



October 4, 2017

VIA ELECTRONIC CORRESPONDENCE

The Honorable Rex W. Tillerson
Secretary
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Secretary Tillerson:

As a result of President Trump's Executive Orders, 13771 and 13777, the Office of Advocacy (Advocacy) has begun an effort to hear first-hand from small businesses across the country about specific federal regulatory burdens facing their businesses. As you know, under the Regulatory Flexibility Act (RFA), agencies are required to consider the impact of their regulations on small entities when promulgating federal regulations.¹ We believe the RFA and consideration of small business economic impacts is a good place to start when an agency is selecting rules that are being reviewed for reform or elimination.

We recently hosted roundtables in Baton Rouge and New Orleans, Louisiana; Boise and Coeur d'Alene, Idaho; Cincinnati, Cadiz, and Cleveland, Ohio; Lexington, Kentucky; St. Louis, Missouri; and Overland Park, Kansas. Advocacy also invited small businesses who could not attend the roundtables to submit their comments on Advocacy's website. Advocacy would like to inform you of the specific concerns and regulations that we heard about from small businesses

¹ Advocacy was established pursuant to Pub. L. 94-305 to represent the views of small entities before federal agencies and Congress. Advocacy is an independent office within the U.S. Small Business Administration (SBA), so the views expressed by Advocacy do not necessarily reflect the views of the SBA or the Administration. The RFA, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), gives small entities a voice in the rulemaking process. For all rules that are expected to have a significant economic impact on a substantial number of small entities, federal agencies are required by the RFA to assess the impact of the proposed rule on small business and to consider less burdensome alternatives. 5 U.S.C. § 601 et seq.

The Small Business Jobs Act of 2010 requires agencies to give every appropriate consideration to comments provided by Advocacy. The agency must include, in any explanation or discussion accompanying the final rule's publication in the Federal Register, the agency's response to written comments submitted by Advocacy on the proposed rule, unless the agency certifies that the public interest is not served by doing so. Small Business Jobs Act of 2010 (PL 111-240) § 1601.

in these regions, and comments we received from our website as we hope they will be of help to your agency as you comply with the aforementioned Executive Orders.

Summary of Concerns from Roundtables and Website

- **Exchange Visitor Program - Summer Work Travel Program**

Small sponsors and small business hosts expressed concern with recent Executive Orders, which may target the Summer Work Travel Program and other Exchange Visitor Programs for reform and potential cuts. Sponsors also cited concern with the State Department's January 2017 proposed rule on Exchange Visitor Program Summer Work Travel Rule, stating that the additional requirements may make it too costly for small sponsors, small host employers and foreign students to participate in this program. In a comment letter, Advocacy recommended that the Department consider additional alternatives that may minimize the costs of this rule for small businesses.²

- **Intercountry Adoptions**

Small businesses expressed concern about the State Department's September 2016 proposed rule, which proposed amendments to requirements for adoption service providers that currently perform intercountry adoptions. Advocacy has heard from small adoption agencies concerned about the ambiguity of the proposed rule and the uncertainty of how the rule will be applied. In a comment letter, Advocacy recommended that the State Department either re-propose the rule when more information can be provided, or submit a supplemental notice of proposed rulemaking with a proper RFA analysis.³

The Office of Advocacy looks forward to working with your agency to reduce the burden of federal regulations on behalf of the small businesses that have asked us to be their voice in this regulatory reform process. We hope that you will include these specific rules when you compile your list of rules to review. Advocacy would be happy to meet with you or your representative so that we may detail the concerns and help suggest less burdensome alternatives for small business as rules are being considered for revision. I have provided the contact information for Assistant Chief Counsel **Janis Reyes** below.

As we continue to hear from small businesses across the country at our regional regulatory reform roundtables or through our outreach from our regulatory reform website, we will update

² Comment Letter from Major Clark, Acting Chief Counsel for Advocacy and Janis C. Reyes, Assistant Chief Counsel, SBA Office of Advocacy to the G. Kevin Saba, Acting Deputy Assistant Secretary of State, Office of Private Sector Exchange, Bureau of Education and Cultural Affairs, U.S. Department of State (Feb. 27, 2017), <https://www.sba.gov/advocacy/02-27-2017-exchange-visitor-program-summer-work-travel-proposed-rule>.

³ Comment letter from Darryl L. DePriest, Chief Counsel for Advocacy and Katherine M. Moore, Regulatory Fellow, SBA Office of Advocacy to the Honorable John F. Kerry, Secretary, U.S. Department of State (November 16, 2016), <https://www.sba.gov/node/1549726>.

you with additional summaries from those locations. Thank you for considering small business impacts as a vital part of your regulatory reform efforts and for including the Office of Advocacy as an important part of the process.

Sincerely,

A handwritten signature in black ink that reads "Major L. Clark, III". The signature is written in a cursive style with a large initial 'M' and a distinct 'L'.

Major L. Clark, III
Acting Chief Counsel for Advocacy

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CC: John J. Sullivan, Deputy Secretary of State and Regulatory Reform Officer