

**U.S. Small Business Administration
Office of Advocacy**

**Congressional Budget Justification
Fiscal Year 2013**

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Overview

The Office of Advocacy is an independent office within the U.S. Small Business Administration. Advocacy has its own statutory charter, Title II of Public Law 94-305 as amended (15 U.S.C. §634a *et seq.*), originally enacted in 1976. The office is headed by a Chief Counsel for Advocacy, appointed by the President and confirmed by the Senate. Advocacy works to reduce the burdens that federal regulations and other policies impose on small entities and provides vital small business research for the use of policymakers and other stakeholders.

The mission of the Office of Advocacy is to encourage policies that support the development and growth of American small businesses by:

- early intervention in federal agencies' regulatory development process on proposals that affect small businesses and providing Regulatory Flexibility Act compliance training to federal agency policymakers and regulatory development officials;
- producing research to inform policymakers and other stakeholders on the impact of federal regulatory burdens on small businesses, to document the vital role of small businesses in the economy, and to explore and explain the wide variety of issues of concern to the small business community; and
- fostering a two-way communication between federal agencies and the small business community.

Advocacy represents the interests of small businesses within the federal government. The office advances the views and concerns of small businesses before Congress, the White House, federal agencies, the federal courts, and state and local policymakers as appropriate. Economic research, policy analyses, and small business outreach help identify issues of concerns. Documenting the contributions of and challenges for small businesses in the U.S. economy provides policymakers with the information that they need to make better decisions.

In addition to those responsibilities included in Advocacy's basic charter, further duties and powers were conferred upon the Chief Counsel for Advocacy by the Regulatory Flexibility Act (RFA) of 1980 as amended (5 U.S.C. §601 *et seq.*), and Executive Order 13272. These duties include the monitoring of federal agency compliance with the RFA, providing RFA compliance training to regulatory officials, and assisting regulatory agencies during all stages of the rule development process to mitigate the potential impact of rules on small entities while still achieving their regulatory objectives.

Public Law 111-240, the Small Business Jobs Act of 2010, further amended the Office of Advocacy's statutory authority to require that each budget submitted by the President shall include a separate statement of the amount of appropriations requested for Advocacy, designated in a separate Treasury account. The Small Business Jobs Act also requires SBA to provide Advocacy with office space, equipment, an operating budget, and communications support as necessary, including the maintenance of such equipment and facilities (15 U.S.C. §634g(b)).

In the past, Advocacy has been fully integrated within SBA's Executive Direction budget. This year, in recognition of its independent status and newly separate appropriations account, Advocacy's FY 2013 congressional budget justification and FY 2011 annual performance report are being presented separately in this new appendix. It is hoped that this format will improve the transparency of Advocacy operations and costs, as well as more clearly identify the resources available to Advocacy and provide a basis for performance measurement.

FY 2013 Budget Request

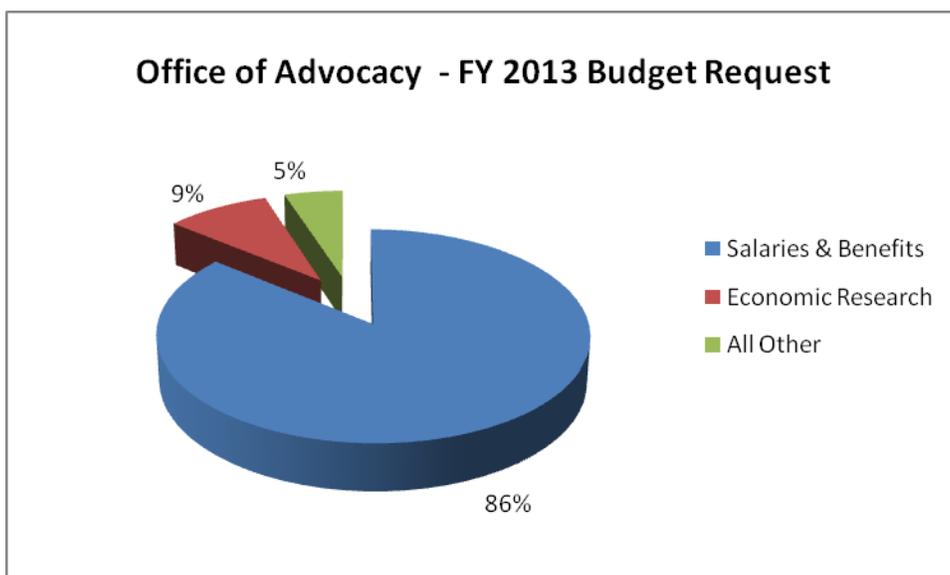
For FY 2013, the Office of Advocacy requests \$8.90 million for its direct expenses, a \$220,000 reduction from its FY 2012 enacted level.

