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July 1, 2020

The Honorable Eugene Scalia
Secretary
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, D.C. 20210

Dear Secretary Scalia:

We write to express our continuing concern about the over 2.5 million Floridians who have sought unemployment benefits and suffered hardship as a result of the Florida Department of Economic Opportunity's (DEO) inadequate response, and to better understand how Florida was allowed to enter this crisis with an unemployment insurance program designed to fail workers. It is unacceptable that hundreds of thousands of Floridians are still waiting for DEO to process their unemployment benefits or to pay those benefits in full. Congresswoman Murphy has heard from far too many hard-working Floridians who are struggling to put food on the table and keep a roof over their heads due to DEO's inaction.

While the magnitude of the job losses resulting from the pandemic was unexpected, the failure of Florida's unemployment system was not. For years, the Department of Labor's (DOL) own measurements have shown that only a very small fraction of workers in Florida received unemployment benefits when they lost their jobs, even though nearly all worked for employers who paid unemployment taxes on their earnings. Workers and worker advocates repeatedly called attention to websites that locked them out or kicked them off, phone lines that were never answered, and other bureaucratic hurdles that prevented them from accessing benefits they earned through their work. Those fortunate enough to get through the system were dealt another economic blow in the form of meager unemployment benefits—as few as twelve weeks of benefits, in contrast to the 26 weeks available in nearly every other state, and an average weekly benefit in 2019 of only \$249, which replaces less than one-third of wage income for the average worker.

Florida's current and former leaders are responsible for the choices they made to provide inadequate benefits and deliberately limit access to earned benefits. But as part of the state-federal unemployment insurance partnership, DOL plays a critical role as well. DOL is responsible for overseeing state programs and ensuring that they comply with federal unemployment insurance law such as the "payment when due" requirement of the Social Security Act and the benefit payment promptness regulations.

Accordingly, we request that DOL provide the below information by Wednesday, July 8, 2020:

1. Please provide details (including dates) concerning whether DOL has penalized, investigated, or provided any type of notice for a benefit payment performance plan, corrective action, noncompliance, or conformity issues with respect to Florida DEO in order to protect the rights of Florida workers and enforce federal law.
 - a. If DOL asserts that it lacked authority under federal law to ensure that covered workers in Florida were able to apply for and receive unemployment benefits, please explain what statutory authority would be needed to ensure that workers and the Florida economy are protected.
2. Please specify what steps DOL has taken to date to address the current crisis for Florida workers, including ensuring that they receive all of the federal unemployment benefits authorized in the *Coronavirus Aid, Relief, and Economic Security Act* and that the state complies with worker access provisions that were a condition of the state funding provided in the *Families First Coronavirus Response Act*.

The situation facing Florida workers is dire, and it is imperative that DOL help those who are struggling. Thank you in advance for your prompt attention to this matter.

Sincerely,



Richard E. Neal
Chairman
Committee on Ways and Means



Stephanie Murphy
Member
Committee on Ways and Means