



AUGUST 2, 2017 BACKGROUND

R. Alexander Acosta, Secretary of Labor

INTRODUCTION

Secretary of Labor R. Alexander Acosta is a former federal prosecutor, civil rights attorney, and dean of a South Florida law school. As U.S. Attorney for the Southern District of Florida, Secretary Acosta focused on health care fraud and white collar crime, including prosecuting Jack Abramoff and UBS. Additionally, he served in the Department of Justice (DOJ) and, most pertinent to his position as Secretary of Labor, he served as a Member of the National Labor Relations Board (NLRB).

POSITION

Secretary of Labor, Confirmed April 28, 2017

EDUCATION

Harvard College, BA; Harvard College, JD

AGE

48

PROFESSIONAL HISTORY

- Dean, College of Law, Florida International University (2009-2017)
- Chairman, U.S. Century Bank (2013-2017)
- Transition Team Member, Medicaid Fraud Workgroup, Attorney General-Elect Pam Bondi's Transition Team, State of Florida (2010-2011)

- U.S. Attorney, Florida - Southern District, Executive Office for United States Attorneys, United States DOJ (2006-2009)
- Assistant Attorney General for Civil Rights, Civil Rights Division, United States DOJ (2003-2006)
- Federal Members, Board of Directors, United States Architectural and Transportation Barriers Compliance Board (Access Board)
- Member, NLRB (2002-2003)
- Principal Deputy Assistant Attorney General, Civil Rights Division, United States DOJ (2001-2002)
- Chairman, Labor Law Section, Disability Law Subcommittee, The Federalist Society for Law and Public Policy Studies (1999-2001)
- Adjunct Professor of Law, George Mason University (1998-2001)
- Senior Fellow/Project Director, Ethics and Public Policy Center (1997-2000)
- Vice Chairman, Administrative Law Section, The Federalist Society for Law and Public Policy Studies (1997-1999)
- Litigation Associate, Kirkland & Ellis LLP (1995-1997)
- Law Clerk, Judge Samuel A. Alito Jr., United States Court of Appeals for the Third Circuit (1994-1995)
- Investment Banking Analyst, Lehman Brothers Inc. (1990-1991)

FAMILY

Secretary Acosta is married to Jan Elizabeth Acosta. They have two children.

SUMMARY OF KEY ISSUES

Secretary Acosta's positions on labor-related issues are less well known given that he focused on civil rights issues while at the DOJ, and maintained a crime-fighting focus while serving as U.S. District Attorney for South Florida. Additionally, during his confirmation hearing, Secretary Acosta declined to take strong positions on many of the issues he will face as head of the DOL. However, Secretary Acosta appears prepared to take action to implement the administration's stated intention to reduce regulations in a pro-management fashion.