<i>Dollars in Millions</i>	FY 2011 Enacted Level *	FY 2012 Enacted Level	FY 2013 Request
New Budget Authority	9.12	9.12	8.90

* Prior to FY 2012, Advocacy was included in SBA's salary & expense account under Executive Direction. The FY 2011 enacted level represents Advocacy's share of this account. Advocacy's separate account is effective in FY 2012.

The largest portion of Advocacy's request, \$7.65 million, is planned for the salaries and benefits of Advocacy's professional staff. Also requested is \$800,000 for economic research. Together, staffing and research account for 95 percent of Advocacy's total request. The balance of Advocacy's request, \$450,000 covers all other direct expenses, including travel, training, office supplies, subscriptions to legal and economic research resources, and other miscellaneous expenses directly attributable to Advocacy.

Pursuant to Section 1602(b) of Public Law 111-240, SBA will provide additional support to Advocacy, including office space and equipment, communications and IT services, and maintenance of equipment and facilities. The costs for these services, as well as centralized indirect expenses shared with other SBA offices, appear elsewhere in SBA's budget request.



Advocacy Strategic Goals

As part of the separation of Advocacy's annual budget justification and performance report from that of SBA, Advocacy is adopting two strategic goals that are specific to the office and revising the performance indicators that will be associated with these goals. The two new goals align closely with Advocacy's two primary statutory responsibilities, regulatory advocacy and economic research. Three performance indicators from prior years remain unchanged, while two others are being dropped. The important efficiency measure of "cost per \$1 million in regulatory savings" has been retained, and two new indicators are also being added under Advocacy's economic research strategic goal.

Advocacy's Chief Counsel and management team developed these revisions after a thorough review of the effectiveness of the prior Advocacy performance indicators which supported a single SBA strategic goal that also included functions conducted by other SBA program offices. Consultations with and outreach to Advocacy stakeholders were also conducted on the new strategic goals and performance indicators. The new presentation will continue the most useful performance measures, while eliminating those which experience has shown have collected information of limited value. Information on past performance using prior indicators will continue to be presented for those years in which they were used.

Advocacy Strategic Goal 1: To be an independent voice for small businesses inside the government and to assist federal agencies in the development of regulations and policies that minimize burdens on small entities in order to support their start-up, development and growth.

Implementation strategies

Monitoring of federal regulatory activity. Advocacy's Office of Interagency Affairs monitors new federal regulatory proposals through publicly available sources such as the *Federal Register* and the agencies' periodic publication of their regulatory agendas. Many agencies also notify Advocacy directly in advance of planned regulations, particularly when these proposals have significant costs or will affect significant numbers of small entities. Pursuant to Executive Order 13272, Advocacy also works on regulatory proposals with OMB's Office of Information and Regulatory Affairs, with which the office has a strong working relationship. In addition, the Environmental Protection Agency, the Occupational Safety and Health Administration and the Consumer Financial Protection Bureau have special statutory requirements for notifying Advocacy of planned regulatory activity with significant effects. Advocacy also subscribes to various publications and services specializing in tracking legislation, regulations and public policy issues.

Solicitation of the views of stakeholders. Advocacy conducts a continuing program of outreach to its many stakeholders in order to solicit their views on issues of concern to small businesses. One of the most important sources of input are roundtables that Advocacy sponsors on specific topics, at which representatives of small businesses, industries and government agencies can meet and informally discuss matters of current interest. Advocacy also sponsors larger conferences and symposia to discuss major issues. Advocacy maintains close contact with many congressional committees, including those with jurisdiction over the most important areas of interest to small businesses. The Chief Counsel regularly meets with business organizations and trade associations, in addition to traveling throughout the country to hear directly from stakeholders. Advocacy's ten regional advocates are the office's eyes and ears outside of Washington, and the office also receives a steady flow of unsolicited input on small business concerns from stakeholders, including business organizations and trade associations, congressional offices, SBA offices and resource partners, and small business owners themselves.

