



Dear Senator,

On behalf of more than 3 million Americans for Prosperity activists across all 50 states, I write in opposition to President Joe Biden's nomination of Ms. Julie Su for secretary of labor. We urge you to vote against her confirmation and push for a nominee to lead the U.S. Department of Labor who will better protect the livelihoods of independent workers and the wellbeing of small businesses, as well as push for more accountable union representation.

Ms. Su's track record as California's secretary of labor, as well as the actions of the U.S. Department of Labor where she has served as deputy secretary since 2021 prior to becoming acting secretary in March 2023, raise serious concerns for the evolving preferences of the American workforce in the 21st century, particularly as the country continues to face labor shortages and high inflation.

Chief among those concerns is Ms. Su's support for and enforcement of California's Assembly Bill 5, the legislation that threatens to destroy the livelihoods of millions in that state by instituting a convoluted and unworkable "ABC" test to determine whether a worker is an independent contractor or a traditional employee.

AB 5 has wrought havoc in the state by depriving tens of thousands of freelance workers the independent status and entrepreneurial opportunity they cherish and created confusion about employment status for countless more as hundreds of industries have sought exemptions from the law. It has also further exacerbated supply chain issues due to California's importance as a major shipping and delivery hub.

Freelancing has grown significantly in recent years, particularly through the pandemic. Today, more than 70 million Americans work as independent contractors, and federal data shows that the vast majority enjoy their independent status over traditional employment. Given her track record, Ms. Su's confirmation to secretary of labor would immediately threaten their livelihoods.

Beyond attempting to undermine independent contracting, Ms. Su took several other actions in California that put the special interests of organized labor above the interests of individual workers and the broader economy, including support of "sectoral bargaining" that would allow a panel of unelected bureaucrats to determine wages, working conditions, and other decisions for every business across an entire industry. She even created an *armed labor police force* and bragged about plans to arrest employers for violations of state employment law.

The Department of Labor under President Biden has already repeatedly put the priorities of union leadership above those of America's workers, including some decisions that failed to make headlines. One example is rescinding the Form T-1 Trust Annual Report that allowed union workers greater transparency to see how union leaders were spending their union dues.

It has become abundantly clear that Ms. Su would not only continue this trend of bad policy decisions but significantly accelerate it in even more radical ways.

California ranks at or near the bottom in countless economic indicators. But one statistic where it ranks near the top is out-migration: more than half a million people have fled the state over the last two

years, thanks in no small part to public policies like the ones Ms. Su has championed. Confirming Ms. Julie Su to lead the U.S. Department of Labor would be tantamount to taking California's failures national. American workers simply cannot afford for you to let that happen.

We urge you to vote against her nomination and push President Biden to nominate a secretary of labor whose approach better serves the interests of the American workforce in 2023 and beyond.

Sincerely,

A handwritten signature in black ink that reads "Brent Wm. Gardner". The signature is written in a cursive, flowing style.

Brent Wm. Gardner

Chief Government Affairs Officer

Americans for Prosperity