

United States Senate

WASHINGTON, DC 20510
(202) 224-3121
<http://www.senate.gov>

July 27, 2023

Delivered via Email

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 express strong concern regarding recent reports¹ that your administration is planning to indefinitely leave Julie Su in her role as acting Labor Secretary, circumventing the confirmation process. It is clear that Ms. Su does not have the necessary support to be confirmed and we urge you to immediately withdraw her nomination.

The Senate received Ms. Su's nomination on March 14, 2023 – 135 days ago. No cabinet-level nominee in United States history has *ever* gone longer without a confirmation vote when their party controlled the Senate and the White House. The Committee on Health, Education, Labor, and Pensions carefully considered Ms. Su's record and qualifications, as is the Senate's responsibility. Despite Ms. Su's nomination being reported out of committee in a partisan vote in April 2023, there still has not been a vote in the full Senate. Based on public statements by Democratic and Republican Senators, it is now abundantly clear that Ms. Su does not have the necessary support to be confirmed.

Instead of withdrawing Ms. Su's nomination and pursuing a candidate who can receive the necessary Senate support to be confirmed, recent media reports indicate that your administration feels "emboldened"² to sidestep the Senate confirmation process and leave Ms. Su to lead the Labor Department in an acting capacity indefinitely. It is absolutely unacceptable for your administration to do an end-run around the constitutional obligation to seek the advice and consent of the Senate – particularly for a nominee that has already demonstrated an inability to garner the necessary votes for confirmation.

We urge you to respect the will of the Senate and withdraw Ms. Su's nomination. We would be pleased to work with you, in the Senate's advice and consent role, to collaboratively identify a reasonable nominee capable of receiving Senate confirmation. Thank you for your responsiveness to this request.

Sincerely,

¹ <https://www.axios.com/2023/07/20/julie-su-confirmation-vote-record>

² <https://www.politico.com/news/2023/07/20/white-house-confirmation-su-labor-00107485>

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