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May 23, 2019

The Honorable Mick Mulvaney
Director
U.S. Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Mr. Mulvaney:

I write to request information on the U.S. Office of Management and Budget's (OMB) decision, during OMB's recent lapse in funding, to continue rulemaking activities on behalf of funded agencies, including the U.S. Department of Labor (DOL).

As you are aware, an agency without available budget authority—as OMB was from December 22, 2018, through January 25, 2019—may continue operations only where an exception to the Antideficiency Act allows the agency to do so.¹ Therefore, in order to understand OMB's decision to continue rulemaking activities on behalf of the DOL and other funded agencies when OMB was without budget authority, I request that you provide a copy of any and all communications and documents that provide a legal justification for OMB's decision, including any analyses of specific DOL rulemaking circumstances at issue and any relevant statutes that may have provided a legal exception to the Antideficiency Act.

Pease provide the requested information and documents by June 6, 2019.

¹ 31 U.S.C. § 1342.

The Honorable Mick Mulvaney

May 23, 2019

Page 2

Thank you for your attention to this matter. Please contact Cathy Yu with the Committee at cathy.yu@mail.house.gov with any questions. Please send all official correspondence relating to this request to tylease.ali@mail.house.gov.

Sincerely,



ROBERT C. "BOBBY" SCOTT
Chairman



ANDY LEVIN
Vice Chairman