Engagement with federal agencies on regulations and policies affecting small businesses. After an issue of interest has been identified, Advocacy's Office of Interagency Affairs works with regulatory development officials and policymakers to ensure that the views of small entities are known and considered in the agency's actions. This engagement can take many forms, depending on the stage of the policy or regulatory proposal. Advocacy attorneys and economists often have pre-proposal consultations with regulatory development officials in order to help them design a rule that will accomplish the agency's regulatory objectives while minimizing burdens on small entities. Advocacy also provides regulatory agencies with technical assistance of various types to help ensure agency compliance with the Regulatory Flexibility Act (RFA) and related requirements. Such assistance can include estimates of the numbers of businesses likely to be affected by a proposal, legal opinions on RFA issues, the review of draft materials, arranging consultations with affected industry representatives, and other assistance specific to each case. Advocacy interventions can occur at all stages of the rule development process, from confidential pre-decisional deliberative consultations before a proposal is made, to formal comments after a proposed rule has been published, to comments after a rule has been finalized. Advocacy also provides congressional testimony on issues affecting small business, and the office regularly advises congressional committees on small business issues.

Small Business Advocacy Review (SBAR) Panels. The Small Business Regulatory Enforcement Fairness Act (Title II of Public Law 104-121 as amended) requires three agencies (the Environmental Protection Agency, the Occupational Safety and Health Administration, and the Consumer Financial Protection Bureau) to take special steps to ensure that the views and needs of small entities are considered early in the process of drafting rules that could have significant effects. In the SBAR process, a panel including Advocacy, OMB's Office of Information and Regulatory Affairs, and the rule-writing agency develops information solicited from small entity representatives and other sources concerning the potential impacts of a new agency proposal, considers alternatives that minimize burdens, and prepares a report with recommendations that must by law be addressed in the final rule. The extra steps required for those agencies and regulations subject to the panel process ensure that small business concerns are considered early in the rule development process, and the process is an important tool for Advocacy.

Regulatory Flexibility Act compliance training. The Regulatory Flexibility Act (RFA), first enacted in 1980 and strengthened in 1996, requires most federal regulatory agencies to consider the affects of planned regulatory actions on small entities, and to take actions to minimize them when possible, including the consideration of alternatives for rules with significant impacts and SBAR panels with special outreach provisions for certain agencies. Failure to comply with RFA requirements can result in litigation. A significant body of RFA case law has developed over the years, and entire rules have been thrown out because of RFA problems. Executive Order 13272 requires Advocacy to provide training to federal regulatory development officials on RFA compliance, and the office has a continuing program to provide live classroom training to regulatory officials throughout the government. An online training option is also available, although most Advocacy RFA training is done live and customized to each individual agency receiving the training. Advocacy believes that better-trained regulatory and policy staff develop smarter rules that have reduced impacts on small entities. Better compliance and reduced litigation are also favorable outcomes resulting from fully RFA-compliant rules.

Retrospective review of regulations. Section 610 of the Regulatory Flexibility Act requires agencies to review existing regulations periodically to determine whether they are still justifiable based on a number of factors. In recent years, Advocacy has been especially concerned that the full potential of this provision in the RFA has not been realized, and the office initiated its own special effort at the retrospective review of existing regulations based on the nominations of stakeholders. This effort resulted in a number of successful rule revisions. Subsequently, President Obama signed Executive Order 13563 in January 2011, which among other provisions, directed departments and agencies throughout government to review existing significant regulations and consider how best to promote retrospective analysis of rules that may be outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned. Advocacy has been involved in this initiative before and since its publication, and is currently working with OMB and regulatory agencies to identify regulations where regulatory cost savings can be achieved.

Performance objectives

Advocacy has two performance objectives related to Strategic Goal 1:

- the achievement of regulatory cost savings of at least \$6.5 billion in FY 2013 due to Advocacy interventions; and
- the provision of Regulatory Flexibility Act compliance training in FY 2013 to at least 100 policymakers and regulatory development officials in federal agencies which promulgate regulations that impact small entities.

Representing the concerns of small businesses before federal regulatory agencies is one of Advocacy's most important statutory missions. Advocacy has adopted the achievement of regulatory cost savings for small businesses and other small entities as an outcome performance measurement for this activity, although the office also works with agencies to advance small entity interests in other ways that do not necessarily produce measurable cost savings.

Advocacy works with federal regulatory agencies at all stages of the rule development process to help them design regulations that will minimize unnecessary costs to small entities while still achieving agency regulatory objectives. Cost savings from rules on which Advocacy has intervened consist of forgone capital or annual compliance costs that otherwise would have been required in the first year of a rule's implementation. The Office of Advocacy captures cost savings in the quarter and fiscal year in which the regulating agency agrees to changes resulting from Advocacy's intervention and not necessarily during the period in which the intervention occurred. The results reported for any year, therefore, do not reflect the total of Advocacy's interventions to date that may produce quantifiable cost savings in the future. Cost savings estimates are generally based on estimates from the agencies promulgating the rules in which Advocacy intervened, although industry estimates may be used in some cases.

