United States Senate
WASHINGTON, DC 20510-3203

April 7, 2020

The Honorable Eugene Scalia
Secretary of Labor
U.S. Department of Labor
200 Constitution Ave. NW
Washington, DC 20210

Dear Secretary Scalia:

In this time of national crisis, it is critical that the Department of Labor (the Department) does everything in its power to support states in administering the Unemployment Insurance (UI) program and distributing benefits. Over 6.6 million Americans filed an unemployment claim in the last week of March. As coronavirus continues to spread, we expect that this number will only get higher.

The Department and state workforce agencies have a monumental task ahead in processing these claims. But, Americans who have lost their jobs don't have time to wait for a check. People need unemployment compensation now so that they can buy groceries, pay rent, and keep up on their bills. Without it, many Americans won't be able to make ends meet.

We understand that the responsibility for administering and distributing unemployment compensation traditionally falls to state workforce agencies. However, in its capacity overseeing state programs, the Department must do everything it can to assist states during this pandemic. We appreciate the Department's efforts so far, but this unprecedented situation calls for further action.

We request that the Department take the following actions to support states. Please provide a response in writing no later than April 10, 2020, explaining whether the Department has taken these actions, and if not, why the actions are not feasible:

1. **Provide technological support to states.** Many of the technology systems used by state unemployment programs are extraordinarily outdated. While a complete overhaul of these systems is clearly necessary, we understand that a complete overhaul may be difficult to execute while the volume of claims is so high. However, we encourage the Department to provide any hands-on technological support necessary for states to modify or upgrade their technology to be able to process the high volume of claims and

implement CARES Act programs. We also encourage you to explore using existing federal programs such as the Federal Emergency Management Agency's Tech Sector Collaboration Program (formerly Tech Corps) to enlist technology experts in assisting states to strengthen and expand their systems quickly.

2. **Assist states in meeting the requirements to receive the first allotment of administrative funding from the Families First Coronavirus Response Act.** In your most recent update, you reported that only 28 states and territories had received the first allotment of the emergency administration grants authorized in the Families First Coronavirus Response Act. The requirements for receiving the first allotment of funding under section 4102(a) of the Families First Act are very straightforward. The Department should reach out to states who have not yet certified their compliance and ask how the Department can assist them in meeting the requirements so that they can obtain the funding allotment, and provide any assistance requested.

3. **Expand the capacity of the UI ICON system.** We have heard from several states that they are having trouble getting the verification they need from the Department's UI Interstate Connection Network system. The Department should immediately act to ensure that ICON can quickly process a higher volume of claims and does not delay benefits.

4. **Issue guidance for the remaining CARES Act programs as quickly as possible.** We appreciate you prioritizing guidance for Federal Pandemic Unemployment Compensation and Pandemic Unemployment Assistance, as these programs are central to the CARES Act unemployment expansion. We urge you to issue guidance for the remaining CARES Act programs as quickly as possible, so that states may begin to implement them. Please provide a timeline for when you expect to issue the remaining guidance.

5. **Automatically provide operational flexibilities to all states.** In your most recent update, you reported that 29 states have requested and received operational flexibilities related to certain UI functions, including Benefit Timeliness and Quality (BTQ) and Benefit Accuracy Measurement (BAM). We urge you to automatically provide these and any other possible flexibilities to all states for one quarter, whether or not they have requested them, given the extraordinary workload all states are facing.

6. **Reach out to every state workforce agency to determine how the Department can be helpful.** We expect that the Department is already in frequent contact with state workforce agencies. We request that the Department specifically ask each state what it needs to get benefits out more quickly and for the Department to provide any appropriate assistance. The Department should also identify common needs across states and provide easy access to information and resources states can use to resolve common problems and reduce duplicative work across states. Finally, the Department should provide an update on state requests to Congress, so that Congress can determine whether future legislative action is necessary.

Thank you in advance for your attention to this important matter.

Sincerely,

Charles Schumer
United States Senator

Ron Wyden
United States Senator

Bernard Sanders
United States Senator

Gary C. Peters
United States Senator

Sherrod Brown
United States Senator

Edward J. Markey
United States Senator

Tim Kaine
United States Senator

Patrick Leahy
United States Senator

Cory A. Booker
United States Senator

Tina Smith
United States Senator

Michael F. Bennet
United States Senator

Catherine Cortez Masto
United States Senator

Tammy Baldwin
United States Senator

Debbie Stabenow
United States Senator

Elizabeth Warren
United States Senator

/S/ Thomas R. Carper

Thomas R. Carper
United States Senator

/S/ Richard J. Durbin

Richard J. Durbin
United States Senator

Kamala D. Harris
United States Senator

/S/ Angus S. King, Jr.

Angus S. King, Jr.
United States Senator

/S/ Kirsten Gillibrand

Kirsten Gillibrand
United States Senator

Christopher S. Murphy
United States Senator

Sheldon Whitehouse
United States Senator

/S/ Tammy Duckworth

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/S/ Chris Van Hollen

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Jon Tester
United States Senator

/S/ Robert Menendez

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Margaret Wood Hassan
United States Senator

/S/ Jack Reed
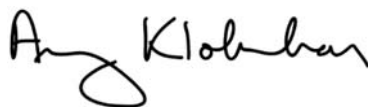
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Jack Reed
United States Senator

/S/ Jacky Rosen

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United States Senator

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Jeffrey A. Merkley
United States Senator

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Doug Jones
United States Senator

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Amy Klobuchar
United States Senator

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Jeanne Shaheen
United States Senator

Mark R. Warner
United States Senator

Richard Blumenthal
United States Senator

/S/ Mazie K. Hirono

Mazie K. Hirono
United States Senator