- **Immigration:** At the conservative Hispanic Leadership Network's 2012 conference panel on "Immigration Policy and the Hispanic Workforce," Secretary Acosta said that comprehensive immigration solutions are needed, including a pathway to further future immigration. He said that includes keeping those individuals already here that, in particular, work construction and agricultural jobs. ([Miami Herald](#))
 - Secretary Acosta has been vocally supportive of protecting the civil liberties for Muslim Americans. In 2011, he testified before the Senate Judiciary Committee, noting, "... no community has a monopoly on any particular crime. Now is a good time to resolve with wisdom and to uphold our principles." ([Forbes](#))
 - In 2004 while at the Justice Department, Acosta intervened to help defend an 11-year-old girl in Oklahoma who sued her school for requiring her to remove her hijab on the grounds that it violated the school's dress code. ([Washington Post](#))
- **Joint-Employer Standard:** During his confirmation hearing, Health, Education, Labor and Pensions (HELP) Committee Chairman Lamar Alexander (R-TN) asked Secretary Acosta about the joint-employer regulation, to which he called the NLRB's recent approach on the standard "untraditional." Many in the business community, like the International Franchising Association, have applauded the minor mention. ([Small Biz Trends](#))
 - Secretary Acosta said he supports the "older, traditional definition over the more recent, expanded one, which threatened to bring disputes over minimum wage and worker safety rules directly to the doorstep of giant fast-food businesses." ([Buzzfeed](#))
 - During a decision while serving on the NLRB, Secretary Acosta ruled in favor of General Motors (GM), who had switched a subcontractor from one that was unionized to non-union. The union picketed GM, and the board, along with Acosta, ruled that the picketing was unprotected under the National Labor Relations Act (NLRA) because the workers were not GM employees. ([Politico](#))
- **NLRB:** Politico's review of Secretary Acosta's NLRB history describes his short-tenure on the board as independent and not particularly partisan.. Appointed by former president George W. Bush, Acosta voted multiple times with Democrats serving on the board, not unheard of but not particularly common. He mostly sided with Republicans on the board, favoring a strict-constructionalist approach. However, he did vote in favor on unions on more than one occasion. ([Politico](#))
 - In one of the more controversial decisions under his tenure on the board, he sided with management and found it was legal for a clinic to fire nurses because they started a strike four hours later than they had said they would. ([Bloomberg](#))
- **Minimum Wage:** Secretary Acosta has not made any public comments on the issue of minimum wage. However, during his confirmation hearing, he did state, "Our federal minimum wage has fallen far, far behind workers' needs. Women still make less than their male counterparts, an economic drain on our country that is especially pronounced for women of color."
- **Overtime Rule:**
 - During his confirmation hearing, Secretary Acosta was supportive of increasing the salary threshold at which overtime must be paid, but was unsupportive of the previous administration's approach. Acosta declined to answer when asked if he would appeal a recent court ruling that blocked the Obama administration regulation to expand eligibility for overtime pay. However, he did note that the DOL may not have the authority to update the overtime rules as it did during the Obama administration.
 - » During the hearing, he said that implementing the rule would "create... a stress on the system."

- » He further noted that one of the questions being addressed in the litigation is whether the Secretary has the power to enact the increase as set out in the rule; Secretary Acosta declined to state a position on this power.

- **Fiduciary Rule:**

- During his confirmation hearing, Secretary Acosta declined to answer questions regarding the Labor Department rule that requires financial advisers to put their clients' interests first when giving advice or selling investments for 401(k) rollovers or other retirement-related transactions.
- He also noted that he would follow the administration's executive order directing the agency to review the fiduciary rule and delay its implementation until June 9, 2017. ([National Law Journal](#))

- **Job Training:** During his confirmation hearing, Secretary Acosta expressed support of job training programs, touting the benefits of programs like Job Corps. The program is planned to be reduced under budget cuts proposed by the Trump administration, to which Acosta noted that he would rely on data to determine which programs were effective. ([Washington Post](#))

- For his confirmation hearing testimony, Secretary Acosta stated, "We can and must work to reduce the skills gap. We need to make better efforts to align job training with the skills the market demands of its workers, especially as advancing technology changes the types of jobs available in our economy. ... If confirmed, I will work ... to maximize the impact of every taxpayer dollar Congress directs towards job training programs." ([Republican Policy Committee](#))

RESPONSE TO DR. GOTTLIEB TO DATE

The response to the nomination of Secretary Acosta was generally positive. Secretary Acosta was successfully confirmed by the Senate for three previous positions and many praised his past service during this year's confirmation. His qualification for the position contrasted with that of former nominee Andy Puzder, with many stakeholders and senators praising Secretary Acosta's experience on the NLRB and familiarity with labor laws.

