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October 2, 2026

The Honorable Keith E. Sonderling
Secretary
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Dear Secretary Sonderling:

Congratulations on your confirmation as Secretary of Labor. As you officially start this important job, there are several oversight requests from Education and Workforce Committee Democrats that remain, in whole or in part, unanswered—some for the better part of the current Administration's time in office. I request that you promptly provide timely and complete responses to these outstanding oversight requests.

For your convenience, enclosed are the following oversight requests to the Department of Labor during the Trump-Vance Administration for which a response is still lacking:

<u>Date</u>	<u>Summary</u>
February 21, 2025	Requesting information on information security and access to agency data by DOGE
February 27, 2025	Requesting information regarding staffing reductions and spending rescissions throughout the Department of Labor
March 6, 2025	Requesting information regarding office closures and staff terminations in the Mine Safety and Health Administration
March 12, 2025	Requesting information regarding staff capacity and a briefing on agency reorganization plans
April 28, 2025	Requesting information relating to workforce and operations of the Office of Federal Contract Compliance Programs
June 10, 2025	Requesting further information following a budget/oversight hearing with former Secretary Chavez-DeRemer
July 2, 2025	Requesting information and briefing on deregulatory plans

August 13, 2026	Requesting information on the Department's position regarding health insurance products that purport to create questionable employment relationships with consumers
September 17, 2026	Requesting immediate investigation into reported use of stolen identities to voice support for proposed rule to allow 401(k) plans to invest in private equity and other high-risk assets

Also enclosed are the following oversight requests for which the Department of Labor has provided only incomplete information and for which we request complete responses:

<u>Date</u>	<u>Summary</u>
June 2, 2025	Requesting information about the deletion of Internet-accessible ERISA Advisory Council records and any plans to dismantle the Council
November 24, 2025	Requesting information on whether the 2024 final rule for black lung self-insurance is being implemented and, if not, how taxpayers are being protected
March 4, 2026	Requesting further information on currently implemented policies and procedures for coal operators self-insuring their black lung liabilities

These oversight requests seek answers on matters of vital importance for working families. Please supply, no later than October 16, 2026, a written plan with a timeline for thorough and robust responses to each of these oversight requests.

Thank you for your attention to these oversight requests. Please send all official correspondence and information related to this request to the Committee's Democratic staff at EWDOversight@mail.house.gov. I look forward to your responses.

Sincerely,



Robert C. "Bobby" Scott
Ranking Member

Enclosures

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February 21, 2025

Louis Charlier
Acting Chief Information Officer
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Dear Mr. Charlier:

I write with serious concerns about recent actions that threaten the privacy of sensitive data housed by U.S. Department of Labor (DOL or the Department).

Through the "Department" of Government Efficiency (DOGE), Elon Musk and his staff have gained access to some of the federal government's most far reaching and sensitive data systems. Specifically, it is my understanding that DOGE has demanded access to all DOL's IT systems. At stake are the integrity of investigations into workplace health, mine safety, and child labor violations, including the identity of witnesses and workers who file complaints; the personal privacy of workers and families who receive medical and financial support from the black lung program and other workers' compensation programs; the confidentiality of whistleblowers under dozens of whistleblower protection laws; the trustworthiness of market-moving Bureau of Labor Statistics data; and confidential business information of countless companies, exposure of which could upend the nation's economy. Also at risk are highly classified information about nuclear facilities and processes entrusted to DOL staff with security clearances, for purposes of the *Energy Employees Occupational Illness Compensation Program Act of 2000*.¹ On Friday, February 7, a federal judge declined to block DOGE from accessing DOL's systems, which could allow DOGE access to all this sensitive data stored by the Department.² The full extent regarding the volume and nature of accessed protected information is still unknown.

¹ PUB. L. NO. 106-398, §§ 3601 *et. seq.* (2000).

² Lauren Kaori Gurley, *Judge Lets DOGE Access Sensitive Records at Labor Department*, WASH. POST (Feb. 8, 2025), <https://www.washingtonpost.com/business/2025/02/08/doge-labor-department/>.

These actions could run afoul of federal laws, including the *Privacy Act of 1974*,³ which protects Americans' personal identifiable information. I urge you to protect private data within your Department to the fullest extent, and to encourage all officials at DOL to do the same.

Additionally, I request your responses to the following no later than March 7, 2025:

1. Please provide a list and detailed description of the agency databases DOGE has sought, been granted, or accessed.
2. Have DOGE employees been granted read-only access to agency databases, or do they have the ability to modify the data and/or the underlying software?
3. Have all DOGE employees granted access to agency databases been legally authorized to access such databases? If so, please provide all relevant authorization documentation.
4. Please provide a detailed description of the precautions DOGE or agency employees have taken to protect the security of agency data, pursuant to federal data privacy laws.
5. Please provide a detailed description of the legitimate purpose(s) for granting access to agency databases to DOGE.

I appreciate your attention to this matter. Should you have any questions about this request, please contact the Democratic staff of the House Committee on Education and Workforce.

Sincerely,



ROBERT C. "BOBBY" SCOTT
Ranking Member

³ 5 U.S.C. § 552a.

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February 27, 2025

Vince Micone
Acting Secretary of Labor
U.S. Department of Labor
200 Constitution Ave., NW
Washington, DC 20210

Dear Acting Secretary Micone:

We write seeking documents and information about reductions in the capacity of the Department of Labor (Labor Department) to protect workers' lives and livelihoods.

The Labor Department protects American workers from exploitation, ensures equal employment opportunity for workers on federal contracts, creates pathways to meaningful employment, supports people who experience unemployment or injuries that prevent them from continuing to work, and generates data relied upon by policymakers and employers alike. As news reports circulate about staffing cuts and the withholding of contract and grant payments throughout the federal government, we are vigilant about the possibility that such initiatives could, if applied to the Labor Department, put American workers at risk of economic dislocation, disabling illness and injury, and even premature death.

In recent days, we have received messages about Labor Department staff terminations and contract rescissions, which are now beginning to appear in the news media as well. Reportedly, at least six Labor Department agencies have fired employees.¹

We are particularly alarmed by the report that one agency suffering the abrupt loss of staff is the Mine Safety and Health Administration (MSHA).² Weakening MSHA will imperil miners' lives. For example, one of the lessons of the Upper Big Branch Mine disaster, according to MSHA's own internal investigation, is that staffing disruptions at the managerial level resulted in MSHA's inspectors failing to adequately address smaller-scale methane explosions in the months leading up

¹ Rebecca Rainey, *Trump's Federal Workforce Cuts Hit Labor Department Enforcement*, BLOOMBERG (Feb. 24, 2025), <https://news.bloomberglaw.com/daily-labor-report/trumps-federal-workforce-cuts-hit-labor-department-enforcement>.

² *Id.*

the massive explosion that killed 29 miners.³ As we approach the fifteenth anniversary of that tragedy, we fear that the Trump Administration will undercut MSHA's capacity at the cost of miners' lives. The consequences could be long-term, given that the training for new inspectors is so intensive that it takes two years before inspectors are released into the field unaccompanied.⁴ We urge you to reverse the terminations of any MSHA personnel immediately.

We are also deeply troubled by recently announced plans for the Office of Contract Compliance Programs (OFCCP) to drastically reduce its workforce and operations. The Office of Federal Contract Compliance was established in 1965 to administer and enforce Executive Order 11,246 prohibiting discrimination by federal contractors on the basis of race, color, religion, sex, or national origin.⁵ The role of OFCCP was expanded in 1975 to encompass Section 503 of the *Rehabilitation Act* and the *Vietnam Era Veterans' Readjustment Assistance Act* (VEVRAA), which respectively prohibit discrimination on the basis of disability and veteran's status and require affirmative action with respect to hiring these individuals.⁶ When President Trump rescinded Executive Order 11,246 in January, OFCCP's role narrowed to Section 503 and VEVRAA.⁷ According to the attached Labor Department memorandum we obtained, OFCCP has been instructed by the Acting Secretary of Labor to develop a plan to reduce its workforce by 90 percent. Currently, OFCCP has 479 employees, including 110 national office employees and 369 employees in regional and field offices. A plan proposed by OFCCP would cut the number of employees down to 50, with 14 remaining in the D.C. office and the rest divided between four regional offices. Such a drastic reduction will detrimentally affect OFCCP's work to meet its statutory obligations under Section 503 and VEVRAA and ensure taxpayer funded federal contracts remain a source of equal opportunity for workers.

We are also receiving reports of the rescission of previously authorized spending at the Labor Department. For example, we have heard that the Labor Department's Office of Administrative Law Judges (OALJ) has been commanded, at the behest of the Department of Government Efficiency (DOGE), to terminate its contracts for mediation services, leaving OALJ with less capacity to resolve disputes on a wide range of matters, from employment benefit obligations to black lung benefits.

We need a focused accounting of any staffing reductions and spending rescissions so that we can assess the consequences for the Labor Department's capacity to get things done for American workers. Accordingly, we request your responses by no later than March 14, 2025, to the following:

³ MINE SAFETY & HEALTH ADMIN., U.S. DEP'T OF LAB., INTERNAL REVIEW OF MSHA'S ACTIONS AT THE UPPER BIG BRANCH MINE-SOUTH PERFORMANCE COAL COMPANY, MONTCOAL, RALEIGH COUNTY, WEST VIRGINIA 179-181 (2012), <https://arlweb.msha.gov/performancecoal/UBBInternalReview/UBBInternalReviewReportNoappx.pdf> (noting role of lack of continuity in District Manager and field office supervisor positions).

⁴ MINE SAFETY & HEALTH ADMIN., FY 2019 CONGRESSIONAL BUDGET JUSTIFICATION 13(2019), <https://www.dol.gov/sites/dolgov/files/general/budget/2019/CBJ-2019-V2-13.pdf>.

⁵ Exec. Order No. 11,246, 30 Fed. Reg. 12,319 (Sept. 28, 1965).

⁶ Off. of Fed. Contract Compliance Progs., *History of the Office of Federal Contract Compliance Programs*, INTERNET ARCHIVE WAYBACK MACHINE, <https://web.archive.org/web/20250114185400/https://www.dol.gov/agencies/ofccp/about/history> (archiving page from Department of Labor website from January 14, 2025).

⁷ Exec. Order No. 14,173, 90 Fed. Reg. 8633 (Jan. 21, 2025).

1. How many Labor Department staff have been terminated since January 20, 2025?
2. For each Labor Department staff terminated in that time, please provide an Excel spreadsheet with the following:
 - a. Agency;
 - b. Directorate, program, or, where there is no relevant formal subdivision, any identifiable functional area;
 - c. Job title;
 - d. Classification on the General Schedule payscale;
 - e. Number of years of federal service; and
 - f. Justification for termination.
3. For every Labor Department grant, contract, contract indefinite delivery vehicle, direct payment, loan, or other approved spending (collectively, spending decisions) terminated or paused since January 20, 2025, please provide an Excel spreadsheet with the following:
 - a. Award ID;
 - b. URL for link to award on USASpending.gov;
 - c. Recipient name;
 - d. Total obligation;
 - e. Amount of total obligation that has been paused or terminated;
 - f. Description of award; and
 - g. Justification for pause or termination of the award.
4. Provide the names of the following and, for each person, the salary:
 - a. Labor Department DOGE Team Lead; and
 - b. Other members of the Labor Department DOGE Team.
5. Provide all documents and communications, including downloads, copies, or screenshots of any messages on any digital communications platform, since January 20, 2025, identifying personnel to be terminated, criteria for terminations, goals or quotas for terminations, meetings or consultations about terminations, or any other matter related to implementation of the DOGE Workforce Optimization Initiative or Executive Order 14,210 within the Labor Department.⁸
6. Provide all documents and communications, including downloads, copies, or screenshots of any messages on any digital communications platform since January 20, 2025, about the termination or pausing of Labor Department spending decisions, including the following:
 - a. Documents and communications establishing targets or quotas for terminating or pausing spending decisions, criteria for terminating or pausing spending decisions, or identifying specific spending decisions to be terminated or paused;
 - b. Documents and communications about any consultations, inside or outside the Labor Department, about Labor Department spending decisions to be terminated or paused; and
 - c. Documents and communications about any meetings regarding the termination or pausing of Labor Department spending decisions.

