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COMMITTEE ON EDUCATION
AND THE WORKFORCE
U.S. HOUSE OF REPRESENTATIVES

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July 12, 2012

The Honorable Cass R. Sunstein
Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
Eisenhower Executive Office Building
Washington, D.C. 20500

Dear Administrator Sunstein:

The Committee on Education and the Workforce is focused on supporting the nation's workforce and advancing policies that will help strengthen our economy. As part of this effort, the committee has conducted robust oversight to ensure federal agencies are held accountable for regulations that undermine innovation, job creation, and American competitiveness.

The *Regulatory Flexibility Act of 1980* requires federal agencies to publish in April and October regulatory agendas in the *Federal Register* describing economically significant regulatory actions being developed.¹ We are concerned the Department of Labor's (DOL) regulatory information is not being reported to Congress or the general public on a timely basis. For example, DOL's Fall 2011 Unified Agenda was released in January 2012.² Such regulatory uncertainty undermines employers, workers, and entrepreneurs' abilities to hire, spend, and invest. It is critical this committee and the public have the ability to review DOL's latest regulatory proposals.

While it is our understanding that agencies were required to provide their materials to the Office of Management and Budget (OMB) by April 13, 2012, the Spring 2012 Unified Agenda has yet

¹ Public Law 96-354 <http://www.archives.gov/federal-register/laws/regulatory-flexibility/602.html> (Accessed July 10, 2012)

² U.S. Department of Labor, Fall 2011 Semiannual Unified Agenda, (January 20, 2012) <http://www.dol.gov/asp/regs/agenda.htm> (Accessed July 10, 2012)

to be released.³ Therefore, we request OMB provide the following to the Committee on Education and the Workforce **no later than July 26, 2012**:

1. An explanation of why the OMB has not published the Spring 2012 Unified Agenda;
2. The date OMB anticipates public release of the Spring 2012 Unified Agenda;
3. The date DOL submitted its materials to OMB for the Spring 2012 Unified Agenda⁴;
4. A copy of DOL's Spring 2012 Unified Agenda preamble⁵;
5. A list of all proposed rules, including a brief description and expected date of issuance, within DOL's regulatory agenda, in accordance with the *Regulatory Flexibility Act*⁶;
6. A list of any rules, including a brief description, that DOL has identified for periodic review under Section 610 of the *Regulatory Flexibility Act*,⁷ and;
7. All documents and communications concerning the materials DOL submitted to OMB for inclusion in the Spring 2012 Unified Agenda.

If you are unable to provide the requested information by the date specified, please inform the committee in writing why you cannot meet the deadline, and the date by which you will provide the requested information. If you have additional questions or comments, please contact Joe Wheeler of the committee staff at (202) 225-7101.

Sincerely,



JOHN KLINE
Chairman
Committee on Education and the Workforce



VIRGINIA FOXX
Chairwoman
Subcommittee on Higher Education and
Workforce Training

³ Memorandum from Cass Sunstein, Administrator, Office of Management and Budget, Memorandum for Regulatory Policy Officers at Executive Departments and Agencies and Managing and Executive Directors of Certain Agencies and Commissions (March 12, 2012) available at: <http://www.whitehouse.gov/sites/default/files/omb/assets/inforeg/agenda-data-call-and-guidelines-spring-2012.pdf>.

⁴ As submitted to OMB in accordance with its Spring 2012 Unified Agenda of Federal Regulatory and Deregulatory Actions memorandum (March 12, 2012) <http://www.whitehouse.gov/sites/default/files/omb/assets/inforeg/agenda-data-call-and-guidelines-spring-2012.pdf>

⁵ *Id.*

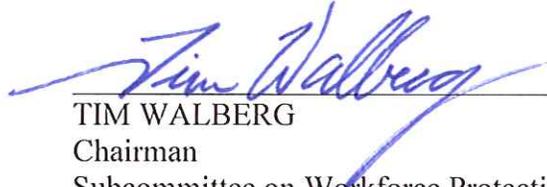
⁶ *Id.*

⁷ *Id.*

The Honorable Cass R. Sunstein
July 12, 2012
Page 3



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



TIM WALBERG
Chairman
Subcommittee on Workforce Protections

Enclosure

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

The Honorable Hilda L. Solis, Secretary, Department of Labor