Elected and other government officials

- **President Donald Trump:** "Throughout his career, Alex Acosta has been a passionate advocate for equal opportunity for all Americans. His extensive experience has tremendously impressed me and my team and makes us confident that he will lead the Department of Labor with the utmost competence and determination to support the American worker. The American worker had been forgotten and left behind. That ended when I became President on January 20. Alex is going to be a key part of achieving our goal of revitalizing the American economy, manufacturing, and labor force. I call on the Senate to swiftly confirm this highly qualified and deserving leader so that he can get straight to work for the betterment of the American people." ([Statement](#))
- **Sen. Lamar Alexander (R-TN), Chairman, HELP Committee:** "Mr. Acosta's nomination is off to a good start because he's already been confirmed by the Senate three times. He has an impressive work and academic background. We will schedule a hearing promptly after his nomination papers arrive in the Senate, and I look forward to exploring his views on how American workers can best adjust to the rapidly changing workplace." ([Statement](#))
- **Sen. Patty Murray (D-WA), Ranking Member, HELP Committee:** "In successfully fighting back against Andrew Puzder's nomination, workers and families sent a message that they want a true champion for workers as Secretary of Labor—and I met with Alexander Acosta with the goal of ensuring workers' and families' needs and priorities are front and center as we work to understand his vision for the Department. As I continue to review Mr. Acosta's record, I have serious concerns about his ability to be a strong champion for workers' basic rights, including critical anti-discrimination protections, and to stand up to political pressure – including in an Administration that skirts ethics rules and pressures federal employees – to ensure workers are not being taken advantage of by corporations and billionaires. I look forward to further evaluating Mr. Acosta's qualifications leading up to his hearing, and will continue to insist on a rigorous and thorough vetting process in which Senators get the information we need and have all reasonable questions answered." ([Statement](#))

- **Sen. Mitch McConnell (R-KY), Senate Majority Leader:** “Alexander Acosta’s accomplished record of public service and focus on labor issues will be an asset to the administration, employees and employers. I look forward to meeting with him as we continue to work with the administration to jumpstart our economy and improve the lives of hard-working Americans.” ([Statement](#))
- **Rep. Virginia Foxx (R-NC-05), Chairman, House Education and Workforce Committee:** “Alexander Acosta has the depth of knowledge and experience necessary to make a fine secretary of labor. We urgently need new leadership at the department who will take on the special interests and put America’s workers and job creators first. It’s my hope the Senate will thoroughly and swiftly vet Mr. Acosta’s nomination so we can begin to move the department in a better direction.” ([Statement](#))
- **Rep. Bobby Scott (D-VA-03), Ranking Member, House Education and Workforce Committee:** “The Secretary of Labor must be an individual that will fight for increased wages, safer working conditions, and retirement security for America’s workers. If confirmed, Mr. Acosta will be joining an Administration that has supported legislation and executive actions that have jeopardized civil rights enforcement, workplace safety, and retirement security of all workers. Therefore, it is important that the Senate closely scrutinize Mr. Acosta’s record to ensure that he will use his position as Secretary of Labor to advocate for policies that are aligned with the best interests of American workers.” ([Statement](#))
- **Sen. Marco Rubio (R-FL), Secretary Acosta’s Home-State Senator:** “I know Alex Acosta well, and he is a phenomenal choice to lead the Department of Labor. Whether it was his distinguished service as U.S. attorney in Florida’s Southern District or as dean of Florida International University’s school of law, Alex has succeeded in all endeavors he has taken on, and managing the Department of Labor will be no different. I look forward to his confirmation hearing, where I’m confident he will impress my colleagues and secure the support necessary to be the next secretary of labor.” ([Statement](#))

