

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 KILI LI 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

November 21, 2023

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

Dear Acting Secretary Su:

The Committee on Education and the Workforce (Committee) is investigating the Occupational Safety and Health Administration's (OSHA) "Workers' Voice Summit" (Summit), which will inform what legislative changes should be made to ensure OSHA and other offices within the Department of Labor (DOL or Department) do not engage in inappropriate, wasteful, or self-aggrandizing activities. Regrettably, DOL has failed to respond to the Committee's requests in a timely or fully responsive manner. The Committee has thus determined that the issuance of a subpoena is necessary.

On January 12, 2023, as one of my first acts as Chairwoman I resubmitted my October 5, 2022, inquiry regarding the Summit.¹ In its response, DOL dismissively resent a copy of its inadequate response dated October 24, 2022.² Following receipt of that letter, on February 16, 2023, I reminded the Department of my "duty to conduct oversight and demand accountability" and affirmed my expectation for "complete and on-time responses on all inquiries coming from the Committee."³

¹ Letter from Chairwoman 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; letter from Rep. Virginia Foxx & Sen. Richard Burr (Oct. 5, 2022),

https://edworkforce.house.gov/uploadedfiles/burr_foxx_to_walsh_workers_summit_10.5.22.pdf.

² Letter from Liz Watson, Asst. Sec'y of Lab., to Chairwoman Virginia Foxx (Jan. 27, 2023) (on file); letter from Douglas L. Parker, Asst. Sec'y of Lab., to Rep. Virginia Foxx & Sen. Richard Burr (Oct. 24, 2022) (on file).

³ Letter from Chairwoman Virginia Foxx to Martin J. Walsh, Sec'y of Lab. (Feb. 16, 2023), https://edworkforce.house.gov/uploadedfiles/02.16.2023_letter_to_dol_re_outstanding_oversight.pdf.

On September 27, 2023, I expressed my concerns about the propriety of the Summit to OSHA Assistant Secretary Douglas L. Parker when he appeared before a Subcommittee on Workforce Protections hearing.⁴ Specifically, I noted the event was held just over a month before election day, included a select group of the administration’s political supporters, and was closed to other stakeholders.⁵ For these reasons, the Summit seemed more akin to a political pep rally than a legitimate use of taxpayer funds. During my questioning of Assistant Secretary Parker, I requested a complete response to my previous inquiry.⁶ However, following nearly a month of silence from the Department, I wrote a letter requesting answers to my questions for a fourth time.⁷

DOL sent a response on November 14, after the Committee accommodated the Department’s request for an additional week so it could provide a “substantive response.”⁸ Unfortunately, DOL’s production of information was again incomplete. DOL’s November 14 response specifically lacks the identities of outside participants, the prepared remarks of all DOL officials who addressed the participants other than Assistant Secretary Parker, information about how the Summit was paid for, and documents providing legal and ethics advice—all of which was explicitly requested in my original letter and repeated in both subsequent letters.

Your failure to provide full responses has deprived the Committee of the information it needs to determine the actual nature of this Summit. The Committee is interested in determining whether taxpayer resources were expended to implement the *Occupational Safety and Health Act* and other statutes, or whether they were used for political promotion. The Committee needs this information to legislate wisely and effectively. When mere requests for information are unavailing, some means of compulsion are essential for Congress to obtain what is needed.⁹ As a result, the Committee is invoking compulsory process through a subpoena.

Rule X of the Rules of the House of Representatives authorizes the Committee to conduct oversight of matters involving the organization, administration, and general management of DOL to inform potential legislation.¹⁰ The Committee’s investigation on the propriety of the Summit is within the Committee’s jurisdiction and is a “subject on which legislation ‘could be had.’”¹¹

⁴ *Examining the Policies and Priorities of the Occupational Safety and Health Administration: Hearing Before the Subcomm. on Workforce Protections of the H. Comm. on Educ. & the Workforce*, 118th Cong. (2023), <https://edworkforce.house.gov/calendar/eventsingle.aspx?EventID=409585>.

⁵ *Id.*

⁶ *Id.*

⁷ Letter from Chairwoman Virginia Foxx to Julie A. Su, Acting Sec’y of Lab. (Oct. 23, 2023) (on file).

⁸ Letter from Liz Watson, Asst. Sec’y of Lab., to Chairwoman Virginia Foxx (Nov. 14, 2023) (on file); email from Joe Wheeler, Comm. staff, to E. Pierce Blue, Oversight Couns., Off. of Cong. & Intergovernmental Aff., DOL (Nov. 6, 2023) (on file).

⁹ See *McGrain v. Daugherty*, 273 U.S. 135, 175 (1927).

¹⁰ RULES OF THE U.S. HOUSE OF REPRESENTATIVES 6,7, 9-12 (118th Cong.) (Jan. 10, 2023).

¹¹ *Trump v. Mazars USA, LLP*, 140 S.Ct. 2019, 2031 (2020) (internal citations omitted).

The Honorable Julie A. Su

November 21, 2023

Page 3

Please find attached a subpoena compelling you to provide the documents and communications delineated in the attached schedule of documents no later than December 6, 2023.

Sincerely,

A handwritten signature in blue ink that reads "Virginia Foxx". The signature is written in a cursive, flowing style.

Virginia Foxx

Chairwoman

Enclosures

CC: House Committee on Education and the Workforce
Ranking Member Bobby Scott