Please send all official correspondence and information related to these requests to the Committee's Democratic staff at Eleazar.Padilla@mail.house.gov. Should you have any questions about this

⁸ Exec. Order No. 14,210, 90 Fed. Reg. 9,669 (Feb. 14, 2025).

Acting Secretary Vince Micone

February 27, 2025

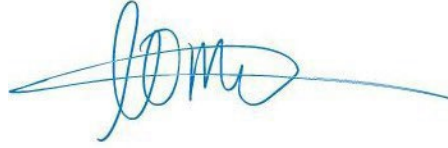
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request, please contact Bob Shull with the Democratic staff of the House Committee on Education and Workforce at Robert.Shull@mail.house.gov.

Sincerely,



ROBERT C. "BOBBY" SCOTT
Ranking Member



ILHAN OMAR
Ranking Member
Subcommittee on Workforce Protections

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JOHN W. MANNION, NEW YORK

March 6, 2025

Vince Micone
Acting Secretary of Labor
U.S. Department of Labor
200 Constitution Ave., NW
Washington, DC 20210

Dear Acting Secretary Micone:

We write seeking documents and information from the Department of Labor (Labor Department) about office closures and staff reductions which threaten the ability of the Mine Safety and Health Administration (MSHA) to do its job of protecting the nation's mine workers from unsafe and deadly mine conditions.

In recent days, our staff has received alarming reports about the termination of leases for MSHA field and district offices. The news media have reported at least two office closures, in Hazard, Kentucky, and Craig, Colorado.¹ A White House webpage lists 26 additional office closures² (as well as the Arlington, Virginia, headquarters that MSHA had already begun closing during the Biden Administration in order to move to the flagship Labor Department headquarters in Washington, D.C.³). Information provided to our staff suggests that as many as 30 field offices and nine district offices may be imminently shuttered.

The prospect of widespread office closures adds to our worries from the news that MSHA was one of six Labor Department agencies to suffer staff reductions from firings and inducements to quit.⁴ As we await responses to our letter of February 27, 2025, inquiring about the extent of firings at the Labor Department in general, our staff has subsequently been informed that MSHA abruptly

¹ Ward Jolles, *KY Social Security Branches, Mining Safety Office Likely to Close Within 30 Days After DOGE Cuts*, WAVE3.COM (Feb. 28, 2025), <https://www.wave3.com/2025/03/01/ky-social-security-branches-mining-safety-office-likely-close-within-30-days-after-doge-cuts/>; Marc Sallinger, *Elon Musk's DOGE Cuts Have Reached Colorado*, 9NEWS (Feb. 26, 2025), <https://www.9news.com/article/money/elon-musk-doge-cuts-colorado/73-0cfl999b-5a32-4d25-9486-150ac8569ef1>.

² *Savings*, DOGE.GOV, <https://doge.gov/savings> (last visited Mar. 3, 2025).

³ MINE SAFETY & HEALTH ADMIN., FY 2025 CONGRESSIONAL BUDGET JUSTIFICATION 74 (2024), <https://www.dol.gov/sites/dolgov/files/general/budget/2025/CBJ-2025-V2-13.pdf>.

⁴ Rebecca Rainey, *Trump's Federal Workforce Cuts Hit Labor Department Enforcement*, BLOOMBERG (Feb. 24, 2025), <https://news.bloomberglaw.com/daily-labor-report/trumps-federal-workforce-cuts-hit-labor-department-enforcement>.

withdrew safety inspector job offers from dozens, perhaps as many as 90 people, who had accepted the offers and were undergoing physical fitness reviews and completing relevant paperwork. Arbitrary cutbacks on staffing make no sense when MSHA is already dangerously low on inspectors.⁵

If MSHA is robbed of all this capacity, miners' lives will be at risk. One of the lessons of the Upper Big Branch Mine disaster, according to MSHA's own internal investigation, is that staffing disruptions at the managerial level resulted in MSHA's inspectors failing to adequately address smaller-scale methane explosions in the months leading up to the massive explosion that killed 29 miners fifteen years ago this April.⁶ To prevent such tragedies, MSHA needs people—perhaps most acutely, inspectors who satisfy the legal requirement to inspect every active surface mine twice a year and every active underground mine four times a year.⁷

MSHA also needs space. Active coal and metal/nonmetal mines are scattered across the country, in almost every congressional district.⁸ MSHA must be in position to inspect every active mine, respond swiftly to fatalities and imminent hazards, and conduct investigations. Already some rural mines may be as much as a day's drive from the nearest field office. MSHA cannot protect miners if all the nation's mines are not within its reach.

We take seriously the charge of the Committee on Education and Workforce under clause 1(e)(12) of Rule X of the Rules of the House of Representatives to exercise jurisdiction over the “[w]elfare of miners.” Accordingly, we request your responses by no later than March 20, 2025, to the following:

1. Since January 20, 2025, how many leases for MSHA offices or other spaces other than the Arlington, Virginia, headquarters have been canceled or otherwise designated for non-renewal (hereinafter “terminated”)?
2. Please provide an Excel spreadsheet with the following information about each MSHA lease terminated since January 20, 2025, other than the Arlington, Virginia, headquarters (hereinafter, the “affected leases”), under the following columns:

⁵ Tre'Vaughn Howard, *Trump's Mine Safety Nominee Inherits Workforce Cuts, Legal Fight*, BLOOMBERG (Feb. 26, 2025), <https://news.bloomberglaw.com/daily-labor-report/trumps-mine-safety-nominee-inherits-workforce-cuts-legal-fight>; Fatima Hussein, *Lack of MSHA Inspectors Could Complicate Its Coming Silica Plan*, BLOOMBERG (Dec. 16, 2021), <https://news.bloomberglaw.com/safety/lack-of-msha-inspectors-could-complicate-its-coming-silica-plan> (reporting that MSHA's inspectorate fell by nearly 40% from 2011 to 2021). These concerns are not new for MSHA. See DANIEL BERTONI, U.S. GOV'T ACCOUNTABILITY OFF., GAO-07-704R, MSHA'S MINE INSPECTOR RECRUITING AND WORKFORCE PLANNING (2007), <https://www.gao.gov/assets/gao-07-704r.pdf>; U.S. GEN. ACCOUNTING OFF., GAO-03-945, MINE SAFETY: MSHA DEVOTES SUBSTANTIAL EFFORT TO ENSURING THE SAFETY AND HEALTH OF COAL MINERS, BUT ITS PROGRAMS COULD BE STRENGTHENED (2003), <https://www.gao.gov/assets/gao-03-945.pdf> (recommending that MSHA develop a plan for addressing anticipated staffing shortages).

⁶ MINE SAFETY & HEALTH ADMIN., U.S. DEP'T OF LAB., INTERNAL REVIEW OF MSHA'S ACTIONS AT THE UPPER BIG BRANCH MINE-SOUTH PERFORMANCE COAL COMPANY, MONTCOAL, RALEIGH COUNTY, WEST VIRGINIA 179-181 (2012), <https://arlweb.msha.gov/performancecoal/UBBInternalReview/UBBInternalReviewReportNoappx.pdf> (noting role of lack of continuity in District Manager and field office supervisor positions).

⁷ Federal Mine Safety and Health Act of 1977, Pub. L. No. 91-173, § 103(a) (1977).

⁸ Nat'l Inst. for Occ. Safety & Health, *Active Mining Operations, 2023*, CDC.GOV, <https://wwwn.cdc.gov/NIOSH-Mining/MMWC/MineMap/Pins>.

- a. Region;
 - b. District;
 - c. Function of space (district office, field office, etc.);
 - d. Street address;
 - e. City;
 - f. State; and
 - g. ZIP code.
3. Did the General Services Administration (GSA) consult with MSHA or the Labor Department before identifying the affected leases for termination or terminating the affected leases (yes/no)?
4. Was MSHA informed by GSA about terminations of the affected leases before receiving communications from landlords about such lease terminations (yes/no)?
5. Provide all documents and communications since January 20, 2025, including messages on any digital communications platform, about the termination of the affected leases, including the following:
 - a. Documents and communications establishing targets or quotas for terminating Labor Department leases, criteria for terminating any Labor Department leases, or identifying specific Labor Department leases to be terminated, including the affected leases;
 - b. Documents and communications about any consultations, inside or outside the Labor Department, about Labor Department leases to be terminated;
 - c. Documents and communications about any meetings regarding the termination of Labor Department leases; and
 - d. Documents and communications of the Labor Department learning about any of the affected leases being terminated.
6. How many job offers to prospective MSHA inspectors were revoked since January 20, 2025?
7. Please provide an Excel spreadsheet with the number of MSHA full-time equivalent staff (FTEs) authorized at the end of Fiscal Year 2024, the number of FTEs authorized for Fiscal Year 2025 as of December 31, 2024, and the number of FTEs fired since January 20, 2025, for each of the following functional areas:
 - a. Enforcement;
 - b. Standards Development;
 - c. Assessments;
 - d. Education Policy and Development;
 - e. Technical Support;
 - f. Program Administration; and
 - g. Program Evaluation and Information Resources.
8. Please provide an Excel spreadsheet specifying, for each MSHA district and field office, the number of FTEs authorized at the end of Fiscal Year 2024 and the number of FTEs terminated since January 20, 2025.
9. Please explain how MSHA will address President Trump's mandate for maximizing federal employees' return to office-based work in light of the termination of the affected leases.
10. What plan, if any, does MSHA have to ensure that it can comply with its legal duties and implement regulations in light of the staff and lease terminations since January 20, 2025?

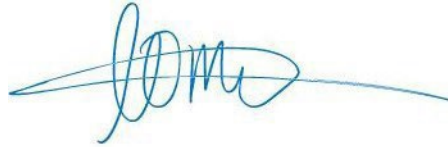
Vince Micone
March 6, 2025
Page 4

Please send all official correspondence and information related to these requests to the Committee's Democratic staff at by emailing Eleazar Padilla at Eleazar.Padilla@mail.house.gov. Should you have any questions about this request, please contact Bob Shull with the Democratic staff of the House Committee on Education and Workforce at Robert.Shull@mail.house.gov.