Industry, advocacy, think tank, and political organizations

- **Robert Cresanti, President and CEO, International Franchise Association:** “Franchise owners around the country are facing a great deal of regulatory uncertainty as a result of the wreckage created by the previous administration’s out-of-control Department of Labor. Mr. Acosta’s exemplary record handling labor issues as a member of the NLRB has shown the appropriate balance needed to protect the interests of employees and employers. Given he has been confirmed with bipartisan support by the U.S. Senate three times, we are hopeful that there will be bipartisan support for his nomination in the U.S. Senate, so a new Labor Secretary can address the regulatory issues facing the franchise model as quickly as possible.” ([Statement](#))
- **Juanita Duggan, President and CEO, National Federation of Independent Business:** “Alexander Acosta is an experienced public servant with a distinguished record. His knowledge of labor issues and his service as U.S. Attorney make him an especially strong candidate to take on the entrenched bureaucracy, which has imposed unbelievably severe and costly regulations on small business in recent years. We urge the Senate to act swiftly.” ([Statement](#))
- **David French, Senior Vice President for Government Relations, National Retail Federation:** “Alexander Acosta will be a pragmatic leader who will put economic reality ahead of ideological whims and restore fairness and balance to the Labor Department. His combination of experience in both public service and the private sector gives him the real-world knowledge of what it takes to protect workers without undermining efforts to grow the economy by putting more Americans to work.” ([Statement](#))
- **Michael Lotito, Co-Chair, Workplace Policy Institute:** “He would be a good pick. He was on the NLRB and knows the issues.” (Quote in [Washington Examiner](#))
- **Jay Timmons, President, National Association of Manufacturers:** “Manufacturers are encouraged by President Donald Trump’s nomination of Alexander Acosta as secretary of labor. Acosta is a proven leader who understands the complexities of the modern workplace. We are hopeful that he will listen to manufacturers’ concerns as we work to strengthen employer–employee relationships and provide workers with the right skills to succeed.” (Quote in [Washington Examiner](#))
- **Karla Walter, Director of Employment Policy, Center for American Progress:** “The gap between Donald Trump’s campaign trail promises to American families and his actions grows greater by the day. Following the incredibly sordid and anti-worker revelations behind Trump’s last labor secretary nominee, Andrew Puzder—whose withdrawal

was a win for working Americans—Alexander Acosta’s record and actions must be scrutinized very closely. Senate Republicans must stand down from any attempt to rush the vetting and confirmation process. The leader of the U.S. Department of Labor should not look out for the needs of the wealthy elite while leaving workers behind. It is key for the labor secretary nominee to have a proven record of standing up for the many issues—fair and equal wages, civil rights, safe workplaces, and more—that are essential to working people. Policymakers must again fully vet Acosta’s record to ensure that he will fight to raise wages, keep workers safe on the job, and remove discrimination from the workplace.” ([Statement](#))

Labor Unions

- **Richard Trumka, President, American Federation of Labor and Congress of Industrial Organizations (AFL-CIO):** “Alex Acosta’s testimony today raises serious questions and doubts whether he is committed to making life better for working families. Mr. Acosta’s nomination was a major improvement over the previous nominee, based on his qualifications, yet he offered no indication that he would use those qualifications to stand up for workers. The Labor Secretary is not just another Cabinet member – his or her actions directly impact our wages, safety, retirement security and rights on the job every single day. Working people wanted to hear how Mr. Acosta would enforce and uphold labor laws to benefit us and not further tilt the balance of power toward corporate CEOs. Today, presented with the opportunity, he failed to do so and ensure America’s workers he’s on our side.” ([Statement](#))
- **Marc Perrone, International President, United Food and Commercial Workers International Union (UFCW):** “If confirmed as Secretary of Labor, Mr. Acosta’s top priority will be protecting the rights of all men and women. Hard-working families need and deserve a labor secretary who will push for and implement policies that will turn the tide against declining wages and rising income inequality. It’s critical for the person running the Department of Labor to be willing and able to be a champion for all workers, including our members, who deserve and have earned a better life. In the coming days and weeks, we will be reviewing Mr. Acosta’s positions and past statements to see how they’ve impacted UFCW members, their families and all hard-working men and women.” ([Statement](#))
- **Mary Kay Henry, International President, Service Employees International Union (SEIU):** “Less than 24 hours ago, working people stood together and proved with Andy Puzder’s withdrawal as Labor secretary nominee that when we join together we can fight back against corporations that take advantage of workers. Working people are still in this fight for an economy and political system that works for all of our families and where hard work means our families can get ahead. This is the lens through which we will examine the record of President Trump’s new Labor nominee, Alexander Acosta. Together, workers will stay in the streets to demand a Labor secretary who is a champion for working people and fights to represent their interests in our economy. In the coming days and weeks, workers will find out more about how Alexander Acosta will ensure working people have pathways to good jobs on which they can raise their families; and a real voice impacting the decisions that affect them at work, in their communities, and in the economy and democracy. We will hold Mr. Acosta to the same high standards the American public rightfully expects of our nation’s Labor secretary: to advance the interests and needs of wage earners in our economy.” ([Statement](#))
- **Lee Saunders, President, American Federation of State, County and Municipal Employees (AFSCME):** “President Trump’s promise to lift up working people was a centerpiece of his campaign. It’s critical that he be held accountable on this question, and his choice of labor secretary is a test of whether he meant what he said. During a time of unprecedented attacks against labor unions and the middle class, we need a labor secretary who will truly be an advocate for working families. We need someone with a demonstrated commitment to lifting wages, to enhancing retirement security, to ensuring workplace safety, to aggressive enforcement of anti-discrimination and wage and hour laws. I look forward to hearing Mr. Acosta answer tough questions on these issues.” ([Statement](#))

