United States Senate
WASHINGTON, DC 20510

June 20, 2023

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
1600 Pennsylvania Ave, NW
Washington, DC 20500

Dear Mr. President,

We write to urge you to formally withdraw the nomination of Julie A. Su, of California, to be Secretary of Labor.

The United States Constitution divides the responsibility for populating top positions in the federal government between the President and the United States Senate. The appointments clause (Article II, Section 2) empowers the President to nominate "by and with the Advice and Consent of the Senate." The role of the Senate to give advice and consent is an integral part of the process for selecting officials to fill the highest positions in our government.

The Senate received the nomination for Ms. Su on March 14, 2023. The Committee on Health, Education, Labor, and Pensions (HELP) carefully considered the merits of this nomination, actions that included a full committee hearing on April 20, 2023. Unfortunately, between the time that this nomination was received and the time that a hearing was held on the nomination, Ms. Su refused to be interviewed by HELP Committee minority staff or the staff members representing the Republican senators on the committee, as nominees have traditionally done.

Despite the nomination of Ms. Su being reported favorably by the committee on a party-line vote on April 26, 2023, and despite the Senate being in session for several weeks since this date, there has yet to be a vote in the full Senate on this nomination. Her track record and unwillingness to provide clarity to her past positions and the actions she would take as Secretary of Labor continue to raise concerns about her nomination.

In her capacity as the head of California's Labor and Workforce Development Agency, Ms. Su was the architect of a law that forced independent contractors in the state to reclassify themselves as W-2 employees, and she did not hesitate to express her willingness to enforce this law, threatening investigations and audits to the wage claim process for workers who did not comply. When asked about her position on this issue and if she would institute a similar policy as U.S. Secretary of Labor, Ms. Su has been consistently evasive in responding, despite offering strong public support for this policy prior to her current nomination.

Ms. Su was further evasive to senators by failing to produce requested documentation that showed she instructed her staff to hide individuals that were subject to investigations by U.S. Immigration Customs and Enforcement officials when she served as California State Labor Commissioner.

Strong concerns from the small business community have also been expressed over Ms. Su's approach to the current franchise business model, citing her support of California legislation that gave authority to government appointees to make decisions regarding wages and working conditions at independently owned restaurants across the state.

In the past three months since she was nominated to be Secretary of Labor, Ms. Su has given senators no indication that her past positions and actions are not indicative of future positions and actions she would take as Secretary. She has avoided answering questions whenever possible and she has refrained from providing distinct specificity to her answers when she has responded to inquiries.

Given this present state of affairs, we respectfully urge you to withdraw the nomination. We appreciate your responsiveness to this request, and ask for prompt confirmation that the nomination of Julie A. Su is formally withdrawn.

Sincerely,

Mike Braun
United States Senator

Mitch McConnell
Senate Republican Leader

John Thune
Senate Republican Whip

John Barrasso
United States Senator

Marsha Blackburn
United States Senator

Katie Boyd Britt
United States Senator

Ted Budd
United States Senator

Bill Cassidy, M.D.
United States Senator



John Cornyn
United States Senator



Kevin Cramer
United States Senator



Mike Crapo
United States Senator



Ted Cruz
United States Senator



Steve Daines
United States Senator



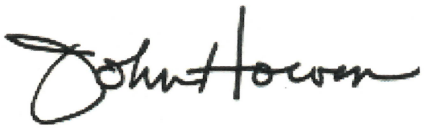
Deb Fischer
United States Senator



Lindsey O. Graham
United States Senator



Bill Hagerty
United States Senator



John Hoeven
United States Senator



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Eric Schmitt
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Rick Scott
United States Senator



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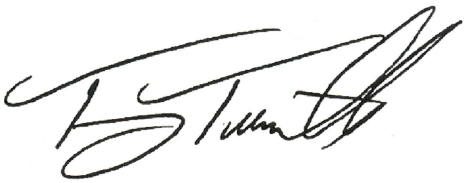
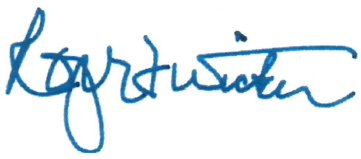
Thom Tillis
United States Senator



Tommy Tuberville
United States Senator



Roger F. Wicker
United States Senator



Todd Young
United States Senator