Sincerely,



ROBERT C. "BOBBY" SCOTT
Ranking Member



ILHAN OMAR
Ranking Member
Subcommittee on Workforce Protections

CC: The Hon. Tim Walberg, Chairman, House Committee on Education and Workforce
The Hon. Ryan Mackenzie, Chairman, Workforce Protections Subcommittee

Congress of the United States

Washington, DC 20515

March 12, 2025

The Honorable Lori Chavez-DeRemer
Secretary of Labor
200 Constitution Ave NW
Washington, DC 20210

Dear Secretary Chavez-DeRemer:

We write to raise our objections to the chaotic series of actions taken by the Department of Labor (“the Department”) over the past seven weeks. The Department has illegally fired an unknown number of staff that may result in diminished services to workers owed back wages due to employer wage theft; reduce efforts to ensure compliance with requirements for parity for mental health and substance abuse benefits under private health plans; and weaken support for critical workforce training programs.¹² This also will undermine the ability of the Department to effectively administer and oversee federal funds, exposing them to increased risk for waste, fraud, and abuse.³

If the administration’s goal was to root out waste, fraud, and abuse of federal funding and promote the most effective use of federal funds under the law to address challenges workers and families face; we could work together to address those shared goals. However, we don’t believe these results will be achieved by mass firings and indiscriminate workforce reductions. These appear to primarily serve the interest of Congressional Republicans and President Trump in claiming savings in the federal budget, which they intend to use to pay for their tax breaks for billionaires and large corporations.⁴ Yet, these savings have been wildly exaggerated even though some of their effects are real.^{5 6 7}

¹<https://www.govexec.com/workforce/2025/02/see-which-federal-agencies-are-firing-new-hires/403033/?oref=ge-related-article>

²<https://news.bloomberglaw.com/daily-labor-report/trumps-federal-workforce-cuts-hit-labor-department-enforcement>

³https://www.oig.dol.gov/public/DOL-OIG%202024%20Top%20Management%20and%20Performance%20Challenges_Final.pdf

⁴<https://americansfortaxfairness.org/atf-coalition-letter-opposing-extension-trump-tax-scam/>

⁵<https://why.org/articles/doge-overstates-savings-federal-contracts/>

⁶<https://www.washingtonpost.com/business/2025/02/22/doge-savings-found-list-analysis/>

⁷<https://news.bloomberglaw.com/daily-labor-report/trumps-federal-workforce-cuts-hit-labor-department-enforcement>

We are deeply concerned about the impacts of the administration's personnel decisions to date. Put simply, federal workers who have taken an oath to serve the American people are being terminated without cause, placed on leave in violation of the law, and facing reductions in force and reorganizations that will only add to the direct cost to taxpayers and our nation's workforce and families.⁸

Given the President's disregard for the law and the need for stability and productivity in government, it's critical for the Department to provide accurate, timely responses on its use of taxpayer resources provided by the laws passed by Congress. We request you provide written answers to the following questions as soon as possible, but not later than March 21, 2025:

1. For each agency and office and associated appropriation, please provide the number of staff placed on paid administrative leave since January 20th as of the pay period including January 23, 2025 and the most recent pay period.
2. For each agency and office and associated appropriation, please provide the total salaries and benefits costs for staff placed on paid administrative leave since January 20th as of the pay period including January 23, 2025 and the most recent pay period. For the Department in total, please provide the estimated total, annualized salaries and benefits costs incurred for employees placed on administrative leave since January 20th.
3. On January 28, 2025, the U.S. Office of Personnel Management (OPM) sent a so-called "Fork in the Road" email to more than two million federal employees offering the opportunity to take "deferred resignation" by February 6, 2025. For each agency and office and associated appropriation, please provide:
 - a. The number of employees that offered to resign as part of the deferred resignation program.
 - b. The number of employees whose resignations were accepted as part of the deferred resignation program.
 - c. The number and types of duties re-assigned from employees whose resignations were accepted as part of the deferred resignation program.
 - d. The number and types of duties eliminated from employees whose resignations were accepted as part of the deferred resignation program.
 - e. The roles and number of personnel excluded from the deferred resignation program.

⁸<https://www.opm.gov/policy-data-oversight/latest-memos/guidance-on-agency-rif-and-reorganization-plans-requested-by-implementing-the-president-s-department-of-government-efficiency-workforce-optimization-initiative.pdf>

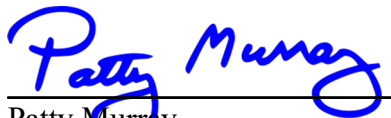
- f. For the Department in total, the estimated total salaries and benefits costs in fiscal year 2025 for employees whose resignations were accepted as part of the deferred resignation program.
- 4. The Department has fired an unknown number of probationary employees, some of whom have apparently been recently re-instated.⁹ For each agency and office and associated appropriation, please provide:
 - a. The number of probationary employees fired.
 - b. The number of fired probationary employees with unacceptable performance ratings reflected on official documentation prior to January 20, 2025.
 - c. The number of probationary employees fired and subsequently re-hired.
 - d. For the Department in total, the estimated total salaries and benefits costs in fiscal year 2025 for fired probationary employees.
 - e. The number of probationary employees fired who were veterans.
 - f. The number of probationary employees fired who were veterans and subsequently re-hired.
 - g. The number of probationary employees fired with disabilities.
 - h. The number of probationary employees fired with disabilities and subsequently re-hired.
 - i. The total cost of these firing and re-hiring actions and estimated lost productivity.
- 5. The Executive Order entitled, “Restoring Accountability to Policy-Influencing Positions Within the Federal Workforce” seeks to create a new Schedule Policy/Career in the excepted service for policy-influencing positions. For each agency and office and associated appropriation:
 - a. Please provide the number of positions reviewed for inclusion in the new Schedule Policy/Career.
 - b. Please provide the number of positions to be recommended for inclusion in the new Schedule Policy/Career.
 - c. Please identify the number of positions in which employees would disregard the law at the request of the President to implement administration policies.

⁹ <https://news.bloomberglaw.com/daily-labor-report/terminated-labor-department-employees-reinstated-union-says>

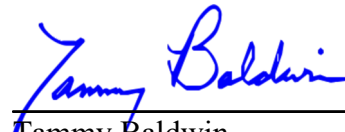
6. The President and his team have directed all agencies to develop Agency Reorganization Plans in phases through mid-April.¹⁰ Please provide us with a briefing of such plans no later than seven days after the Department submits such plan to the Office of Management and Budget and the Office of Personnel Management.

Thank you for your attention to this urgent matter. We look forward to your prompt response.

Sincerely,



Patty Murray
Vice Chair
Committee on Appropriations



Tammy Baldwin
United States Senator



Rosa L. DeLauro
Member of Congress



Robert C. "Bobby" Scott
Member of Congress
Ranking Member, Committee
on Education and Workforce



Bernard Sanders
United States Senator

¹⁰ <https://www.opm.gov/policy-data-oversight/latest-memos/guidance-on-agency-rif-and-reorganization-plans-requested-by-implementing-the-president-s-department-of-government-efficiency-workforce-optimization-initiative.pdf>

Congress of the United States
House of Representatives
Washington, D.C. 20515

April 28, 2025

The Honorable Catherine Eschbach
Director
Office of Federal Contract Compliance Programs
Department of Labor
200 Constitution Ave., NW
Washington, DC 20210

Dear Director Eschbach:

We write in strong opposition to the Trump Administration's attacks on civil rights protections and enforcement for workers employed by federal contractors with its rescission of Executive Order 11246, "Equal Employment Opportunity" (EO 11246), and recent steps to drastically reduce the workforce and operations of the Office of Federal Contract Compliance Programs (OFCCP or the Agency).¹ Americans deserve fairness and respect in any workplace, especially workplaces funded by taxpayer dollars in service to the country, yet these actions undermine equal opportunity for federal contract workers and leave them vulnerable to discrimination. To ensure Congress and the American people understand the full impact of the Trump Administration's actions to dismantle OFCCP, we request information on the Agency's operations, capacity, and ability to uphold its historic mission to safeguard the rights of workers.

OFCCP was established in 1965 and charged with overseeing federal contractors' employment practices under EO 11246.² Initially signed by President Lyndon B. Johnson in 1965 and expanded several times since, EO 11246 was a foundational civil rights law that protected federal contract workers—today covering approximately one-fifth of the entire U.S. labor force—from unlawful discrimination based on race, color, religion, sex, sexual orientation, gender identity, or national origin.³ In addition to OFCCP's obligation to enforce anti-discrimination provisions under EO 11246, OFCCP is also charged with protecting federal contract workers against discrimination on the basis of disability and veteran's status under Section 503 of the Rehabilitation Act of 1973 (Section 503) and the Vietnam Era Veterans' Readjustment Assistance

¹ Exec. Order No. 14173, 90 Fed. Reg. 8633, 8634 (Jan. 31, 2025) (rescinding Exec. Order No. 11246, 30 Fed. Reg. 12319 (Sept. 28, 1965)); Rebecca Klar, Bloomberg Law, DOL Puts Contractor Watchdog Employees on Leave as Layoffs Loom (April 16, 2025), <https://news.bloomberglaw.com/daily-labor-report/dol-puts-contractor-watchdog-employees-on-leave-as-layoffs-loom>. Rebecca Klar, Bloomberg Law, DOL Contractor Watchdog Plans to Cut Staff by 90%, Memo Says (Feb. 27, 2025), <https://news.bloomberglaw.com/us-law-week/dol-contractor-watchdog-directed-to-cut-staff-by-90-memo-says>.

² U.S. Dep't of Lab., Sec'y's Order No. 26-65, Office of Federal Contract Compliance (1965).

³ Exec. Order No. 11246, 30 Fed. Reg. 12319 (Sept. 28, 1965) (banning discrimination in Federal employment based on race, creed, color, or national origin); Exec. Order No. 11478, 34 Fed. Reg. 12985, (Aug. 12, 1969) (banning discrimination in Federal employment based on race, color, religion, sex, or national origin); Exec. Order No. 13672, 79 Fed. Reg. 42971, (July 23, 2014) (adding sexual orientation and gender identity to the listed of protected categories under EO 11246).

Act (VEVRAA), respectively. Collectively, EO 11246, Section 503, and VEVRAA have ensured that employers that receive the privilege of contracting with the federal government do not use taxpayer dollars to unlawfully discriminate against workers and are held accountable for violations. EO 11246, Section 503, and VEVRAA have also required federal contractors to take affirmative actions to promote equal employment opportunities, including by establishing policies and practices to ensure that all applicants receive equal opportunity in recruitment, advancement, and terms of employment.⁴

Each year, the federal government spends hundreds of billions of taxpayers' dollars on federal contracts.⁵ It is imperative that the government ensure that employment opportunities created by tax dollars are fair and not tainted by discriminatory practices. OFCCP plays a critical role in ensuring that workers are protected from discrimination in taxpayer-funded contracts. In its enforcement of EO 11246, OFCCP obtained over \$260 million over the past decade for workers who faced discrimination on the job by federal contractors.⁶ In Fiscal Year (FY) 2024, OFCCP recovered \$22.5 million for affected workers through compliance evaluations—nearly a quarter of its annual budget.⁷

On January 21, 2025, President Trump issued Executive Order 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity” (EO 14173), which, contrary to its name, revoked EO 11246 and its protection of a worker’s merit from being discounted due to discriminatory practices.⁸ EO 14173 also instructed OFCCP to “immediately cease promoting ‘diversity;’ holding federal contractors and subcontractors responsible for ‘affirmative action;’ and allowing or encouraging federal contractors and subcontractors to engage in workforce balancing based on race, color, sex, sexual preference, religion, or national origin.”⁹ In response to EO 14173, then Acting Secretary of Labor, Vince Micone, ordered OFCCP to cease and desist all investigative and enforcement activity under the rescinded EO 11246 and the regulations promulgated under it.¹⁰ This included all pending cases, conciliation agreements, investigations, complaints, and any other enforcement-related or investigative activity.¹¹

⁴ Exec. Order No. 11246, 30 Fed. Reg. 12319 (Sept. 28, 1965).

⁵ Rebecca Klar, *Trump’s Blow to Tiny But Powerful Contractor Watchdog: Explained*, Bloomberg Law (Jan. 29, 2025), <https://news.bloomberglaw.com/daily-labor-report/trumps-blow-to-tiny-but-powerful-contractor-watchdog-explained>.