A limitation of this performance measure is that it is impossible to predict with any degree of accuracy when federal agencies will publish final rules that reflect cost savings resulting from Advocacy's intervention, and it is equally difficult to predict the amount of savings likely to be achieved before action on a rule begins. Cost savings rely on externalities (i.e., it is a regulatory agency's decision to reduce the burden on small entities, not Advocacy's), so significant variations from established goals can and do occur. Also, because agencies may make further revisions to a rule, cost savings may change over time based on new information and/or further negotiations. However, even with these limitations, past performance over an extended period has demonstrated that significant cost savings have been achieved and measured.

Another limitation of this measure is that Advocacy is unable to include in its annual estimate of regulatory cost savings any savings that result solely from pre-decisional deliberative consultations or technical assistance provided to regulatory agencies. These savings are in addition to those claimed under this performance measure and are substantial but impossible to measure with accuracy.

The second performance objective for Strategic Goal 1 is that Advocacy provide Regulatory Flexibility Act compliance training to at least 100 policymakers and regulatory development staff in federal agencies which promulgate regulations that impact small entities. This is also an outcome measure, with the result that federal regulatory officials have the expertise needed to develop and publish better rules that achieve their regulatory objectives while minimizing unnecessary burdens on small entities. Reduced RFA-related litigation and better compliance by the regulated community also result.

Executive Order 13272 requires Advocacy to provide the RFA compliance training measured by this performance indicator. Since Advocacy began its ongoing RFA compliance training program in 2004, and through FY 2011, such live classroom training has been provided to officials in 14 cabinet-level departments and agencies, 51 separate component agencies within these departments, 18 independent agencies, and various special groups including congressional staff, business organizations and trade associations.

FY 2011 Accomplishments

During FY 2011, Advocacy achieved \$11.7 billion in first-year cost savings, \$10.7 billion of which will also be annually recurring savings, although they will not be counted again for the purposes of performance measurement. These savings resulted from final actions on eight separate rules originating in six departments and agencies (the Departments of Justice, Education, Energy and Labor, the Environmental Protection Agency, and the Centers for Medicare and Medicaid Services). Additional information is detailed in Advocacy's annual report on Regulatory Flexibility Act activities for FY 2011. This report and reports for past years can be accessed online at <http://www.sba.gov/advocacy/823/4798>. Advocacy is pleased that its goal for FY 2011 has been substantially exceeded, but, as noted before, significant variations in this measure can and do occur due to factors over which Advocacy has no control.

During FY 2011, Advocacy provided Regulatory Flexibility Act compliance training to 189 regulatory officials at rule-writing agencies, substantially exceeding its goal for this activity.

During FY 2011, Advocacy assisted in 5 instances of legislative or executive action at the state level to increase regulatory flexibility for small businesses, or to demonstrate successful implementation of existing small business regulatory flexibility laws. All 5 instances involved state legislation. This activity has been primarily the responsibility of Advocacy's ten regional advocates, the office's field component. Regional advocates are appointed by the Chief Counsel, and with the appointment of a new Chief Counsel in August 2010, Advocacy did not have a full complement of regional advocates in place during part of FY 2011. Also, because of the work of previous regional advocates, more than 40 states now have regulatory flexibility programs in place. The Chief Counsel and Advocacy's management team have determined that the marginal benefits to be obtained from this activity no longer warrant a separate performance measure. Advocacy plans to drop this performance measure in FY 2012, although its regional advocates will continue to advance regulatory flexibility programs at the state level as appropriate (for example, by testifying before state legislative committees or providing technical assistance through Advocacy's legal team, as requested).

Although not used as performance indicators, two other measures relating to regulatory advocacy illustrate the diversity of activity in which the Office of Advocacy has been engaged in FY 2011. During FY 2011, Advocacy had provided 51 written public comment letters to 24 different agencies about a wide variety of proposals affecting small business. During the same period, Advocacy's legal team hosted 32 roundtables to collect information from stakeholders on an equally diverse range of issues.

During FY 2011, Advocacy also provided the Administration with counsel before and after the President issued Executive Order 13563, *Improving Regulation and Regulatory Review* (January 18, 2011), and two related memoranda to the heads of executive branch departments and agencies. These directives supplement existing regulatory review processes, particularly the Executive Order 12866 process that has been in place since 1993. The new directives also reiterate key provisions of the RFA, and in particular its Section 610 "look-back" provisions, mandating the periodic review of existing regulations.

