



July 27, 2015

The Honorable Rob Portman
United States Senate
448 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Portman:

On behalf of the National Federation of Independent Business (NFIB), the nation's leading small business advocacy organization, I am writing in support of S. 1607, the Independent Agency Regulatory Analysis Act of 2015. This legislation would provide important reforms to the rulemaking process for independent agencies that would improve the regulations these agencies promulgate.

Excessive and complex regulatory burdens continue to be a hardship for many small business owners across America. In NFIB's most recent *Small Business Economic Trends*, "government requirements and red tape" ranked as the second-most frequent answer when NFIB members were asked to identify the single most important problem facing their small business. One in five respondents cited regulation as the biggest problem.

For executive agencies, there are many forms of analysis and other considerations required before a rule is promulgated. These processes have proven helpful in creating better rules that meet the desired policy goals while providing flexibility for small businesses. However, independent agencies are not required to perform such analyses – yet their rules can have just as much impact on small businesses.

The Independent Agency Regulatory Analysis Act would affirm the authority of the president to extend the same types of analyses performed by executive agencies to independent ones. In particular, the legislation would require independent agencies to evaluate costs and benefits from new rules and adopt the least burdensome approach, evaluate whether regulating will address the problem, consider alternatives to regulation, and base decisions on the best available data and science.

In addition, the Office of Information and Regulatory Affairs will be allowed to perform a review of the agencies' analyses on rules costing more than \$100 million. While OIRA will not be able to reject a rule, its evaluation will become part of the record for each rulemaking. This will make the rulemaking process more transparent.

S. 1607 is an important piece of legislation that would provide for a better rulemaking process for small business owners. NFIB looks forward to working with you on this important issue in the 114th Congress.

Sincerely,

A handwritten signature in black ink that reads "Amanda Austin". The signature is written in a cursive, flowing style.

Amanda Austin
Vice President
Public Policy

National Federation of Independent Business

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