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**United States Senate**

COMMITTEE ON HEALTH, EDUCATION,  
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

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June 6, 2024

**VIA ELECTRONIC TRANSMISSION**

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

Dear Acting Secretary Su:

In May 2023, the Florida legislature passed and Governor Ron DeSantis signed into law Senate Bill 256 (SB 256). According to a lawsuit filed in October 2023 by the State of Florida, the Department of Labor (DOL) stated that inclusion of transportation workers in SB 256 jeopardizes nearly \$800 million in federal grant funding from the Federal Transit Administration.<sup>1</sup>

DOL claims to have the right to withhold such funding under Section 13(c) of the Urban Mass Transportation Act of 1964. Section 13(c) states that the Secretary of Labor must certify that an agreement between the transit agency requesting government funding and the union representing those employees is “fair and equitable” and that there is a “continuation of collective bargaining rights.” DOL filed a motion to dismiss the case. The case relied on, however, upheld only the Secretary’s authority to determine whether collective bargaining agreements between the union and the transit authority are “fair and equitable.” There is no collective bargaining agreement at issue here since existing agreements would remain in effect. The Florida statute merely ensures that the state’s public employees can freely choose whether to join or remain in a union.<sup>2</sup> In fact, the right to join a labor union and bargain collectively is enshrined in the Florida Constitution.<sup>3</sup>

Please provide the following information regarding the decision to threaten to withhold federal funding by close of business on June 20, 2024.

1. Any and all legal analysis justifying the DOL overriding DOT’s grant decision by withholding \$800 million in federal grant funding from the State of Florida.

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<sup>1</sup>[https://www.law360.com/dockets/download/651db0cb5112020377e7b339?doc\\_url=https%3A%2F%2Fecf.flsd.uscourts.gov%2Fdoc1%2F051126456159&label=Case+Filing](https://www.law360.com/dockets/download/651db0cb5112020377e7b339?doc_url=https%3A%2F%2Fecf.flsd.uscourts.gov%2Fdoc1%2F051126456159&label=Case+Filing).

<sup>2</sup>SB 256 changed the process by which public sector unions seek their annual certification from the state. They must demonstrate support from at least 60 percent of eligible employees.

<sup>3</sup> Fla. Const. art. I, §6.

2. Any and all criteria that the Department used to determine if agreements between the applicant for federal assistance and the bargaining representative of its employees are “fair and equitable.”
3. A justification as to why a temporary waiver is insufficient to meet the federal funding requirements.
4. Any and all communication with transportation unions in Florida regarding the decision-making process to revoke the grants.

Thank you for your attention to this matter.

Sincerely,

Bill Cassidy, M.D.

Bill Cassidy, M.D.

Ranking Member

Senate Committee on Health, Education,  
Labor, and Pensions