⁶ *Id.*

⁷ U.S. Dep’t of Lab., DOL 2024 Annual Performance Report (2024).

⁸ Exec. Order No. 14173, 90 Fed. Reg. 8633, 8634 (Jan. 31, 2025).

⁹ *Id.*

¹⁰ U.S. Dep’t of Lab., Sec’y’s Order No. 03-2025, To Cease and Desist All Investigative and Enforcement Activity Under Rescinded Executive Order 11246 (Jan. 24, 2025).

¹¹ *Id.*

The order required OFCCP to notify all regulated parties with impacted open reviews or investigations that the EO 11246 component of the review or investigation had been closed.¹² One such regulated party was Tesla Inc., Elon Musk's car company that had been under OFCCP investigation for workplace discrimination until President Trump took office and authorized Mr. Musk to pursue sweeping cuts across the federal government.¹³ Additionally, the order required OFCCP to hold in suspension all reviews and investigations under Section 503 and VEVRAA pending further guidance, escalating risks to veterans and individuals with disabilities.¹⁴

On February 25, 2025, OFCCP informed then-Secretary Micone that it planned to reduce its footprint from 55 offices to 4 offices and from 479 employees to 50 employees.¹⁵ Cuts of this magnitude, combined with the halting OFCCP's EO 11246 enforcement activity, will leave workers increasingly vulnerable to discrimination and unfair hiring practices when they pursue work with federal contractors.

In keeping with our Committees' oversight responsibilities, we request your response no later than May 16, 2025, to the following questions:

1. How many compliance cases, conciliation agreements, audits, complaints, investigations, and enforcement activities were open or pending under EO 11246 as of January 20, 2025? Please provide an Excel spreadsheet with a breakdown in number for each category.
2. How many compliance cases, conciliation agreements, audits, complaints, investigations, and enforcement activities have been suspended, closed, or terminated since January 20, 2025?¹⁶ Please provide an Excel spreadsheet with a breakdown for each category.
3. How were suspensions, terminations, and closures since January 20, 2025, communicated to the parties involved?
4. How many dual file complaints and charges were filed and open with OFCCP and the Equal Employment Opportunity Commission (EEOC) as of January 20, 2025?

¹² *Id.*

¹³ Jonah Owen Lamb, *Tesla Discrimination Probe Killed as Trump Axes Watchdog Agency*, San Francisco Standard (Feb. 6, 2025), <https://sfstandard.com/2025/02/06/trump-order-stops-tesla-discrimination-investigation/>.

¹⁴ U.S. Dep't of Lab., Sec'y's Order No. 03-2025, To Cease and Desist All Investigative and Enforcement Activity Under Rescinded Executive Order 11246 (Jan. 24, 2025).

¹⁵ Rebecca Klar, *DOL Contractor Watchdog Plans to Cut Staff by 90%, Memo Says*, Bloomberg Law (Feb. 27, 2025), <https://news.bloomberglaw.com/us-law-week/dol-contractor-watchdog-directed-to-cut-staff-by-90-memo-says>. See also: Rebecca Klar, *DOL Puts Contractor Watchdog Employees on Leave as Layoffs Loom*, Bloomberg Law (April 16, 2025) <https://news.bloomberglaw.com/daily-labor-report/dol-puts-contractor-watchdog-employees-on-leave-as-layoffs-loom>.

¹⁶ U.S. Dep't of Lab., Sec'y's Order No. 03-2025, To Cease and Desist All Investigative and Enforcement Activity Under Rescinded Executive Order 11246 (Jan. 24, 2025).

Please provide a list with a breakdown for each category of discrimination under EO 11246.

5. Of the compliance cases, conciliation agreements, audits, complaints, investigations, and enforcement activities that were suspended, closed, or terminated since January 20, 2025, how many fall under the 15-employee threshold under Title VII of the *Civil Rights Act* of 1964? Please provide an Excel spreadsheet with a breakdown for each category that falls under the 15-employee threshold.
6. How many joint or coordinated investigations with EEOC were still open as of January 20, 2025? Please provide a list of joint or coordinated investigations with EEOC that were still open as of January 20, 2025.
7. How many regulated parties received notice per Section 3b of Secretary's Order 03-2025, which requires notification to entities who have open reviews or investigations by January 31, 2025, that their review or investigation has been closed or held in abeyance pending further guidance? Please provide a list enumerating the number of open investigations and reviews closed or held in abeyance for each category: EO 11246, Section 503, and VEVRAA.
8. Is the Memorandum of Understanding between OFCCP and EEOC from December 2024 still in effect?¹⁷ If not, when was it terminated and who ordered its termination?
9. Did OFCCP coordinate with EEOC on any closed or suspended cases as part of EO 14173 and Secretary's Order 03-2025?
10. How will OFCCP work with EEOC on pending dual filing complaints and charges?
11. How has OFCCP handled and how will it handle joint or coordinated investigations that were pending as of January 20, 2025?
12. Please provide any documents that discuss or describe the items in Questions 8-11.

¹⁷ *Memorandum of Understanding Between the U.S. Department of Labor, Office of Federal Contract Compliance Programs and the U.S. Equal Employment Opportunity Commission* (Dec. 17, 2024) (Retrieved from: <https://www.eeoc.gov/memorandum-understanding-between-us-department-labor-office-federal-contract-compliance-programs>).

13. Is OFCCP following its statutory obligations under Section 503 and VEVRAA to ensure nondiscrimination and affirmative action? Please provide a detailed description of the Agency's current enforcement plan.
14. Have reviews and investigations under Section 503 and VEVRAA resumed? If not, is there a timeline for when their suspension will be lifted? Please provide a detailed plan for resuming enforcement under Section 503 and VEVRAA.
15. Has the further guidance on Section 503 and VEVRAA mentioned in Secretary's Order 03-2025 been issued? If yes, please provide a copy of any guidance and any relevant documents that discuss and describe it. If not, is there a timeline for when further guidance will be issued?
16. Who is enforcing orders, settlements, compliance agreements, and other resolutions against employers who were found to commit violations prior to the rescission of EO 11246?
17. How many OFCCP staff have been terminated since January 20, 2025?
18. For each OFCCP staff terminated since that date, please provide an Excel spreadsheet with the following information:
 - a. Agency (e.g., specific field office or headquarters);
 - b. Identifiable functional area;
 - c. Job title;
 - d. Classification on the General Schedule pay scale;
 - e. Number of years of federal service; and
 - f. Justification for termination.
19. For each OFCCP staff terminated or anticipated to be terminated due to a reduction in force, please provide an Excel spreadsheet with the following information:
 - a. Agency (e.g., specific field office or headquarters);
 - b. Identifiable functional area;
 - c. Job title;
 - d. Classification on the General Schedule pay scale;
 - e. Number of years of federal service to date; and
 - f. Justification for planned termination.
20. Provide all documents and communications, including downloads, copies, or screenshots of any messages on any digital communications platform, since January 20, 2025, identifying personnel to be terminated, criteria for terminations, goals or quotas for terminations, meetings or consultations about terminations, or any other matter related to implementation of the U.S. Department of Government

Efficiency (DOGE) Workforce Optimization Initiative or Executive Order 14210 within the Labor Department.¹⁸

21. Please provide an analysis of how any staff terminations will result in the elimination of waste, fraud, and abuse.

The Committee on Education and Workforce has jurisdiction over the organization, administration, and general management of the Department of Labor as well as matters concerning labor and the conditions of labor generally under House Rule X. The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Should there be any questions regarding this request, please contact the House Committee on Education and Workforce at EWDOversight@mail.house.gov or at (202) 225-3725 and the House Committee on Oversight and Government Reform at (202) 225-5051.

Sincerely,



ROBERT C. “BOBBY” SCOTT
Ranking Member
Education and Workforce Committee



GERALD E. CONNOLLY
Ranking Member
Committee on Oversight and Government Reform

cc: The Honorable Tim Walberg, Chairman, House Committee on Education and Workforce

The Honorable James Comer, Chairman, House Committee on Oversight and Government Reform

¹⁸ Exec. Order No. 14210, 90 Fed. Reg. 9,669 (Feb. 14, 2025).

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YASSAMIN ANSARI, ARIZONA

June 10, 2025

The Honorable Lori Chavez-DeRemer
Secretary
U.S. Department of Labor
200 Constitution Ave., NW
Washington, DC 20210

Dear Secretary Chavez-DeRemer:

Thank you for testifying before the Education and Workforce Committee on Thursday, June 5, 2025, on the Department of Labor's (DOL or the Department) Fiscal Year 2026 (FY26) Budget. During my question time, you graciously offered to provide responses in writing or to follow up with a complete response. To that end, I have listed below the issues for which I seek responses from you and the Department. Thank you for your attention to the matters below.

1. You testified that the proposed elimination of the Office of Federal Contract Compliance Programs (OFCCP) within the Department is at least partially the result of OFCCP being "duplicative." Provide the Department's legal analysis of how OFCCP is "duplicative" of other agencies' responsibilities.
2. Under the Department's FY26 Budget, the Bureau of Labor Statistics (BLS) would be "reorganize[d] [...] under the policy direction of the Under Secretary for Economic Affairs."¹ As you know, BLS is one of the four original bureaus included in the organic statute establishing DOL.² The law explicitly states that the BLS "shall collect, collate, and report" under "the direction of the Secretary of Labor."³ As a result, BLS may not be reorganized without a change to DOL's organic statute. Please confirm.
3. At the hearing, you testified that it is your understanding that the Department no longer plans to close 34 offices of the Mine Safety and Health Administration (MSHA) as

¹ *Bureau of Labor Statistics: Fiscal Year 2026 Budget Request*, Department of Labor (2025), <https://www.dol.gov/sites/dolgov/files/general/budget/2026/CBJ-2026-V3-01.pdf>.

² Judson MacLaury, *A Brief History: The U.S. Department of Labor*, Department of Labor (last accessed May 6, 2025), <https://www.dol.gov/general/aboutdol/history/dolhistoxford>.

³ Act of Mar. 4, 1913, Pub. L. No. 62-146, 37 Stat. 736, § 2 (codified as amended at 29 U.S.C. § 2).

previously reported⁴, and you offered to provide me with some specifics. It is my understanding the Department still plans to close at least four MSHA offices, including a district office that was created after Upper Big Branch.

- a. What standard was used to reopen any offices that were previously shuttered?
 - b. What is the Department's plan for the District 12 office? Will the district staff be relocated to a different physical space, or will the district boundaries be altered (and, if so, how)?
4. During your testimony, you agreed to address the problem involving injured federal employees around the country who are receiving emails telling them that the hearings they need to resolve their workers' compensation claims are being canceled because the Department has terminated its contract for court reporters to transcribe the hearings. Some stakeholders have expressed to Committee staff a belief that the Department's Office of Workers' Compensation Programs (OWCP) may also lack sufficient numbers of hearing representatives to resolve appeals.
 - a. Why, if the Department knew that court reporters were required for FECA hearings, did your Department cancel this contract?
 - b. When do you anticipate that a contract for hearing transcriptions will be renewed or initiated to replace the canceled contract?
 - c. How many hearing representatives (i) did OWCP have on staff as of January 20, 2025, and (ii) does OWCP currently have on staff?
 - d. Does the number of hearing representatives affect OWCP's ability to hold hearings?
 - e. Are you planning on hiring additional hearing representatives? If so, how will your planned staffing level for hearing representatives compare to the level before January 20, 2025, and by what date do you anticipate achieving that staffing level?
 - f. How is OWCP ensuring that statutory and due process requirements to provide benefits and medical care are followed while these hearings are not taking place?
 - g. What plan does the Department have to resume holding hearings for injured federal employees?
5. During your testimony you stated that you were unaware that Elon Musk was under investigation by some of the offices within the Department of Labor. Specifically, you offered to get a response to me about areas of investigation into Musk and his businesses that are in DOL's purview.
 - a. Please confirm those agencies within DOL that are investigating Elon Musk and his business, as well as the status and scope of such investigations.
 - b. Did DOGE have access to the investigation files of these investigations?
 - c. Did DOGE have access to sensitive information, such as jobs numbers before they were public?

