



June 22, 2021

Dear Members of the Senate Health, Education, Labor, and Pensions Committee:

President Joe Biden has nominated David Weil to lead the Department of Labor's Wage & Hour Division, an agency with a \$330 million budget that is responsible for enforcing all major labor laws. A recycled Obama-era appointee, Weil previously served in this position from April 2014 to January 2017, and was confirmed on a party-line vote with unanimous Republican opposition.

Based on Weil's extensive record in the Obama administration and his anti-free enterprise views, it is obvious that Weil does not deserve a second chance at DOL to further his harmful agenda.

Members of the Senate HELP Committee should reject David Weil to lead DOL's Wage & Hour Division.

Weil suffers from a lack of real-world experience beyond the ivory tower and his previous stint as Wage & Hour chief. [In 2013, the Wall Street Journal called](#) Mr. Weil a "life-long, left-wing academic with labor-union sympathies, no private-sector experience or legal training, and limited management experience."

Weil is not shy about using the full force of government power to advance his radical agenda. In a 2007 academic paper, [Weil wrote](#): "Regulatory systems provide the government with tools to change private behavior, and those tools are usually related to enforcement activities."

Weil has a longstanding hostility to free enterprise. Weil is a major proponent of the liberal "fissured workplace" theory, which alleges that outsourcing, independent contracting, and franchising are responsible for every single progressive criticism of employers. Weil has used this left-wing theory to push for an aggressive expansion of the DOL's enforcement capabilities to expand government control over American businesses.

Weil would work overtime to dismantle business models that employ millions of Americans, the last thing we need as our economy attempts to rebound from the pandemic. Weil has attacked franchising, which employs an estimated [7.6 million Americans](#), as "a form of outsourcing." Weil is a staunch opponent of the right to work as an independent contractor, issuing a report in 2015 that construed the definition of an "employee" in an overly broad fashion that made it impossible for businesses to work with freelancers. Approximately [59 million](#) Americans engage in some form of freelance work.

Weil supports doubling the federal minimum wage to \$15/hour, a death blow to millions of American jobs and thousands of small businesses. A \$15 minimum wage would drastically raise labor costs at a time when businesses are struggling just to keep the lights on thanks to government-mandated lockdowns. According to the nonpartisan Congressional Budget Office, a \$15 minimum wage could kill as many as 3.7 million American jobs.

If confirmed as Head of the Wage & Hour Division, Weil would be in the pole position to enforce the radical PRO Act if President Biden signs it into law. The PRO Act [would nullify](#) Right to Work laws in 27 states, which prevent employers from forcing workers to join a union just to get a job. The PRO Act nationalizes California's onerous ABC test that makes it nearly impossible to work as an independent contractor. Finally, the PRO Act stacks the deck in favor of Big Labor by changing several election rules for unionizing efforts.

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Ultimately, Weil is a radical left-wing academic that has a long paper trail of anti-worker, anti-free enterprise, pro-union boss views. Weil did enough damage during his first tenure at the Wage & Hour division, so no Republican should give him a second bite at the apple.

Members of the Senate HELP Committee should reject David Weil to lead the DOL's Wage and Hour Division.

Onward,

Grover G. Norquist
President, Americans for Tax Reform

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