This important new regulatory initiative is very much in keeping with Advocacy's mission, the RFA and Executive Order 13272. In fact, both Advocacy and the RFA are mentioned by name in the memorandum *Regulatory Flexibility, Small Business, and Job Creation*. In it, the President emphasized the importance of compliance with the RFA and its purposes. At the end of FY 2011, Advocacy had begun examining the rules that agencies have determined should be reviewed and providing additional counsel on which of these reviews would be likely to lead to regulatory burden reduction for small business.

Also of major importance in the office's regulatory advocacy activities is its participation in the Small Business Advocacy Review (SBAR) panels required by the Small Business Regulatory Enforcement Fairness Act (Title II of Public Law 104-121, as amended) for significant rules planned by the Environmental Protection Agency, the Occupational Safety and Health Administration, and the new Consumer Financial Protection Bureau. In the panel process, representatives of the rule-writing agency,

the Office of Management and Budget, and Advocacy are empanelled to solicit information from industry representatives and other sources on the potential effects of a new agency proposal, to consider alternatives that minimize burdens, and to prepare a report with recommendations that must by law be addressed in the final rule. Although SBAR panels are labor intensive, they have a proven track record of helping agencies write better rules. During FY 2011, Advocacy had finished or was participating in more than a dozen separate SBAR panels in various stages of progress on EPA proposals.

FY 2013 Planned Performance

The Office of Advocacy intends to continue to achieve regulatory cost savings and a reduced regulatory burden through its regulatory interventions. The office relies on various types of activities to achieve regulatory cost savings. These include: participating in the Small Business Advocacy Review panel process for regulations promulgated by EPA, OSHA, and the Consumer Financial Protection Bureau; writing official comments to federal regulatory agencies on their compliance with the Regulatory Flexibility Act and other rulemaking activities; testifying before Congress on small business issues; responding to OMB referrals on proposed legislation; working with OMB on paperwork burden issues; participating with OMB during the Executive Order 12866 review process and during implementation of Executive Order 13272; and providing technical and RFA compliance assistance to agencies as requested at all stages of the rule development process.

In FY 2013, Advocacy projects that it will meet or exceed its goal of achieving \$6.5 billion in regulatory cost savings. Because of its success in achieving increased savings in recent years, Advocacy's Chief Counsel has increased the FY 2013 goal by \$1 billion, or 18 percent, from its FY 2012 goal of \$5.5 billion.

Advocacy will continue to train federal regulatory agency personnel on RFA compliance, as required by Executive Order 13272. Classroom training sessions were conducted by Advocacy staff beginning in FY 2004, and will continue indefinitely. Agencies have been responsive to the classroom training that their staffs have received, and many have implemented better regulatory flexibility practices as a result. Most federal regulatory agencies have now received RFA compliance training from Advocacy, so in FY 2013 Advocacy will provide repeat "refresher" training, train new personnel, and train officials of component agencies within major departments. Advocacy expects to exceed its FY 2013 goal of providing RFA compliance training to 100 regulatory officials.

In FY 2013, Advocacy will be assisting regulatory agencies in complying with the requirements of the new Executive Order 13563. This order directed federal regulatory agencies to promote the coordination, simplification and harmonization of regulations that are redundant, inconsistent or overlapping across agencies. It also directs agencies to consider regulatory flexibility whenever possible, to ensure scientific and technological objectivity in regulatory development, and to identify means to achieve regulatory goals that are designed to promote innovation. Executive Order 13563 and related guidance documents also direct agencies to review existing significant regulations and consider how best to promote retrospective analysis of rules that may be outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned.

In FY 2013, Advocacy will continue to work with OMB and federal regulatory agencies as they implement the retrospective review of existing regulations. Advocacy will examine the rules that agencies determine should be reviewed, and provide further recommendations and technical assistance as required to encourage regulatory burden reduction for small business.

In FY 2013, Advocacy plans a new initiative to focus on the specific needs and concerns faced by high-growth companies and entrepreneurs. These innovative businesses face different challenges in starting, maintaining and growing their operations than do other types of small businesses. They often pioneer technologies, business models, and practices that are not yet addressed by the federal government's existing regulations and processes. Using both its Washington staff and its ten regional advocates, Advocacy will engage innovators through meetings with entrepreneurs, financiers, research universities, and industry representatives to hear first-hand what impediments exist for innovative small businesses in

high-growth sectors. Advocacy will inform policymakers in the White House, the Congress, and federal agencies of specific concerns heard in its outreach efforts, and it will work with the relevant agencies to facilitate the adoption of regulations and administrative practices that take into account the needs of high-growth small businesses.