⁴ Press Release, United Mine Workers of America, United Mine Workers of America Responds to Reversal of MSHA Office Closures (May 30, 2025), <https://umwa.org/news-media/news/press-release-united-mine-workers-of-america-responds-to-reversal-of-msha-office-closures/>.

The Honorable Lori Chavez-DeRemer

June 10, 2025

Page 3

- d. What restrictions did you place on DOGE's access to information within DOL?
 - e. What assurance do you have that DOGE cannot access any information in the DOL computer system now?
6. Have you completed the responses to all oversight letters sent to you by my office, and when do you anticipate I will receive them?

Given the time sensitive nature of my questions, I look forward to receiving your replies to my inquiries from the hearing no later than Tuesday, June 17, 2025. Thank you for your prompt attention to this matter.

Sincerely,



ROBERT C. "BOBBY" SCOTT

Ranking Member

MAJORITY MEMBERS:

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July 2, 2025

The Honorable Lori Chavez-DeRemer
Secretary
U.S. Department of Labor
200 Constitution Ave., NW
Washington, DC 20210

Dear Secretary Chavez-DeRemer:

I write to request a briefing on the rules recently proposed by the Department of Labor (DOL) and similar actions likely to be proposed in the near future.

The database tracking reviews by the White House's Office of Information and Regulatory Affairs (OIRA) of draft agency rulemakings shows that the Labor Department has in recent weeks sent more than a dozen such drafts.¹ Based on the only information available in the OIRA database (namely, the "Rule Title" entry for each rulemaking), the drafts cover a wide territory, from changes to child labor rules to the elimination of federal minimum wage and overtime protections for home care workers. In light of the Trump Administration's launch of a "deregulatory initiative,"² as well as the explicitly deregulatory nature of several rule titles and the context of recent policy history, it appears that DOL is undertaking a series of rulemakings that will roll back existing protections of workers. Additionally, the rulemaking drafts would narrow the Labor Department's implementation and enforcement authority with respect to the safeguards that otherwise remain unmodified. Several of these drafts have now been published in the *Federal Register* as proposed rules which more explicitly reveal DOL's plans to weaken or eliminate basic workplace protections for vulnerable workers.³

During the hearing on June 5, 2025, before the Committee on Education and Workforce, Committee members had not seen or received any information about DOL's regulatory agenda. The hearing, entitled *Examining the Policies and Priorities of the Department of Labor*, serves as the Committee's best opportunity every year to review the overall operations and priorities of the Labor Department. Committee Democrats did ask you about your plans on one of the draft rulemaking topic under consideration, child labor; however, your response did not affirmatively

¹ *EO 12866 Regulatory Review*, REGINFO.GOV (last visited June 27, 2025), <https://www.reginfo.gov/public/do/eoPackageMain>.

² Exec. Order No. 14,219, 90 Fed. Reg. 10583 (Feb. 19, 2025).

³ See, e.g., Amending the Medical Evaluation Requirements in the Respiratory Protection Standard for Certain Types of Respirators, 90 Fed. Reg. 28,463 (July 2, 2025).

state you would oppose rolling back child labor rules. In particular, your testimony was silent about DOL's planned rulemaking in that subject area:

REP. ILHAN OMAR.—Your budget proposal will weaken a historically under-resourced Wage and Hour Division. The nominee to be your Solicitor of Labor wrote a chapter in Project 2025, which literally calls for the rolling back of child labor laws. Madam Secretary, can you assure this committee that you will not propose any rollbacks of child labor rules that prevent children from being employed in hazardous occupations?

SEC'Y LORI CHAVEZ-DEREMER.—I commit to fighting against all child labor exploitation. Absolutely in this country, we do not want to exploit our children. Consistent with putting the American worker first, the budget does streamline ILAB, that is one of the ... agency departments that protect the American worker and protect against child labor violations.

The budget provides for about \$70 million to ILAB, including \$38 million in grant funding while restoring ILAB's emphasis on putting the American worker first.

REP. OMAR.—So, that's a long way of you saying *yes*?

SEC'Y CHAVEZ-DEREMER.—I will work absolutely to combat all child labor.⁴

The recent revelation of the draft rulemaking on OIRA's database has spurred our continued, and urgent, request that you detail how you “will work absolutely to combat all child labor.” There is a need for an examination of how your stated commitment to protecting children and workers squares with what appears to be a plan to reduce those very protections. Accordingly, I request a briefing for the Committee's staff within one week of the date of this letter on your regulatory agenda and how this agenda reflects DOL's priorities.

Please send all official correspondence and information related to these requests to the Committee's Democratic staff at EWDOversight@mail.house.gov.

Sincerely,



ROBERT C. “BOBBY” SCOTT
Ranking Member

⁴ CQ Cong. Transcripts, *House Education and Workforce Committee Holds Hearing on Labor Department Policies and Priorities*, CQ (June 5, 2025), <https://plus.cq.com/doc/congressionaltranscripts-8258151?5>.

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August 13, 2026

The Honorable Keith Sonderling
Acting Secretary of Labor
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

The Honorable Daniel Aronowitz
Assistant Secretary
Employee Benefits Security Administration
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Dear Acting Secretary Sonderling and Assistant Secretary Aronowitz:

I write regarding the proliferation of unregulated health insurance products that threaten to make health care less affordable for millions of consumers. Specifically, I am referring to entities offering products that purport to be health insurance when they in fact create questionable employment relationships. According to a recent court filing, the United States Department of Labor (Department) has reportedly entered into settlement negotiations with two companies offering such insurance products to consumers.¹ These companies have challenged an Advisory Opinion issued by the Department in 2020,² which concluded that the arrangements do not constitute employee benefit plans governed by the *Employee Retirement Income Security Act*³ (ERISA). As the Department considers its next steps, I remind you of your obligation to ensure that any action taken must be consistent with federal law, including the requirements of ERISA and the *Administrative Procedure Act* (APA).⁴

As you are aware, there have been a number of troubling reports of the proliferation of health insurance arrangements that purport to create an employment or partnership relationship between the companies offering the insurance products and enrollees.⁵ These companies engage in a

¹ Data Mktg. P'ship, LP v. U.S. Dep't of Lab., No. 4:19-cv-00800-o, (N.D. Tex. June 18, 2026) (Joint Motion to Stay Deadlines) https://litigationtracker.law.georgetown.edu/wp-content/uploads/2023/04/Data-Marketing-Partnership_2026.06.18_JOINT-MOTION-TO-STAY.pdf.

² U.S. Dep't of Labor, Advisory Op. 2020-01A (Jan. 24, 2020), <https://www.dol.gov/agencies/ebsa/about-ebsa/our-activities/resource-center/advisory-opinions/2020-01a>.

³ Pub. L. No. 93-406 (1974).

⁴ Pub. L. No. 79-404 (1946).

⁵ Katie Keith, *Potential Settlement In Data Marketing Partnership Could Leave More Consumers Exposed to Skimpy Coverage*, Georgetown Cetner on Health Insurance Reforms, July 30, 2026, <https://chir.georgetown.edu/potential-settlement-in-data-marketing-partnership-could-leave-more-consumers-exposed-to-skimpy-coverage/>.

number of tactics to establish what the Department has previously described as “sham” arrangements,⁶ including: characterizing enrollees with no ownership stake as partners in the business simply because they download an app to their phone or signing enrollees up for jobs for which they perform no work and receive no compensation.⁷ In some instances, the supposed employees of these companies are completely unaware of their purported employment relationship, instead believing that they had simply purchased health insurance coverage in the individual market.⁸ States such as Washington⁹ and Maryland¹⁰ have taken enforcement actions against several entities offering these plans, alleging that they violate requirements of state insurance law.

By characterizing enrollment in health insurance as employment, these companies seek to be treated as self-insured, single-employer group health plans under ERISA.¹¹ Such characterization would mean that these plans would be exempt from critical consumer protections under the *Affordable Care Act*¹² (ACA) that apply to individual market and small group health insurance, including community rating, medical loss ratio, and the requirement to cover essential health benefits.¹³ Moreover, were these arrangements treated as ERISA-governed plans, they would be exempt from state oversight and insurance solvency standards,¹⁴ placing consumers at risk of unpaid claims and, in some cases, outright fraud. Congress has long recognized the danger in arrangements with similar characteristics, enacting legislation more than four decades ago to ensure that plans known as multiple employer welfare arrangements could not evade state and federal consumer protections.¹⁵

Aggressive and misleading marketing practices have contributed to the growth in these and other noncompliant health insurance plans. In 2020, the Government Accountability Office (GAO) observed widespread deceptive marketing practices by brokers selling insurance products to consumers, who are often steered to plans that do not cover preexisting conditions.¹⁶ Recent media reports have documented similar, coordinated efforts by telemarketers whose call centers mislead consumers who think they are enrolling in comprehensive health insurance but instead

⁶ Opening Brief for Appellants at 16, *Data Mktg. P’ship, LP v. U.S. Dep’t of Lab.*, No. 20-11179 (5th Cir. Mar. 31, 2021), http://litigationtracker.law.georgetown.edu/wp-content/uploads/2023/04/DMP_20210331_APPELLANT-BRIEF.pdf.

⁷ Zachary R. Mider and Zeke Faux, *U.S. Telemarketers Use Fake Jobs to Sell Cheap Healthcare Plans*, Bloomberg, May 5, 2025, www.bloomberg.com/features/2025-health-care-plans-fake-jobs/; see also Letter from Alexander T. Renfro to Joseph Canary, Director, Office of Regulations and Interpretations, U.S. Dep’t of Lab., Nov. 8, 2018 (rev. Feb. 28, 2019), <https://affordablecareactlitigation.com/wp-content/uploads/2019/12/a-request-for-advisory-opinion.pdf>.

⁸ Mider and Faux, *supra* note 7.

⁹ *Data P’ship Group, LP*, Order No. 21-0102 (State of Wash. Office of the Ins. Comm’r, Mar. 24, 2021) (Order to Cease and Desist and Imposing a Fine), <https://affordablecareactlitigation.com/wp-content/uploads/2021/04/21-0102.pdf>.

¹⁰ Press Release, *Maryland Insurance Administration takes action to prevent company from selling unauthorized health plans in Maryland*, Md. Ins. Admin., <https://insurance.maryland.gov/Pages/newscenter/NewsDetails.aspx?NR=2024363>.

¹¹ 29 U.S.C. § 1002(41).

¹² Pub. L. No. 111-148 (2010).

¹³ 42 U.S.C. §§ 300gg, 300gg-18, 18022.

¹⁴ 29 U.S.C. § 1144(b).

¹⁵ U.S. Dept. of Lab., *Multiple Employer Welfare Arrangements under the Employee Retirement Income Security Act (ERISA): A Guide to Federal and State Regulation* at 3, Apr. 2022, <https://www.dol.gov/sites/dolgov/files/EBSA/about-ebbsa/our-activities/resource-center/publications/mewa-regulations-guide.pdf>.

