

ROY BLUNT  
MISSOURI

260 RUSSELL SENATE OFFICE BUILDING  
WASHINGTON, DC 20510-2508  
202-224-5721

## United States Senate

WASHINGTON, DC 20510

COMMITTEES:  
APPROPRIATIONS

COMMERCE, SCIENCE  
AND TRANSPORTATION

RULES AND ADMINISTRATION

SELECT COMMITTEE  
ON INTELLIGENCE

May 10, 2012

The Honorable Hilda L. Solis  
Secretary  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Washington, DC 20210

Dear Secretary Solis:

It has recently come to my attention that the Department of Labor (DOL) is seeking to make fundamental changes to the way monthly jobs data is shared with the media and with the public. I am deeply concerned that the new policy proposed by DOL will not only result in the degradation in the quality of information the American people receive on the economy, but also represents a fundamental threat to the media's First Amendment rights and a disturbing retreat from the government transparency that the Obama Administration so often touts.

The information that DOL provides for the public each month is vital to Americans as job creators, job-seekers, market traders, taxpayers, and voting citizens. It provides a window into our national economic condition and outlook and is one of the concrete measures by which public officials are judged by their constituents, particularly during this time of economic difficulty.

Because this information is so powerful, DOL has for two decades utilized a "lock-up" procedure to ensure the simultaneous release of monthly unemployment numbers and other economic indicators. News organizations cleared to participate in the release – currently in excess of a dozen organizations – arrive at the DOL at 7:30 a.m. ET on the first Friday of each month. Participants surrender their mobile communications devices and are sequestered without the capacity to communicate with the outside world. The numbers are provided at 8:00 a.m. ET and participants utilize their own software to produce stories that include historic context and analysis to accompany the release of the numbers. At 8:30 a.m. ET, DOL permits the transmission of these news reports via participants' own dedicated lines. This release is simultaneous, secure, and accompanied by context to enhance usefulness and accuracy. Other agencies of the U.S. Government and foreign agencies throughout the developed world manage the release of market-moving news via processes very similar to those currently utilized by DOL.

On April 10, 2012, DOL issued its new procedures in a release entitled "U.S. Department of Labor Press Lock-ups Policy Statement and News Organization Agreement." The new policy requires media organizations to remove their proprietary software, hardware, and dedicated lines from DOL's facilities by June 15, 2012. Starting with the July jobs numbers, to be released on the first Friday in August, reporters will be required to use only government-owned software and

hardware, and the use of modern news-producing software will no longer be permitted. Incredibly, during a time when every U.S. Government agency is trying to protect against cyber threats, all transmission will be via the open Internet, not via secure, redundant lines. DOL will own and operate the data lines, Internet access and Internet connections – meaning a single connection failure or cyber attack could result in market-crippling data loss or alteration.

Oddly, DOL has not solicited public input on these proposed changes. Many in the media who participate in the current procedure believe that implementing the new plan will be both technically difficult to implement (perhaps impossible given the current timeline) and rife with unintended consequences. At the very least, I believe a period of public consultation that affords the media, investors, and other concerned Americans an opportunity to examine these issues is absolutely essential to any proposed change.

I look forward to your prompt response to the following questions, which I believe are relevant to the public's access to the vital jobs numbers and economic data that DOL produces each month:

- 1) What is the purpose of these proposed changes? How would replacing the current system create a more efficient and secure process for sharing this public data with the American people? Will this procedure result in more or less transparency in the way that the government communicates public information to the public?
- 2) Are there flaws in the current system? Is there evidence that any media organizations that participate in the current system have abused it or exploited a flaw in the current system? If so, has that information been shared with the appropriate committees in Congress?
- 3) Does DOL believe that the new policy is consistent with the First Amendment? What precedents exist for forcing journalists to utilize government-owned systems and networks to report the news? Why shouldn't media outlets, which view the proprietary software and systems they utilize to report the jobs data as a technologically advanced equivalent to a reporter's notebook, be concerned about the government's ability to monitor or even censor their work?
- 4) What specific measures is DOL taking to protect the new government-controlled process from failure or cyber attack? Given the market moving impact of these numbers and the largely automated processes of today's market institutions, even a minor flaw in the timing or accuracy of this data could result in a destructive impact on global markets. The current system is built with dedicated lines and redundancies that effectively guard against such possibilities. What confidence should the public have that the government can duplicate these protections under its new plan?
- 5) What plans does DOL have to open this procedure to public comment to ensure that it is not only desirable, but technically implementable?

I appreciate your attention to this critical issue and look forward to a more extensive account of these proposed changes and their justification. If you have any questions about this inquiry,

please contact me or Peter Henry on my staff at (202) 224-5721. We have a responsibility as public officials to continually improve the public's access to information that affects the country and its economic condition. I am deeply concerned that the policy changes above directly contravene that responsibility, and I look forward to hearing from you on their necessity.

Sincere regards,



Senator Roy Blunt

Cc: Senator Tom Harkin, Chairman of the Senate Health, Education, and Labor Committee;  
Senator Michael Enzi, Ranking Member on the Senate Health, Education, and Labor Committee;  
Representative John Kline, Chairman of the House Education and Workforce Committee;  
Representative George Miller, Ranking Member on the House Education and Workforce Committee;  
Senator Joseph Lieberman, Chairman of the Senate Homeland Security and Government Affairs Committee;  
Senator Susan Collins, Ranking Member on the Senate Homeland Security and Government Affairs Committee;  
Representative Darrell Issa, Chairman of the House Oversight and Government Reform Committee;  
Representative Edolphus Towns, Ranking Member on the House Oversight and Government Reform Committee