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United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

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February 15, 2022

The Honorable Martin J. Walsh
Secretary of Labor
U.S. Department of Labor
200 Constitution Ave. NW
Washington, DC 20210

Dear Secretary Walsh:

We write to request that the Department of Labor (DOL) work to ensure that state workforce agencies administering Unemployment Insurance (UI) programs have access to identity verification methods that provide security and prevent fraud and identity theft without sacrificing claimant privacy. DOL should work with the Government Services Administration (GSA) to find long-term solutions, including making GSA's login.gov available to state workforce agencies.

In over half of states, workers filing for UI must sign up for an account with ID.me, a commercial identity verification provider that uses facial recognition technology as part of the verification process. Many states began using ID.me during the pandemic in response to unprecedented levels of fraud, largely perpetrated by organized crime rings using stolen personal identifying information. While combatting fraud and identity theft must remain a top priority, we cannot compromise claimant privacy in the process. Facial recognition technology not only raises serious privacy and civil liberties concerns, but many facial recognition technologies are biased in ways that negatively impact vulnerable groups, including people of color, women, and seniors. Facial recognition should not be a prerequisite for accessing UI or any other essential government services.

It is concerning that so many state and federal government agencies have outsourced their core technology infrastructure to the private sector. It is particularly concerning that one of the most prominent vendors in the space, ID.me, not only uses facial recognition and lacks transparency about its processes and results, but frequently has unacceptably long wait times for users to be screened by humans after being rejected by the company's automated scanning system. While recent announcements indicate that ID.me will no longer require the use of facial recognition, government customers will have to choose to pay for more expensive alternative methods of video or in-person verification. While the company's willingness to make facial recognition optional is a step in the right direction, access to essential government services is still being gatekept by an outside contractor. Quite simply, the infrastructure that powers digital identity, particularly when used to access government websites, should be run by the government, and certainly not a company with a track record of misleading the public.

The future of digital identity will not be determined by DOL alone, and we urge you to work with other agencies and the GSA to find common solutions, such as making GSA's login.gov service widely available to state workforce agencies for UI administration. Login.gov is already used to access 200 websites run by 28 Federal agencies, and over 40 million Americans have accounts. Expanding login.gov to state agencies is the next logical step. While we recognize that DOL does not always have direct control over which technologies states decide to use, you can lead on this issue by providing states with solutions that both guard against fraud and protect the privacy of Americans seeking unemployment compensation.

Thank you for your attention to this important matter.

Sincerely,



Ron Wyden
Chairman
Senate Committee on Finance



Sherrod Brown
Member
Senate Committee on Finance



Elizabeth Warren
Member
Senate Committee on Finance