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September 14, 2012

The Honorable Jeffrey Zients
Acting Director
Office of Management and Budget
Eisenhower Executive Office Building
Washington, D.C. 20500

Dear Acting Director Zients:

Regulatory uncertainty plays a significant role in perpetuating a persistently weak economy and labor market. It undermines the ability of employers and entrepreneurs to hire new workers, plan for the future, and invest in growing their businesses. To help get the economy back on track and support job growth, the American people and their elected representatives must have an opportunity to review the regulatory proposals under development by the administration.

The *Regulatory Flexibility Act of 1980* requires federal agencies to publish in April and October semiannual regulatory agendas in the *Federal Register* describing economically significant regulatory actions being developed.¹ The administration failed to meet this statutory deadline. On July 12, 2012, we wrote to the Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs (OIRA) seeking information concerning the U.S. Department of Labor's (DOL) latest regulatory proposals.² Not only did OIRA fail to provide information by the date requested, an additional month passed before the committee received a response.³ In addition to being late, the letter was grossly unresponsive, failing to provide the information we requested. This is unacceptable.

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

² Letter from the Honorable John Kline, Chairman, Committee on Education and the Workforce, et al, to the Honorable Cass Sunstein, Administrator, Office of Management and Budget's Office of Information and Regulatory Affairs. (July 12, 2012) available at: http://edworkforce.house.gov/UploadedFiles/07-12-12_-_Letter_to_Sunstein_OMB_-_Regulatory_Agenda_Spring_2012.pdf

³ Letter from the Honorable Cass Sunstein, Administrator, Office of Management and Budget's Office of Information and Regulatory Affairs, to the Honorable John Kline, Chairman, Committee on Education and the Workforce, et al (Aug. 10, 2012) (letter on file at the House Committee on Education and the Workforce). Though Administrator Sunstein's letter was dated August 10, 2012, it was not received by the committee until August 31, 2012.

DOL recently reported the national unemployment rate in August stood at 8.1 percent – the 43rd consecutive month of unemployment greater than 8 percent – and 23 million Americans are looking for full time work. We strongly urge your cooperation on this matter of utmost importance to members of Congress, as well as America’s workers, families, and job creators.

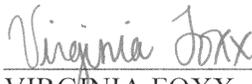
We request you make yourself available to brief us at **9:00a.m. on Thursday, September 20, 2012.** We expect you to provide an explanation for OIRA’s late and insufficient response to our letter and the administration’s delay in producing its Spring 2012 Unified Agenda, and provide information on regulatory actions being developed by DOL.

Please contact Joe Wheeler of the committee staff at (202) 225-7101 to confirm your or OMB staff’s participation in the briefing.

Sincerely,



JOHN KLINE
Chairman
Committee on Education and the Workforce



VIRGINIA FOXX
Chairwoman
Subcommittee on Higher Education and
Workforce Training



DAVID P. ROE
Chairman
Subcommittee on Health, Employment,
Labor, and Pensions



TIM WALBERG
Chairman
Subcommittee on Workforce Protections

Enclosures

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

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