

Committee on Appropriations
Labor, Health & Human Services, and Education Subcommittee
Department of Labor Budget Request for FY 2020 Hearing (4.3.19)

Questions for the Record for Secretary Alexander Acosta

Submitted by Congresswoman Frankel

Secretary Acosta's Role in the Miscarriage of Justice for Victims of Jeffrey Epstein

Jeffrey Epstein sexually assaulted, molested and trafficked dozens of victims, including underage girls, yet served just 13 months in Palm Beach County jail while benefitting from generous work release privileges. The *Miami Herald* identified 80 victims and found that Epstein was facing a 53-page federal indictment and could have spent the rest of his life in federal prison. Instead, Secretary Alexander Acosta, then the United States Attorney for the Southern District of Florida, granted Epstein a lenient plea deal that shockingly included a non-prosecution agreement that effectively shut down an investigation conducted by the Federal Bureau of Investigation to identify more victims and granted immunity to potential co-conspirators. On February 22, 2019, a federal judge ruled that Secretary Acosta and other federal prosecutors had violated the Crime Victims' Rights Act (CVRA) because they had not notified the victims of this agreement. Thanks to Secretary Acosta, Epstein's victims were silenced and betrayed by the criminal justice system while a wealthy and well-connected sexual predator got a slap on the wrist. Secretary Acosta's leading role in this miscarriage of justice is especially disturbing given the Department of Labor's role in enforcing our laws against human trafficking.

Questions: Please provide a specific answer for each of the questions below.

1. Secretary Acosta, why did you grant immunity to named and unnamed co-conspirators?
2. Who are the co-conspirators you immunized?
3. What are the crimes for which they were granted immunity?
4. How many times in your career as a prosecutor have you ever granted immunity to unnamed co-conspirators?
5. How many of the more than 30 victims identified by the U.S. Attorney's Office refused to testify?
6. Do you contend that there was some weakness in the case against Epstein that would have made a conviction unlikely when you had more than two dozen victims all providing virtually identical accounts of how they were recruited and molested?
7. Do you admit that you expressly agreed to conceal the non-prosecution agreement from the victims?
8. Why did you agree to the defense requests for confidentiality?
9. What is your source of information that the Epstein case was presented to a federal grand jury that refused to indict Epstein?

10. During your testimony, you indicated that the grand jury would only indict on a crime that carried no jail time. Is the jury you're referring to the state grand jury? Or was this the federal grand jury you were working with during the summer of 2007? If so, what crime were they willing to indict on?
11. Was that the same grand jury that you were working with in March of 2008? Did this jury vote on whether there was enough evidence to charge Mr. Epstein with a crime?
12. In your career as a prosecutor, how many other times did you fail to reach an indictment on the charges that you sought in front of a grand jury? What was different about these circumstances?
13. Do you challenge the *Miami Herald* claim that Epstein was facing a 53-page federal indictment and could have spent the rest of his life in federal prison?
14. Do you challenge the *Miami Herald* claim that you met with Epstein's attorney Jay Lefkowitz at the Marriott in West Palm Beach, before Epstein's plea deal was granted, to arrange a plea deal?
15. As part of the plea deal, did Epstein provide valuable information to the government on other cases?
16. Do you disagree with Judge Marra's decision from February 21, 2019 that you violated the law by deciding not to notify victims of Mr. Epstein's plea deal?
17. Do you recognize that there's no such thing as a child prostitute, only child victims of sexual assault and sex trafficking?
18. Was your office or the State Attorney's office lobbied by persons other than Epstein's attorneys to mitigate the charges? Specifically, did any President or former President, politician or political figure reach out, and if so what are their names?

Women's Bureau and the Gender Wage Gap

On average, a woman makes just 80 cents on the dollar for men's earnings for full-time, year-round work. As a result, women lose more than \$10,000 annually, adding up to more than \$400,000 over a 40-year career. On average, if the annual gender wage gap were eliminated, women would have enough money for approximately 10 additional months of rent, 70 weeks of food, 13 more months of child care, the full cost of tuition and fees for a two-year college, or 7 more months of premiums for employer-based health insurance. Studies show that even controlling for education, experience, occupation, industry, race, region, and union status, 38 percent of the pay gap is unexplained and may be attributed to discrimination.

Question: Secretary Acosta, at your confirmation hearing, you agreed that a wage gap exists and stated you would charge the Women's Bureau with looking at the issue. In your written testimony for the LHHS Budget Request hearing, you detailed the Women's Bureau's important work on apprenticeships, occupational licensing, military spouses, as well as other issues facing working women such as the need for paid leave. How will your budget's 79 percent cut to the Women's Bureau budget impact its ability to prioritize the more than 74 million working women? Is \$3.4 million sufficient for the Women's Bureau to do its important work? Given that only 7 percent of apprentices are women, do you not think the work of the Women in Apprenticeship and Nontraditional Occupations Act (WANTO) program that you are proposing to eliminate is important? Isn't it important to have a dedicated funding stream going toward

programs that specialize in getting more women involved in apprenticeships that recognize the unique barriers they face in male-dominated jobs, such as sexual harassment and discrimination?

Paid Parental Leave

At some point, everyone needs time away from work to care for a family member or a new child, or to recover from a serious illness. Yet more than 100 million workers don't have access to paid family leave, costing at least \$20.6 billion in lost wages each year. Because caregiving still disproportionately falls on women, many are forced to quit their jobs, or take time off, hurting their economic security. This is one of the reasons women still earn just 80 cents to every dollar a man makes. Workers deserve better than being forced to give up a paycheck or quit their jobs because of medical reasons or family obligations, and there is strong evidence for the positive benefits of paid leave. In the year following a birth, new mothers who take paid leave are more likely than those who take no paid leave to stay in the workforce and are 54 percent more likely to report wage increases. By enacting a national paid leave program along with affordable child care, the United States could add an estimated 5 million working people to its labor force.

Question: Why is the Administration's paid parental leave proposal for new parents only, when 75 percent of those who take leave under the Family and Medical Leave Act (FMLA) do it for their own personal medical illness or family caregiving? How does the Administration plan to use the already cash-strapped Unemployment Insurance system as a base? Do you agree this would establish a patchwork of state programs, and the reimbursement rate would likely be too low for most workers to be able to afford to take leave? The Department of Labor's budget includes \$750 million in mandatory funding for your paid parental leave proposal. How would this money be used?

Association Health Plans

The Administration has attempted to sabotage the Affordable Care Act with a rule expanding Association Health Plans, or junk plans. Association Health Plans are not required to cover many of the consumer protections within the Affordable Care Act, like essential health benefits such as maternity and newborn care and preventative and wellness services like contraception, prescription drugs, and pediatric services – taking us back to the days when being a woman was a pre-existing condition. These junk plans would also harm people with pre-existing conditions, like cancer, by driving up costs for everyone in the regular insurance marketplace seeking comprehensive coverage.

Question: Secretary Acosta, can a pregnant mom who needs maternity and newborn care be sure that her Association Health Plan covers these essential health benefits? Could people be charged different rates based on their gender, age, and location in these plans?