About the District Policy Group

The bipartisan District Policy Group at Drinker Biddle is comprised of 15 lobbyists, public policy specialists, grassroots coordinators and other experienced government relations professionals—including former Congressman Dr. Phil Gingrey (R-GA).

Our team's extensive experience comes from working on Capitol Hill, within trade associations and advocacy organizations, and in the private sector. We have a long record of success in delivering insightful political and policy analyses, developing meaningful policymaker relationships, and advancing and achieving our clients' federal public policy goals.

For each representation we undertake, we carefully assemble a team of professionals with the specific experience, knowledge and relationships needed to meet the client's unique needs. We are nationally recognized for our lobbying work in health care, and also represent clients in other industries, such as agriculture, trade, environment, transportation and manufacturing.

Primary Contacts



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Ilisa Halpern Paul leads the District Policy Group and has more than 25 years of experience in government relations, advocacy, and policymaking in non-profit, academic, federally-funded, and government settings. Ilisa's practice centers on advising clients with respect to advancing their federal legislative, regulatory and programmatic policy agendas. Her work has earned her the recognition as one of *The Hill's* Top Lobbyists of 2015 and 2016, as well as a feature story in *The Hill* regarding her rise to success.



The Honorable J. Phillip Gingrey, M.D., Senior Advisor

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Phil Gingrey is a senior advisor in the District Policy Group at Drinker Biddle. Dr. Gingrey is a former U.S. Congressman who served Georgia's 11th congressional district from 2003 to 2015. Throughout his 12 years in Congress, Dr. Gingrey served on numerous influential committees, including the House Committee on Energy & Commerce, which focused on issues such as energy, health care, telecommunications, environment and interstate commerce. As such, he is uniquely positioned to provide public policy and government relations counsel to clients on issues related to health care, energy and environment, education, communications, and life sciences. Also during his Congressional tenure, Dr. Gingrey served on the Committee on Education and the Workforce and the Committee on Armed Services.



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Jodie Curtis focuses on federal policy, appropriations, and regulatory issues. She has more than 20 years of experience in government, Congressional affairs and representing the legislative and regulatory interests of for-profit, non-profit, and global organizations. Prior to joining the firm, Jodie served as an assistant director with a large national non-profit health care advocacy organization, deputy chief of staff for U.S. Representative Thomas M. Barrett (D-WI), executive assistant for U.S. Representatives Lynn Rivers (D-MI) and Peter Barca (D-WI), and district director/legislative assistant for Wisconsin State Senator Barbara Ulichny.



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Laura H. Phillips has been a leader in the telecommunications market for more than 25 years. She counsels wireless and wired technology entrepreneurs on issues related to the development of new technologies, including the development of spectrum auctions, network interconnection, access, universal service and Voice over Internet Protocol (VoIP). She also represents clients in regulatory matters stemming from communications service convergence, the growth of wireless services and the Internet. Laura is chair of the firm's Government and Regulatory Affairs Practice Group.