¹⁶ U.S. Govt. Accountability Off., *Private Health Coverage: Results of Covert Testing for Selected Offerings*, GAO-20-634R, Aug. 24, 2020, <http://gao.gov/products/gao-20-634r>.

sign up for junk coverage under the guise of creating an employment relationship with what the consumer believed to be a traditional health insurer.¹⁷ These aggressive and dishonest tactics have resulted in numerous consumer complaints to the U.S. Federal Trade Commission and other regulatory authorities.¹⁸

Since the first Trump Administration, the Department has correctly applied the law through its consistent position that a company offering health insurance to consumers while purporting to create “employment” or “partnership” relationships based on dubious justifications are not ERISA-covered employee benefit plans.¹⁹ Specifically, the Department’s 2020 Advisory Opinion closely examined the practices of one such arrangement and determined that simply sharing data through an app did not create an ERISA plan and therefore the plan was subject to state insurance regulation.²⁰ Additionally, in 2024, the Department took further steps to protect workers by bringing a separate enforcement action against the owners of some of the companies operating in this space—also naming the service providers owned and operated by these individuals—alleging breach of fiduciary duties through excessive fees and self-dealing.²¹

Regrettably, the Department’s efforts have been subject to litigation that remains unresolved. In 2020, Judge Reed O’Connor of the U.S. District Court for the Northern District of Texas vacated the Department’s 2020 Advisory Opinion.²² His opinion was affirmed in part and remanded in part by the Fifth Circuit,²³ and Judge O’Connor has not finished reconsideration of the remanded portions of the decision. While litigation in this matter remains ongoing, the Department has indicated that it may be negotiating a settlement with the plaintiffs in this matter, alarming experts and consumer advocates who fear the Department could end its defense of its prior position.²⁴

As you are aware, the Department’s statutory mission is to “foster, promote, and develop the welfare of the wage earners of the United States.”²⁵ Additionally, the Department is bound by the requirements of ERISA, the APA, and other relevant laws that govern the Department’s ability to set policy through administrative actions. Any settlement or other action that is inconsistent with the Department’s obligations under these laws would be an inappropriate exercise of power at the expense of consumers and state authority to regulate health insurance. I urge the Department to act accordingly in considering how and whether to move forward with any potential settlement or other actions.

¹⁷ Mider and Faux, *supra* note 7.

¹⁸ *Id.*

¹⁹ See U.S. Dept. of Lab., *supra* note 2.

²⁰ *Id.*

²¹ *Su v. Suffolk Admin. Servs.*, No. 3:24-cv-01512 (D.P.R. Nov. 5, 2024) (Complaint), https://litigationtracker.law.georgetown.edu/wp-content/uploads/2025/01/Su_2024.11.05_COMPLAINT.pdf

²² *Data Mktg. P’ship, LP v. U.S. Dep’t of Lab.*, No. 4:19-CV-00800-O, (N.D. Tex., Sept. 28, 2020), https://litigationtracker.law.georgetown.edu/wp-content/uploads/2023/04/DMP_20200928_OPINION-and-ORDER.pdf.

²³ *Data Mktg. P’ship, LP v. U.S. Dep’t of Lab.*, No. 20-11179 (5th Cir., Aug. 17, 2022), https://litigationtracker.law.georgetown.edu/wp-content/uploads/2023/04/DMP_20221011_USCA-JUDGMENT_MANDATE.pdf.

²⁴ Keith, *supra* note 5.

²⁵ 29 U.S.C. § 551.

As the Department considers its next steps, I seek responses to the following questions:

1. Has the Department changed the position expressed in Advisory Opinion 2020-A01, and, if so, what legal analysis informed that change?
2. Please provide an update on the status of any settlement negotiations between the Department and Data Marketing Partnership, L.P. and L.P. Management Services.
3. Has the Department received complaints or inquiries from consumers, or concerns raised by state insurance regulators or other stakeholders, about plans sold by Data Marketing Partnership, L.P., L.P. Management Services, or similar arrangements? If so, how many complaints, inquiries, and concerns has the Department received? What steps, if any, did the Department take to respond to and resolve these complaints, inquiries, and concerns?
4. Will you preserve all records of meetings and communications between political appointees and Data Marketing Partnership, L.P. and L.P. Management Services, including names, job titles, dates, notes, memoranda, emails, and any other documents, in accordance with federal law, including the *Federal Records Act* and related regulations?²⁶

Thank you in advance for your full and complete reply. Please respond to this letter no later than August 27, 2026. You may reach out to Democratic staff of the Committee on Education and Workforce with any questions at EWDOveright@mail.house.gov or 202-225-3725.

Sincerely,



ROBERT C. "BOBBY" SCOTT
Ranking Member

²⁶ See e.g., 44 U.S.C. §§ 3101-3107 (Chapter 31, Records Management by Federal Agencies); 44 U.S.C. §§ 3301-3314 (Chapter 33, Disposal of Records); and 36 C.F.R., Chapter XII, Subchapter B (Records Management).

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September 17, 2026

The Honorable Keith E. Sonderling
Acting Secretary
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Dear Acting Secretary Sonderling:

I urge you to initiate an immediate investigation into the reported submission of public comments using stolen identities in support of the Department of Labor's (DOL) proposed rule¹ establishing a legal safe harbor for 401(k) plans to invest in private equity, cryptocurrency, and other so-called "alternative assets" (DOL's proposed rule).

As you may be aware, recent reporting by *Bloomberg News* identified nearly 12,000 public comments in support of DOL's proposed rule showing signs that they "may have been manufactured . . . and lacked any personalization, such as signatures."² In contrast to the more than 30,000 public comments opposing the rule, these supportive comments failed to include the commenter's city, state, or email address.³ In certain cases, the reporters were not able to confirm that commenters in support of DOL's proposed rule actually existed.⁴ In others, the reporters identified people who "vehemently denied" submitting comments in support of DOL's proposed rule or "said their relatives couldn't have done so because they were dead."⁵

This reporting is incredibly concerning and raises legitimate questions about whether DOL's public comment process for agency rulemakings has been corrupted during the Trump Administration. The reporting also magnifies the lack of verifiable public support for DOL's proposed rule, representing yet another reason why it should be withdrawn.

¹ See U.S. Dep't of Labor, *Fiduciary Duties in Selecting Designated Investment Alternatives*, 91 Fed. Reg. 16088, (Mar. 31, 2026) (to be codified at 29 C.F.R. pt. 2510), <https://www.federalregister.gov/documents/2026/03/31/2026-06178/fiduciary-duties-inselecting-designated-investment-alternatives>.

² Noah Buhayar and Jeff Kao, *Trump's 401(k) Proposal Shows Evidence of Phony Public Support*, BLOOMBERG NEWS, (Aug. 13, 2026), <https://www.bloomberg.com/news/features/2026-08-13/trump-401-k-proposal-shows-signs-of-phony-supportive-comments>.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

The Honorable Keith Sonderling

The Honorable Daniel Aronowitz

August 13, 2026

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As DOL proceeds with its investigation, I seek responses to the following questions by October 1, 2026:

1. What is the full extent of the number and nature of public comments utilizing unverifiable or stolen identities in support of DOL's proposed rule?
2. How many other DOL rulemakings during the Trump Administration were supported by public comments utilizing unverifiable or stolen identities? What is the scope of this scandal?
3. Did any DOL and/or Trump Administration officials have any knowledge of, or involvement with, this public comment scandal?
4. Is DOL aware of any outside parties that had any knowledge of, or involvement with, the public comments utilizing unverifiable or stolen identities in support of DOL's proposed rule? If yes, please list those outside parties and describe how DOL learned about that knowledge or involvement.
5. Will the DOL commit to making any referrals to the Department of Justice for further investigation and/or criminal or civil enforcement actions related to this public comment scandal?
6. Which measures and system improvements does DOL plan to implement – on its own and/or in conjunction with the General Services Administration (GSA) – to ensure that public comments utilizing unverifiable or stolen identities are barred from being submitted? What is the timeline for implementing these measures and system improvements?

It is imperative that DOL promptly work to restore the integrity of its public comment process for agency rulemakings and rebuild trust in it.

Thank you for your attention. Please send all official correspondence and information related to this request to the Committee's Democratic staff at EWDOversight@mail.house.gov. I look forward to your response.

Sincerely,



Robert C. "Bobby" Scott
Ranking Member
Committee on Education and Workforce

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The Honorable Lori Chavez-DeRemer

June 2, 2025

Dear Secretary:

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JOHN W. MANNION, NEW YORK
VACANCY

June 2, 2025

The Honorable Lori Chavez-DeRemer
Secretary of Labor
U.S. Department of Labor
200 Constitution Ave., NW
Washington, DC 20210

Dear Secretary Chavez-DeRemer:

We write seeking information regarding the Advisory Council on Employee Welfare and Pension Benefit Plans (ERISA Advisory Council or Council). Specifically, we urge you to provide necessary transparency regarding the deletion of the Council's records from the website of the U.S. Department of Labor (Department) and clarify whether the Trump Administration is considering taking actions to eliminate the Council that are inconsistent with the Department's legal obligations under the *Employee Retirement Income Security Act of 1974* (ERISA).¹

As you know, the mission of the Employee Benefits Security Administration (EBSA) is to "ensure the security of the retirement, health, and other job-based benefits of America's workers and their families."² In furtherance of that mission, Congress created the ERISA Advisory Council,³ which for five decades has provided technical expertise to EBSA on complex issues relating to health care, disability, and retirement plans that cover more than 153 million workers, retirees, and their family members across America.⁴ The Council has written valuable reports on a wide range of topics in recent years, such as pharmacy benefit manager services,⁵ disability benefits and mental health,⁶ and cybersecurity.⁷ That is why we were deeply troubled to learn

¹ Pub. L. No. 93-406 (1974).

² U.S. Department of Labor, *About EBSA*, <https://www.dol.gov/agencies/ebsa/about-ebsa> (last visited May 21, 2025).

³ 29 U.S.C. § 1142.

⁴ U.S. Department of Labor, *Fact Sheet EBSA Restores Over \$1.4 Billion to Employee Benefit Plans, Participants, and Beneficiaries* (Updated as of Oct. 14, 2022), <https://www.dol.gov/sites/dolgov/files/EBSA/about-ebsa/our-activities/resource-center/fact-sheets/ebsa-monetary-recoveries.pdf>.

⁵ Advisory Council on Employee Welfare and Pension Benefit Plans, *Report to the Honorable Thomas E. Perez, United States Secretary of Labor, PBM Compensation and Fee Disclosure* (Nov. 2024), <https://www.dol.gov/sites/dolgov/files/EBSA/about-ebsa/about-us/erisa-advisory-council/pbm-compensation-disclosure-report-2014.pdf>.

⁶ Advisory Council on Employee Welfare and Pension Benefit Plans, *Report to the Honorable Julie A. Su, United States Acting Secretary of Labor, Long-Term Disability Benefits and Mental Health Disparity* (Dec. 2023), <https://www.dol.gov/sites/dolgov/files/EBSA/about-ebsa/about-us/erisa-advisory-council/2023-long-term-disability-benefits-and-mental-health-disparity.pdf>.

