

Sent via facsimile and email

May 7, 2012

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

Dear Madam. Secretary,

On behalf of the Software & Information Industry Association (SIIA) and our members, I am writing to express concern over the new Department of Labor (“DOL” or “Department”) procedures governing how news organizations transmit economic data to the public. The effective date for the change is July 6, 2012. I ask that the implementation of these new procedures be delayed to allow for public consideration of the basis for the changes and an opportunity for media organizations, technology trade associations and other relevant associations, to participate in the development of any new procedures that might be needed to meet legitimate DOL concerns about the current system.

SIIA is the principal trade association of the software and digital information industries, representing more than 500 leading companies that develop and market software and electronic content. Our members include leading technology companies that provide the backbone of the Internet, as well as electronic publishers who provide the public with a wide variety of information products and services covering nearly every subject matter imaginable, including data and reports based on government data and information.

The Department’s “lock-up” arrangements are designed to allow news organizations to draft news stories putting the new economic information in context, and to enable them to release these valuable news accounts at the same time as the data is released to the general public. Under current procedures, news organizations have installed privately owned computer and telephone equipment—hardware, software, cable wiring and Internet and telephone lines—in the DOL news room to allow their reporters to write and transmit stories.

On April 10, 2012, the Department’s Office of Public Affairs asked news organizations to remove all of this equipment by June 15, 2012, so that it can be replaced by equipment supplied and maintained by the Department. The new equipment will be standardized. Each news organization will be required to use the same DOL-supplied hardware and software for writing, formatting and transmitting their stories. The companies will no longer be able to use their compilations of historical data or other electronic files in constructing their stories. Nor will they be able to use their existing dedicated private communications lines. Instead, provision will be made for distribution of the stories over the Internet.

In announcing this change, the Office of Public Affairs suggested this change was needed as a measure toward enhancing security in its press room. News organizations do not dispute DOL's responsibility for establishing procedures and security arrangements to ensure that there is no premature release of information or data estimates from its lock-ups. However, there has been no substantive discussion of why the current system does not fully protect the integrity and confidentiality of economic data through the conclusion of the embargo period, or why the new system more adequately achieves this goal. To date, there have been no major security breaches that we know of, and there is no reason to think that the existing procedures are more vulnerable than those which have been proposed.

The proposed changes have the potential to impact the ability of journalists to inform the public accurately, fairly and quickly about the country's most important economic news. These changes would significantly harm journalists' ability to analyze economic data in a historical context, which is necessary to produce the most fair and accurate stories.

As a trade association dedicated to advancing the interests of the software and information industry, we have a long history of supporting technological neutrality and openness in government procurement and government law and regulation. This proposal flies in the face of these principles for neutrality and choice in the use of technology.

The privately-owned software and hardware currently in place in the Department of Labor's press room is designed to allow for seamless transmission, storage and processing of news stories. Reporters from news organizations typically use specialized software to write, format, and integrate their news stories into their organization's existing software and systems. The DOL's new requirement to use standardized software would hinder this integration. Sometimes, of course, general purpose software can accomplish a news organization's journalistic purposes more efficiently than specialized products. But this is a choice for the news organizations to make, rather than something that should be mandated by a government agency.

The restriction on the use of compilations of historical data is also unwarranted. Using their own software and hardware under the existing procedures, reporters for news organizations can draw on their own electronic files for historical data formatted to be compatible with the news organization's existing news products and services. The new procedures simply do not allow for this. The loss of this historical record can only impair the accuracy and completeness of news stories.

It is entirely unclear how the use of standardized software and the ban on the use of proprietary compilations of historical data are needed to promote the apparent goal of improved security.

The loss of dedicated lines is also a problem. Transmission on private lines ensures that the information arrives in as rapid a fashion as possible without the routing vagaries that often accompany transmission on the Internet. News organizations typically use these dedicated facilities from remote locations to ensure timely, compatible integration of new information into their existing systems and software. Companies might make a realistic choice between these advantages

presented by dedicated lines and the advantages of transmission on the Internet. However, it is hard to understand why the government has an interest in mandating what that choice should be.

If the loss of the advantages of private lines were necessitated by national security concerns, news organizations and technology associations would be pleased to join with the Department in embracing them. But the existing private lines are engineered to provide for the highest level of security to prevent unauthorized access to sensitive information. It is not clear why requiring a change from the transmission of critical data on secure, redundant, dedicated lines to the transmission of this data on the Internet is a move toward greater information security.

These issues need a full public airing. The process so far has been characterized by speed, secrecy and lack of consultation. The imposition of these new procedures should be delayed pending a fuller discussion and sharing of views on these issues.

I would be happy to discuss these matters further with you at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Ken Wasch". The signature is fluid and cursive, with the first name "Ken" and last name "Wasch" clearly legible.

Ken Wasch
President

cc: Sen. Tom Harken, Chairman, U.S. Senate Committee on Health,
Education, Labor and Pensions
Sen. Michael Enzi, Ranking Members, U.S. Senate Committee on
Health, Education Labor and Pensions
Rep. John Kline, Chairman, U.S. House Committee on Education and the Workforce
Rep. George Miller, Ranking Member, U.S. House Committee on
Education and the Workforce