agreements between DOL and the private sector are common, legal and have been entered into by different administrations for decades."⁴ However, the plan sponsor community was unaware that EBSA was commonly feeding employee benefit plan information gathered during investigations to plaintiff law firms.

As the Committee begins its oversight for the 119th Congress, I request that the OIG continue to review the questions and concerns raised in the November 21, 2024, letter. Information from the OIG on this matter may provide important assistance to Congress in determining whether legislative changes are warranted.⁵

Thank you for your attention to this request. I look forward to your working with you and the OIG on this and other important investigations during the 119th Congress.

Sincerely,



Tim Walberg
Chairman

CC: Mr. Vince Micone, Acting Secretary of Labor

³ Letter from Chairwoman Foxx to Larry D. Turner, Inspector Gen., DOL OIG (Nov. 21, 2024),

https://edworkforce.house.gov/uploadedfiles/11.21.24_dol_oig_letter_re_ebsa_aiding_plaintiffs_attorneys.pdf.

⁴ Remy Samuels, *EBSA Criticized for Sharing Information with Plaintiff Law Firm*, PLANSPONSOR, Nov. 22, 2024,

<https://www.plansponsor.com/ebsa-criticized-for-sharing-retirement-plan-information-with-plaintiff-law-firm/>.

⁵ See *Trump v. Mazars USA, LLP*, 591 U.S. 848, 863 (2020) (citations omitted).