Finally, Advocacy expects an increased number of SBAR panels in FY 2013, especially as the new Consumer Financial Protection Bureau begins promulgating regulations. Although it is impossible to predict with accuracy how many of these labor-intensive panels will be convened in the future, Advocacy is preparing to shift staffing resources to accommodate this priority work.

Advocacy Strategic Goal 2: To develop and disseminate research and data on small businesses and the role that they play in the economy, including the availability of credit, the effects of regulations and taxation, the role of firms owned by women, minority and veteran entrepreneurs, innovation, and factors that encourage or inhibit small business start-up, development and growth.

Implementation strategies

Adding value to raw data. Advocacy itself is not a data collection agency (although in some contract research projects, surveys may be conducted). Instead, Advocacy's Office of Economic Research assembles and uses data and other information from many different sources to develop data products that are as timely and actionable as possible. Advocacy's efforts often add value to existing government data resources by developing information that is useful to small business stakeholders from sources that may not have been originally intended for that purpose. Advocacy economic research funds support the development of small firm data at agencies such as the U.S. Census Bureau. Other agencies which have contributed to Advocacy research include the Bureau of Labor Statistics, the Internal Revenue Service, the Social Security Administration, the Federal Reserve Board, the Departments of Education, Defense and Veterans Affairs, and additional components in the Departments of Commerce and Labor. Advocacy has used data from all of these agencies, and other sources, in its data and research products. Advocacy aims in all its data publications to respond to the needs of its stakeholders with products that help answer their questions and inform their decisions with the best information possible.

Specialized contract research. Another important activity in meeting this strategic goal is contract research to address specialized issues of concern to Advocacy's stakeholders. These issues are many and varied. Some are addressed regularly, such as the cost of regulation, innovation, job creation, taxation, and topics relating to firms owned by women, minority and veteran entrepreneurs. Other topics reflect changing policy issues and priorities or respond to requests from stakeholders. Advocacy solicits ideas for its discretionary contract research program each year, and announcements for competitive research proposals are published as small business set-asides through the regular government procurement process. Advocacy also uses contract research funds to update older studies of special value when resources are available.

Assistance in regulatory advocacy. Advocacy economists work with agencies throughout government every day to assess the potential impact of proposed regulations on small entities. This is an example of how the various operating divisions within Advocacy work together to advance the office's goals. Regulatory flexibility analyses, and threshold analyses to determine what RFA provisions apply to a given proposal, often turn on how many firms of what size would be affected by that proposal. Advocacy's regulatory economists provide data and economic analyses to help quantify these effects. Advocacy research funds also support a competitive "indefinite date – indefinite quantity" (IDIQ) contract for professional assistance on impact analyses that are needed in short turn-around times on particularly complex proposals or ones with potentially large impacts.

Dissemination of research. Advocacy research products receive wide distribution. All data products and contract research studies are published online, and information on new research is included in Advocacy's monthly newsletter, *The Small Business Advocate*, which goes to more than 30,000 online subscribers. Also, Advocacy's specialized research listserv goes to more than 15,000 subscribers. Roundtables are held to discuss the office's research products, in addition to conferences and symposia on certain topics of special interest, such as access to capital. Advocacy's Office of Interagency Affairs shares economic research with its contacts throughout government, and Advocacy's field component of ten regional advocates promotes the office's data and research products in presentations throughout the country. Advocacy data and research products are frequently cited in the press, and they are widely used by congressional offices, government policymakers, and many other stakeholders.

Performance objectives

Advocacy has three performance objectives related to Strategic Goal 2:

- the publication of at least 20 research and data products related to small businesses and the issues of concern to them;
- at least 360 outreach events by regional advocates with five or more people at which research or data developed by Advocacy or policy and regulatory issues are discussed; and
- at least 12 presentations on Advocacy economic research to academic, media, or policy audiences.

The second core responsibility of the Office of Advocacy is the development of economic research and data products relating to the role that small businesses play in the Nation's economy, including the availability of credit, the effects of regulations and taxation, the role of firms owned by women, minority and veteran entrepreneurs, factors that influence entrepreneurship, innovation and other issues of concern to small businesses.

Advocacy economists perform and publish in-house research in addition to managing contract research projects on specific issues. Advocacy economic research funds also support the development of small firm data at other agencies such as the U.S. Census Bureau. Advocacy economists also work with agencies throughout government on a daily basis to assess the potential impact of their regulations on small entities.

Advocacy is continuing its output measure that the office publish research and data products related to small business and issues of concern to them. These research reports inform policymakers by providing data on small business demographics, demonstrating the importance of the role of small business in the economy, highlighting the impact of federal policies and regulations on small businesses, and providing new research on specialized issues of interest to stakeholders.