⁷ Advisory Council on Employee Welfare and Pension Benefit Plans, *Report to the Honorable Martin Walsh, United States Secretary of Labor, Cybersecurity Issues Affecting Health Benefit Plans* (Dec. 2022), https://www.dol.gov/sites/dolgov/files/ebsa/pdf_files/2022-cybersecurity-issues-affecting-health-benefit-plans.pdf.



the Department has, without explanation, erased from its website numerous records regarding the Council's activities in 2024⁸ and reportedly placed the Council "on ice."⁹

The functions of the ERISA Advisory Council are clearly specified in federal law, and the Trump Administration has no authority to ignore these requirements. Section 512 of ERISA establishes the Council as an advisory body serving the Department, states that it must meet no fewer than four times per year, and charges it with the duty of "advis[ing] the Secretary with respect to the carrying out of his functions under [title I of ERISA] and [submitting to] the Secretary recommendations with respect thereto."¹⁰ The Secretary also has obligations under section 512, including a requirement to "furnish to the Council an executive secretary and such secretarial, clerical, and other services as are deemed necessary to conduct its business."¹¹ The Department properly notes that the records of the Council, including the written statements submitted by witnesses, are public records that are not altered by the Department following their submission to the Council.¹²

In 2024, your predecessor complied with these requirements, and the Council held four public meetings addressing two issues: (1) *Qualified Default Investment Alternatives (QDIAs) - Start to Finish, Default to Payout*, and (2) *Group Health Plan Claims and Appeals*. As has been the Department's practice for many years, the Department released two Issue Statements informing the public of the scope of the Council's work and published copies of testimonies that were submitted by more than 30 witnesses.¹³ However, in March these documents were deleted from the Department's website without explanation, and only the Final Reports are currently posted, leaving an incomplete online record of the Council's 2024 activities.

Despite repeated requests from the staff of the Committee on Education and Workforce, the Department has been unresponsive to inquiries regarding the decision to delete these records.¹⁴ Moreover, reports indicate that the existence of the Advisory Council—which as you are aware cannot legally be eliminated without legislation enacted by Congress—may be under review by political actors within the Trump Administration.¹⁵ In light of the tidal wave of unlawful layoffs of government employees and violations¹⁶ of the *Impoundment Control Act*¹⁷ by the Trump Administration, we are concerned that the ERISA Advisory Council could face elimination by political forces acting outside their authority under the law.

⁸ U.S. Department of Labor, Employee Benefits Security Administration, *ERISA Advisory Council* (captured by the Internet Archive on Mar. 5, 2025), <https://web.archive.org/web/20250305001104mp/https://www.dol.gov/agencies/ebsa/about-ebsa/about-us/erisa-advisory-council> (last visited May 21, 2025).

⁹ Remy Samuels, *ERISA Advisory Council Currently 'On Ice'* (Feb. 28, 2025), <https://www.plansponsor.com/erisa-advisory-council-currently-on-ice/>.

¹⁰ 29 U.S.C. § 1142(b).

¹¹ *Id.*

¹² Employee Benefits Security Administration, *224th Meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans; Notice of Teleconference Meeting*, 89 Fed. Reg. 76511 ("No deletions, modifications, or redactions will be made to the statements received as they are public records").

¹³ *Supra* note 8.

¹⁴ From Mar. 11, 2025, through May 9, 2025, Committee staff submitted eight emails to the Department without receiving a material response as to why these records were deleted (on file with the Committee on Education and Workforce, Democrats).

¹⁵ Remy Samuels, *ERISA Advisory Council Status Unclear*, Plan Adviser (Mar. 2025), <https://www.planadviser.com/erisa-advisory-council-status-unclear/>.

¹⁶ Fact Sheet, U.S. House Committee on Appropriations (Minority), *Background on Unlawful Impoundment in President Trump's Executive Orders* (Jan. 29 2025), <https://democrats-appropriations.house.gov/news/fact-sheets/background-unlawful-impoundment-president-trumps-executive-orders>.

¹⁷ Title X, Pub. L. No. 93-344 (1974).

Accordingly, we seek your prompt response to the following questions:

- 1) Under what authority were the documents and records of the Council for 2024 removed from the Department's website?
 - a. Why did the Department take this action?
 - b. Have these materials also been removed from the Public Disclosure Room?
 - c. Are any political staff members reviewing or altering any of these materials?
 - d. When will the Issue Statements and Witness Statements be reposted?
- 2) Is the Administration considering terminating the Council, in violation of Section 512 of ERISA?
- 3) When will the Advisory Council hold the first of the four (or more) meetings that are required by law to be held in 2025?
- 4) Have you provided the "executive secretary and such secretarial, clerical, and other services" to the Council for 2025? If not, please provide a detailed timeline for doing so.

Additionally, please provide the following documents to the Committee regarding the Council's 2024 activities regarding: (1) *Qualified Default Investment Alternatives (QDIAs) - Start to Finish, Default to Payout*, and (2) *Group Health Plan Claims and Appeals*:

- 1) Both Issue Statements that were previously published on the Department's website;
- 2) All Witness Statements that were previously published on the Department's website (a list of known statements is attached; please provide any not listed); and
- 3) Complete transcripts of all meetings of the Council in 2024.

Thank you in advance for your full and complete reply. Please respond to this letter no later than June 16, 2025. You may reach out to Democratic staff of the Committee on Education and Workforce with any questions at EWDOversight@mail.house.gov or 202-225-3725.

Sincerely,



ROBERT C. "BOBBY" SCOTT
Ranking Member



MARK DeSAULNIER
Ranking Member
Subcommittee on Health, Employment, Labor, and Pensions

cc: The Honorable Tim Walberg, Chairman, House Committee on Education and Workforce

Attachment

Claims and Appeals Procedures

1. Brian King, Brian S. King Law Office
July 8, 2024
2. Meiram Bendat, PsychAppeal
July 9, 2024
3. Steve Butterfield, Leukemia & Lymphoma Society
July 9, 2024
4. Karen Handorf, Berger Montague
July 9, 2024
5. Joseph Feldman, CoverMyHealth
July 10, 2024
6. Karin A. Peters and Ivelisse Berio LeBeau, National Employee Benefits Administrators, Inc. (NEBA)
July 10, 2024
7. Adam Beck, AHIP
September 10, 2024
8. Mary Covington, FixMyClaim
September 10, 2024
9. Wendell Potter, HEALTH CARE un-covered
September 11, 2024
10. Brandon Long, McAfee & Taft, and LaShan Wiley and Lorrie Jacobs
September 11, 2024
11. Emily Carroll and Heather McComas, American Medical Association (AMA)
September 11, 2024
12. Kaye Pestaina, Kaiser Family Foundation
September 12, 2024
13. Betty Long, Guardian Nurses – Remarks | Presentation
September 12, 2024
14. Jacqueline Tulcin, Community Health Advocates
September 12, 2024
15. Julia Underwood, Consumers for Affordable Healthcare
September 12, 2024

Attachment

Qualified Default Investment Alternatives (QDIAs) – Start to Finish, Default to Payout

1. Olivia Mitchell, Wharton School
Slides Written Statement | Remarks
July 8, 2024
2. Michael Finke, American College
July 8, 2024
3. Preet Prashar, Mercer
July 9, 2024
4. Gregory Fox, Aon
July 9, 2024
5. Christopher Tobe, Hackett Robertson Tobe Group
July 10, 2024
6. James Watkins, InvestSense LLC.
July 10, 2024
7. Thomas Clark, Wagner Law Group
July 10, 2024
8. Bonnie Treichel, Endeavor Retirement
July 10, 2024
9. Sara Pollock, S&P
September 10, 2024
10. Lucian Marinescu, Morningstar
September 10, 2024
11. Jessica Sclafani, T. Rowe Price | Presentation | Statement
September 11, 2024
12. Kevin Hanney, RTX
September 11, 2024
13. Kenneth Levine, RTX
September 11, 2024
14. Michael Kreps, Groom Law Group
September 11, 2024
15. Marla Kreindler, Morgan Lewis
September 11, 2024
16. David Certner, AARP
September 12, 2024
17. Elizabeth Heffernan, Micruity
September 12, 2024
18. Jacqueline Rynn, SS&C
September 12, 2024

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November 24, 2025

The Honorable Lori Chavez-DeRemer
 Secretary
 U.S. Department of Labor
 200 Constitution Ave., NW
 Washington, DC 20210

Dear Secretary Chavez-DeRemer:

We write to inquire about stakeholder reports that the Office of Workers' Compensation Programs (OWCP) of the U.S. Department of Labor (DOL) is failing to enforce OWCP's recently completed rule updating requirements for coal operators that elect to self-insure their black lung liabilities (Black Lung Self-Insurance Rule).¹

The Black Lung Self-Insurance Rule protects taxpayers. Under the *Black Lung Benefits Act* (BLBA), coal operators are responsible for covering the benefits owed to miners and their families suffering from black lung disease, and operators must secure that obligation by either purchasing commercial insurance or committing to self-insurance secured by appropriate collateral.² The Black Lung Disability Trust Fund (Trust Fund), financed primarily by an excise tax on coal produced and sold domestically,³ covers the cost of benefits where no responsible operator can be identified or the responsible operator has become insolvent; but this is only a backstop in a larger legislative scheme in which Congress intended "to ensure that individual coal operators rather than the Trust Fund bear the liability for [black lung] claims arising out of such operators' mines to the maximum extent feasible."⁴ Moreover, when the benefit burden on the Trust Fund exceeds excise tax revenue, the Trust Fund must borrow from the Treasury⁵—meaning, in other words, that everyday taxpayers foot the bill.

¹ Black Lung Benefits Act: Authorization of Self-Insurers, 89 Fed. Reg. 100,304 (Dec. 12, 2024) [hereinafter Black Lung Self-Insurance Rule].

² Federal Coal Mine Health and Safety Act of 1969, Pub. L. No. 91-173, Title IV.

³ 26 U.S.C. § 4121.

⁴ *Old Ben Coal Co. v. Luker*, 826 F.2d 688, 693 (7th Cir. 1987) (quoting S. Rep. No. 209, 95th Cong. (1977), at 9).

⁵ Siddhi Doshi & Adele Morris, *Putting the Trust Back in the Black Lung Disability Trust Fund*, BROOKINGS INST., at 5 (Sept. 24, 2021), <https://www.brookings.edu/wp-content/uploads/2021/10/Black-Lung-Disability-Trust-Fund-2021.pdf>.

The record shows that taxpayers need the Black Lung Self-Insurance Rule. We have monitored DOL's oversight of self-insured operators for years, during which we held three congressional hearings,⁶ requested analyses by the Government Accountability Office (GAO),⁷ and considered relevant legislation.⁸ Our oversight activities revealed that weaknesses in the existing program for oversight of self-insured coal operators shifted millions of dollars in costs to the public that should instead be borne by operators themselves. For example, GAO revealed in February 2020 that three bankruptcies between 2014 and 2016 shifted \$865 million in black lung benefit liabilities into the Trust Fund from self-insured operators that had reserved a total of only \$27.4 million in collateral, meaning that nearly 97 percent of their liabilities were unsecured.⁹ The largest of these three, Alpha Natural Resources, shifted \$494 million in liabilities into the Trust Fund, while providing only \$12 million (approximately 3 percent) in collateral.¹⁰ Patriot Coal secured \$15 million out of \$230 million in liabilities (approximately 6 percent), and James River Coal reserved a mere \$0.4 million to cover \$141 million in liabilities (approximately 0.2 percent).¹¹

GAO testified that DOL's limited oversight of coal mine operator insurance exposed the Trust Fund to financial risk.¹² When setting the amount of collateral required to self-insure, DOL estimated current benefit liabilities but did not incorporate estimates of *future* liabilities.¹³ DOL did not regularly review operators to assess whether the required amount of collateral should change in light of circumstances such as increased projected liabilities or signs of potential instability in the business.¹⁴ Moreover, DOL did not always take action to protect the Trust Fund by revoking an operator's ability to self-insure as appropriate.¹⁵

DOL's attempts to respond within the terms of the existing rules proved insufficient. DOL testified before the Subcommittee on Workforce Protections in February 2020 that it implemented some changes to the self-insurance program, such as updating collateral

⁶ *Strengthening the Safety Net for Injured Workers: Hearing on H.R. 2499, H.R. 3114, H.R. 6102, and H.R. 6087 Before the Subcomm. on Wrkf. Prots. of the H. Comm. on Educ. & Lab.*, 117th Cong. (2021) [hereinafter *Strengthening the Safety Net*]; *Asleep at the Switch: How the Department of Labor Failed to Oversee the Black Lung Disability Trust Fund: Hearing Before the Subcomm. on Wrkf. Prots. of the H. Comm. on Educ. & Lab.*, 116th Cong. (2020) [hereinafter *Asleep at the Switch*]; *Breathless and Betrayed: What Is MSHA Doing to Protect Miners from a Resurgence of Black Lung Disease?: Hearing Before the Subcomm. on Wrkf. Prots. of the H. Comm. on Educ. & Lab.*, 116th Cong. (2019).

