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COMMITTEE ON
EDUCATION AND THE WORKFORCE
U.S. HOUSE OF REPRESENTATIVES
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February 16, 2023

The Honorable Martin J. Walsh
Secretary
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Dear Secretary Walsh:

In person you have assured me that you would be happy to provide the Committee with any information we need; you have urged me to call you directly to request it. However, as you know, that is not the way Congress works. Therefore, I write to express my deep dissatisfaction with what I can only interpret as your agency's attempt to frustrate the Committee on Education and the Workforce's authority to conduct oversight on the Department of Labor (DOL) and demand accountability.

On January 12, I wrote to you requesting information from DOL regarding three inquiries from the 117th Congress that you completely ignored and another six inquiries that did not receive complete answers.¹ My letter and its attachments were intended to initiate oversight inquiries for the 118th Congress and to notify you that I, as committee chair, expect full and timely responses to each of the letters. This letter provided you with the Committee's instructions to be followed when responding to oversight requests. My letter further requested that DOL provide its plans for responding to each inquiry—not necessarily the final responses to each inquiry—by January 27.

The Committee received three letters from DOL in response to my January 12 request. The first letter responded to my longstanding inquiry regarding your inappropriate participation on the picket line in Lancaster, Pennsylvania.² This letter was woefully insufficient, as it did not provide any of the documents or materials I requested. DOL's second letter pertained to the Occupational Safety and Health Administration's (OSHA) continued consideration of a permanent COVID standard for health care employees.³ This letter failed to provide a justification of how OSHA reconciles the forthcoming

¹ Letter from Rep. Virginia Foxx, Chairwoman, H. Comm. on Educ. & the Workforce, to Martin J. Walsh, Sec'y of Lab. (Jan. 12, 2023), https://edworkforce.house.gov/uploadedfiles/01.12.23_follow_up_letter_dol.pdf.

² Letter from Liz Watson, Assistant Sec'y for Cong. & Intergov'tal Aff., DOL, to Rep. Virginia Foxx, Chairwoman, H. Comm. on Educ & the Workforce (Jan. 25, 2023) (on file).

³ Letter from Douglas L. Parker, Assistant Sec'y for Occupational Safety & Health, DOL, to Rep. Virginia Foxx, Chairwoman, H. Comm. on Educ & the Workforce (Jan. 26, 2023) (on file).

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standard with President Biden's claim in September that "the pandemic is over" or the administration's January 30 announcement that the public health emergency will end on May 11.⁴ DOL's third letter, sent on January 27, simply included these same two letters as attachments and attached your previous woefully inadequate letters regarding my other six inquires.⁵

In answer to my request for your plans for responding to each of my letters, the tone of DOL's letter was clear: your plan is to provide nothing more than what you had already sent.

DOL's January 27 letter was utterly disrespectful, demonstrated bad faith, and was a waste of time. It suggested that the fact of a response of any kind from DOL should satisfy me, whether or not that response addresses the oversight issues I had raised. I assure you that I am not satisfied with DOL's responses, as they neither answered my questions nor provided requested materials. My January 12 letter was a clear call for DOL to begin assembling the requested documents and communications for each of these inquires. This letter continues that message.

Further, my letter's request that DOL provide its plans for responding to each inquiry was an accommodation to ensure that your staff would not be bound to providing every responsive document, communication, or answer to each inquiry on the same day within a two-week period. You rebuffed that courtesy by failing to offer any plan for providing any further responses to my letters.

Finally, there remains DOL's response to an outstanding request for the calendars of senior DOL officials.⁶ While DOL's January 27 letter said a response would be forthcoming, the Committee has not yet received it. Please provide a complete response to the outstanding inquiry that DOL promised would be forthcoming in its January 27 letter by no later than March 3.

During the last Congress, DOL attempted to evade Committee Republicans' oversight inquiries. That will no longer be the case. It is my duty to conduct oversight and demand accountability. You should expect to hear from me often regarding the matters I wrote about on January 12 as well as about other important items during this Congress. Please be prepared to provide complete and on-time responses on all inquiries coming from the Committee.

Sincerely,



Virginia Foxx
Chairwoman

⁴ Scott Pelley, *President Joe Biden: The 2022 60 Minutes Interview*, CBS NEWS, Sept. 18, 2022, <https://www.cbsnews.com/news/president-joe-biden-60-minutes-interview-transcript-2022-09-18/>; EXEC. OFF. OF THE PRESIDENT, STATEMENT OF ADMINISTRATION POLICY (Jan. 30, 2023), <https://www.whitehouse.gov/wp-content/uploads/2023/01/SAP-H.R.-382-H.J.-Res.-7.pdf>.

⁵ Letter from Liz Watson, Assistant Sec'y for Cong. & Intergov'tal Aff., DOL, to Rep. Virginia Foxx, Chairwoman, H. Comm. on Educ & the Workforce (Jan. 27, 2023) (on file).

⁶ See Foxx Letter, *supra* note 1; Letter from Rep. Virginia Foxx, Ranking Member, H. Comm. on Educ. & Lab., to Martin J. Walsh, Sec'y of Lab. (July 21, 2022), https://edworkforce.house.gov/uploadedfiles/7.21.2022_letter_to_walsh.pdf.