Advocacy believes that good policy requires good information, and the office's research and data products result in the outcome that policymakers have the information they need to make better decisions.

A second performance objective for Strategic Goal 2 is a new output measure that Advocacy's regional advocates hold at least 360 outreach events with at least five people where Advocacy research or data products or regulatory and policy issues are discussed. Advocacy makes every effort that its research and data products provide information that is both timely and actionable, with the outcome that stakeholders can make better decisions. However, it is also important that these stakeholders are aware of the availability of Advocacy's work, and how to access it electronically.

Many of the users of Advocacy's research and regulatory work are located in or near Washington, including congressional offices, federal agencies, and business and trade associations. However, there is an important need to increase awareness of Advocacy's work not just in Washington, but also in communities throughout the country where the vast majority of small businesses are located. Advocacy's

regional advocates promote this awareness in their respective regions. The new performance indicator measures this aspect of Advocacy's continuing outreach efforts to disseminate information on economic research products and pending regulatory proposals.

A third performance objective for Strategic Goal 2 is also a new output measure that Advocacy economists make at least 12 economic presentations to academic, media, or policy audiences each year. Typical events in which presentations might take place include academic conferences, trade association meetings, policy symposia, think tank events, or other government-sponsored events.

FY 2011 Accomplishments

During FY 2011, Advocacy published 25 research and data products, meeting its goal for the year.

In FY 2011, Advocacy's research included a retrospective look at bank lending over the last decade, a statistical investigation of the factors that make military veterans so entrepreneurial, a study of how firms choose their legal form of organization, and a critique of estimates by the IRS showing that small businesses are responsible for the gap between taxes owed and taxes paid to the federal government. Other studies included the impact of broadband speed and price on small business, on bankruptcy and entrepreneurship, on the role of high-impact companies in job creation, and on the availability, coverage, and the effect of tax incentives on health insurance in the small business market. Advocacy also reported new data on firm ownership by women and on establishment dynamics.

During FY 2011, Advocacy also improved its *Small Business Quarterly Bulletin*, which features the most current small business data available, by focusing more intensively on issues of job creation, financing, and small business growth. Advocacy renewed its longstanding commitment to monitor and research trends in small business lending and finance and introduced a new *Quarterly Lending Bulletin* to provide the most recent information possible on bank lending to small business. Also new is a *Finance Frequently Asked Questions* (FAQ) that explores questions on how small business start-ups and firm growth are financed in order to drive the economy and create jobs.

Also in FY 2011, Advocacy sponsored a major symposium on the ability of small businesses to obtain the debt and equity financing that they need to start and grow their businesses and create jobs.

Until FY 2011, Advocacy had a performance objective to identify annually at least 15 instances of universities or colleges using Advocacy data and research in their curricula. The rationale behind this goal was to generate interest in entrepreneurship research among academics and to broaden awareness of existing research. This activity was primarily the responsibility of Advocacy's ten regional advocates, the office's field component. Regional advocates are appointed by the Chief Counsel, and with the appointment of a new Chief Counsel in August 2010, Advocacy did not have a full complement of regional advocates in place for part of FY 2011 to implement this activity.

After a thorough review of Advocacy's performance objectives, the new Chief Counsel and Advocacy's management team determined that this performance measure had not produced information useful to either management or stakeholders. It has been difficult to determine what schools actually use Advocacy research products, and for that matter what actually constitutes use in the curricula. Accordingly, Advocacy has dropped this metric and has redirected its economic research outreach efforts as described in the office's FY 2013 planned performance.

FY 2013 Planned Performance

Economic research remains one of the office's core statutory missions. Not only does it provide valuable information to Advocacy's many stakeholders, but it also plays a significant role in the office's other missions, including regulatory advocacy in particular. Regulatory flexibility analyses and policy decisions often hinge on how many firms suffer what consequences from a given proposal or policy. Advocacy's

economic research also drives many of the outreach efforts that the office conducts to serve its customers. These include publications, symposia and other meetings, regional advocate activities, data requests from other agencies, and congressional inquiries.

In recognition of the need for all federal agencies to reduce their budget requests for FY 2013, Advocacy has determined that a reduction in the office's economic research budget would be the least disruptive to its ongoing activities overall. In general, Advocacy's economic research budget supports: 1) the development and purchase of small business data at other federal agencies and special tabulations of unpublished data relating to small business that are held by these agencies; and 2) the commissioning of extramural contract research projects on specialized topics of importance to policymakers and the small business community.