⁷ See THOMAS COSTA, GOV'T ACCOUNTABILITY OFF., GAO-22-105546, BLACK LUNG BENEFITS PROGRAM: CONTINUED INACTION ON COAL OPERATOR SELF-INSURANCE INCREASES FINANCIAL RISK TO TRUST FUND (Dec. 2021); CINDY BROWN BARNES, GOV'T ACCOUNTABILITY OFF., GAO-20-438-T, BLACK LUNG BENEFITS PROGRAM: OVERSIGHT IS NEEDED TO ADDRESS TRUST FUND SOLVENCY STRAINED BY BANKRUPTCIES (Feb. 2020); GOV'T ACCOUNTABILITY OFF., GAO-20-21, BLACK LUNG BENEFITS PROGRAM: IMPROVED OVERSIGHT OF COAL MINE OPERATOR INSURANCE IS NEEDED (Feb. 2020) [hereinafter IMPROVED OVERSIGHT NEEDED].

⁸ See H.R. Rep. No. 117-589, at 15-17 (2022) (describing legislation considered in the 116th and 117th Congresses to address, *inter alia*, deficiencies in oversight of self-insured operators).

⁹ BROWN BARNES, *supra* note 7.

¹⁰ *Id.* at 13.

¹¹ *Id.*

¹² See generally *id.*

¹³ IMPROVED OVERSIGHT NEEDED, *supra* note 7, at 18-19.

¹⁴ *Id.* at 20.

¹⁵ *Id.* at 21-22.

requirements to reflect future liabilities.¹⁶ That same week DOL issued letters to 14 self-insured operators requesting an increase in their collateral and to two other operators withdrawing authorization to self-insure.¹⁷ Some operators complied with the request, but seven operators appealed.¹⁸ In the absence of appeal procedures, OWCP collected only \$65 million of the requested \$251 million in additional collateral.¹⁹

DOL followed up that December with a bulletin, which was not announced in the *Federal Register* until the following month²⁰ (less than two weeks before the end of the first Trump Administration), setting out risk-adjusted levels of collateral for self-insurance: operators with low financial risk were allowed to post 70 percent of the actuarial estimate; those with moderate financial risk must post 85 percent; and those in the highest risk category must post 100 percent.²¹ Some in the industry objected on procedural grounds that the guidelines should have been promulgated through rulemaking under the *Administrative Procedure Act* (APA), while others argued that the guidelines did not consider individual operator claims experience.²²

GAO discovered that DOL subsequently reversed course on the bulletin, but its new policies to address the larger problem were not rolled out quickly enough to prevent further liability shifts from undercapitalized self-insured operators:

In December 2020, DOL issued a preliminary bulletin for coal operator self-insurance that described significant changes and included actions that would have addressed GAO's recommendations. For instance, DOL set a goal to resolve coal operator appeals within 90 days after receiving supporting documents or meeting with the operator to discuss their concerns.

However, in February 2021, DOL rescinded the preliminary bulletin due to a program review by the current administration, according to DOL officials. DOL officials said they have taken no further actions to resolve appeals or to collect any additional collateral or other information from self-insured operators. As a result, DOL has not obtained about \$186 million in requested collateral from self-insured operators that appealed DOL's requested collateral. In addition, one of these operators, Lighthouse Resources, filed for bankruptcy in December 2020; this could result in a transfer of about \$2.4 million in estimated benefit responsibility to the Trust Fund, according to DOL. In addition, two operators DOL said no longer met their requirements to self-insure almost two years ago remain self-insured.

¹⁶ *Asleep at the Switch*, *supra* note 6, at 21 (testimony of Julia Hearthway, Director of OWCP).

¹⁷ *Strengthening the Safety Net*, *supra* note 6, at 24.

¹⁸ *Id.*

¹⁹ *Id.* at 27.

²⁰ Guidance on Black Lung Benefits Act Self-Insurance, 86 Fed. Reg. 1529 (Jan. 8, 2021).

²¹ Off. of Workers' Comp. Progs., U.S. Dep't of Lab., *BLBA Bull. No. 21-01, DCMWC Self-Insurance Process Guidelines* (Dec. 7, 2020).

²² See generally *Guidance on Black Lung Benefits Act Self-Insurance*, Docket ID WCPO-2020-0002, REGULATIONS.GOV, <https://www.regulations.gov/docket/WCPO-2020-0002> [hereinafter Guidance Docket].

In November 2021, DOL officials said the current administration's program review is complete, but could not describe any anticipated changes to coal operator self-insurance going forward.²³

GAO added that five mine operators became insolvent since that initial cohort, at least two of which were expected to transfer an additional \$61.1 million in under-collateralized liability to the Trust Fund.²⁴

DOL finally addressed these problems systematically in December 2024 by publishing the Black Lung Self-Insurance Rule. Among other things, the Black Lung Self-Insurance Rule requires self-insured operators to secure 100 percent of their projected black lung liabilities.²⁵ Notably, the rule does not require operators to actually bank the full 100 percent; instead, as DOL points out, an operator could purchase an instrument that would pay out up to 100 percent of the liability, such as a surety bond for which premiums would likely cost in the range of 2-12 percent of the security amount.²⁶ For added flexibility, the rule also generously allows for operators whose security requirement increases under the new rule to post the difference in quarterly installments.²⁷

The Black Lung Self-Insurance Rule is an elegant solution to a billion-dollar problem, but it can work only if it is actually implemented. The Committee's Democratic staff has heard reports from multiple stakeholders that DOL has informed operators it will not enforce the rule. Consistent with these reports, OWCP's forms for self-insured operators appear to be aligned with the old, superseded rules, which adjusted collateral requirements based on a complex assessment of three years of financial data, and not the current 100 percent security requirement.²⁸

The possibility that DOL might now be failing to implement the Black Lung Self-Insurance Rule is mindboggling. The risks to taxpayers and the integrity of the Trust Fund (which you, as a trustee,²⁹ are obliged to protect) are too significant for these matters to remain in the shadows.

Accordingly, we request that you provide the following information and documents by December 8, 2025:

1. Has DOL informed operators that it will not enforce the Black Lung Self-Insurance Rule? (yes/no)
2. Please provide all documents, correspondence, meeting notes, calendars of any meetings with persons outside of DOL, and lists of persons inside and outside of DOL who

²³ COSTA, *supra* note 7, at 8-9.

²⁴ *Id.* at 4.

²⁵ Black Lung Self-Insurance Rule, *supra* note 1, at 100,309.

²⁶ *Id.* at 100,309-310.

²⁷ *Id.* at 100,309.

²⁸ Off. of Workers' Comp. Progs., *DCMWC Forms*, U.S. DEP'T OF LAB., <https://www.dol.gov/agencies/owcp/dcmwc/regs/compliance/blforms#dcmwc> (last visited Oct. 17, 2025) (hosting Forms CM-2017, CM-2017a & CM-2017b).

²⁹ 26 U.S.C. § 9501(a)(2).

participated in such meetings on the Black Lung Self-Insurance Rule, since January 20, 2025.

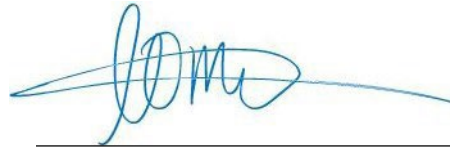
3. With respect to whatever policy DOL is implementing regarding self-insurance in the black lung program, please provide the following:
 - a. A description of the policies for approving operators to self-insure, reauthorizing operators to self-insure, and identifying the amount of security required for any self-insured operators;
 - b. An explanation of the legal justification for any policy described in (a), if it is not the Black Lung Self-Insurance Rule; and
 - c. Any documents about such policy, including the text of such policy.

Send all official correspondence and information related to these requests to the Committee's Democratic staff at EWDOversight@mail.house.gov.

Sincerely,



ROBERT C. "BOBBY" SCOTT
Ranking Member



ILHAN OMAR
Ranking Member
Subcommittee on Workforce Protections

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March 4, 2026

The Honorable Lori Chavez-DeRemer
Secretary
U.S. Department of Labor
200 Constitution Ave., NW
Washington, DC 20210

Dear Secretary Chavez-DeRemer:

We write again to request meaningful answers to important questions regarding the extent to which the Office of Workers' Compensation Programs (OWCP) of the U.S. Department of Labor is overseeing coal operators that elect to self-insure their black lung liabilities.

We sent a letter to you on November 24, 2025 (attached for your convenience), in response to stakeholder reports that OWCP is failing to enforce its 2024 final rule on collateral requirements for self-insured coal operators.¹ That rule requires self-insured coal operators to reserve a sufficient amount of collateral so that their liabilities would not be shifted onto American taxpayers in the event that the operators collapse and enter bankruptcy protection.² Our letter posed several questions intended to ensure that the public is fully informed about the current governance of the black lung self-insurance program.

In response to our letter to you, we received a letter dated January 14, 2026, from OWCP Director James R. Macy. Regrettably, Mr. Macy's letter did not address our questions about whether the stakeholder reports are accurate and, if so, what policies are currently being applied to self-insured operators. Instead, it merely pointed to an item in DOL's semi-annual regulatory agenda announcing that OWCP intends to explore alternatives to the 2024 final rule.³

Please follow up with a letter that is fully responsive to the questions we posed in the later dated November 24, 2025. To ensure a thorough reply, please repeat our questions and then provide an answer immediately below each restated question to which it is responsive.

¹ Black Lung Benefits Act: Authorization of Self-Insurers, 89 Fed. Reg. 100,304 (Dec. 12, 2024).

² *Id.*

³ *Black Lung Benefits Act: Authorization of Self-Insurers*, REGINFO.GOV, <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202504&RIN=1240-AA16> (last visited Mar. 4, 2026).

The Honorable Lori Chavez-DeRemer

March 4, 2026

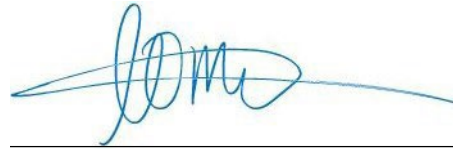
Page 2

We request these answers by March 18, 2026. Please send all official correspondence and information related to these requests to the Committee's Democratic staff at EWDOversight@mail.house.gov.

Sincerely,



ROBERT C. "BOBBY" SCOTT
Ranking Member



Ilhan Omar
Ranking Member
Subcommittee on Workforce Protections

cc: James R. Macy, Director,
Office of Workers' Compensation Programs