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September 24, 2012

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

Dear Secretary Solis:

On August 2, 2012, we contacted you to share our concern regarding misleading and incomplete guidance¹ from the Employment and Training Administration relating to the applicability of the Worker Adjustment and Retraining Notification Act (WARN Act) to potential sequestration-caused layoffs.² The letter also requested related information, documents, and communications no later than August 16, 2012. A response to our request is now more than a month overdue. Despite numerous attempts to ascertain the timing and delivery of your response, we have yet to receive any of the requested material or an adequate explanation for the lack thereof.

Since our letter of August 2, 2012, the Office of Management and Budget released a report on September 14, 2012, outlining the administration's plan for implementing the sequester, which is scheduled to occur on January 2, 2013.³ The report underscores the indiscriminate nature of sequestration's across-the-board cuts and the need for a comprehensive deficit reduction plan that ensures sustainable fiscal responsibility and protects national security. However, the report does not answer contractors' concerns and questions with respect to the WARN Act.

To fulfill our legislative and oversight responsibilities, pursuant to Article I of the Constitution and Rule X of the Rules of the House of Representatives, we must receive in timely fashion

¹ *Guidance on the Applicability of the Worker Adjustment and Retraining Notification (WARN) Act, 29 U.S.C., 2010-2109, to layoffs that may occur among Federal Contractors, including in the Defense Industry as a Result of Sequestration, Employment and Training Administration, U.S. Dep't of Labor (July 30, 2012), available at http://vdr.doleta.gov/directives/attach/TEGL/TEGL_3a_12_acc.pdf.*

² Letter from the Honorable John Kline, Chairman, House Committee on Education and the Workforce, the Honorable Tim Walberg, Chairman, House Subcommittee on Workforce Protections, and the Honorable Phil Roe, Chairman, House Subcommittee on Health, Employment, Labor, and Pensions, to the Honorable Hilda L. Solis, Secretary, U.S. Dep't of Labor (Aug. 2, 2012), available at http://edworkforce.house.gov/uploadedfiles/08-02-12_letter_warn_act_sequestration.pdf.


³ *OMB Report Pursuant to the Sequestration Transparency Act of 2012 (P.L. 112-155)*, Office of Mgmt. & Budget (Sept. 14, 2012), available at http://www.whitehouse.gov/sites/default/files/omb/assets/legislative_reports/stareport.pdf.

requested information concerning laws and matters within the committee's jurisdiction. As a result, we require the following information, documents, and communications no later than Monday, October 1, 2012.


1. All documents and communications relating to the July 30, 2012, guidance.
2. All documents from and communications with OMB, other federal and state agencies, and members of Congress relating to the applicability of the WARN Act to sequestration.
3. All documents from and communications with outside parties, including federal contractors, relating to the applicability of the WARN Act to sequestration.
4. All Training and Employment Guidance Letters or other guidance or materials issued by the department relating to the WARN Act since its enactment into law in 1988.
5. Identify and explain the level of deference, if any, the department expects federal courts to accord the guidance.

If you have questions, please contact Donald McIntosh or Molly Conway of the committee staff at (202) 225-7101.


Sincerely,



JOHN KLINE
Chairman
Committee on Education and the Workforce



TIM WALBERG
Chairman
Subcommittee on Workforce Protections



PHIL ROE
Chairman
Subcommittee on Health, Employment,
Labor, and Pensions

Enclosure

CC: The Honorable George Miller, Senior Democratic Member, Committee on Education and the Workforce

The Honorable Lynn Woolsey, Senior Democratic Member, Subcommittee on Workforce Protections