Although extramural research projects have provided important data and perspectives to policymakers throughout Advocacy's history, they do represent the most "discretionary" expenditures in Advocacy's overall budget. Since 2000, Advocacy has spent approximately \$1.1 million annually on economic research, excluding special projects that Congress funded separately. For FY 2013, Advocacy's request includes \$800,000 for economic research, an amount sufficient to continue all commitments for data acquisition and support for the collection of data on small businesses at other agencies. Advocacy management will carefully prioritize the need for additional special tabulations and extramural research in order to realize the \$300,000 in contemplated savings. The reduction in planned research spending necessitates an adjustment to Advocacy's previous performance objective of 25 research and data products. Advocacy's new goal for FY 2013 will be 20 such research and data products.

Advocacy has adopted two new performance objectives for Strategic Goal 2 beginning in FY 2013. The first is an output measure that Advocacy's regional advocates hold at least 360 meetings with at least five small business representatives where Advocacy research or data products or regulatory and policy issues are discussed. This activity is intended to provide broad distribution of Advocacy's work and to educate stakeholders on how to use Advocacy resources online, as well as to solicit information from attendees. Advocacy's ten regional advocates promote this awareness in their respective regions.

Although Advocacy's regional advocates have a specific performance measure for economic research dissemination, they actually contribute to Advocacy's work in many other ways. Regional advocates are the Chief Counsel's eyes and ears outside of Washington and are on the front line in carrying out Advocacy's mission. They interact directly with small businesses, small business trade organizations, governors and state legislatures to educate them about the benefits of regulatory flexibility. They testify at state-level legislative hearings on small business issues when requested to do so.

Regional advocates conduct outreach to locate participants for Small Business Advocacy Review panels that require small entity representatives. They work closely with the 10 regional Regulatory Fairness Boards in their respective regions to develop information for SBA's National Ombudsman, as provided for by the Small Business Regulatory Enforcement Fairness Act. They alert businesses in their respective regions about regulatory proposals that could affect them (for example, by alerting firms that an agency is seeking comment on the small business impacts of a proposed regulation). Regional advocates are vital for the two-way communication that Advocacy needs from the vast majority of small entities that operate outside of the Washington area.

A second new performance objective for Strategic Goal 2 has been adopted beginning in FY 2013. This is that Advocacy economists make at least 12 economic presentations to academic, media, or policy audiences at organized events each year. Typical events in which presentations might take place include academic conferences, trade association meetings, policy symposia, think tank events, or other government-sponsored events. This goal is intended to encourage Advocacy's professional economists to share Advocacy's work and their own research with other professionals, policymakers and opinion leaders. This outreach is in furtherance of Advocacy's statutory mission to disseminate information of use to the small business community and to promote awareness of the office's work.

Performance Measurement

Following is a table depicting Advocacy performance indicators from FY 2007 through FY 2011, together with FY 2012 and FY 2013 goals. As part of the separation of Advocacy's annual budget justification and performance report from that of SBA, Advocacy's Chief Counsel and management team have adopted revisions to the office's performance metrics after a thorough review of the effectiveness of prior Advocacy performance indicators, which were under a single SBA strategic goal that also included functions conducted by other SBA program offices. Advocacy believes that the new performance measures beginning in FY 2013 will more accurately reflect the priorities of the office under the realignment of strategic goals in that year. Three performance indicators from prior years remain unchanged, while two others are being dropped. The important efficiency measure of "cost per \$1 million in regulatory savings" has been retained, and two new indicators are also being added under Advocacy's economic research strategic goal.

Performance Indicator	Type of Measure	FY 2007 Actual	FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2011 Goal	FY 2011 Variance	FY 2012 Goal	FY 2013 Goal
Research and data publications (#)	Output	32	27	25	24	25	25	0%	25	20
Regulatory cost savings to small businesses (\$ billion)	Outcome	2.60	10.70	6.99	14.90	11.70	5.50	113%	5.50	6.50
Regulatory staff with in-house expertise on Regulatory Flexibility Act (#) ⁽¹⁾	Outcome	14	151	28	193	189	100	89%	100	100
Outreach events by regional advocates using Advocacy work products (#) ⁽²⁾	Output	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	360
Presentations by advocacy economists to academic, media or policy audiences (#) ⁽²⁾	Output	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	12
States considering legislative/executive Regulatory Flexibility Act action (#) ⁽³⁾	Outcome	12	10	11	8	5	10	-50%	N/A	N/A
Research publications and data reports in curricula (#) ⁽³⁾	Outcome	16	19	15	15	0	15	-100%	N/A	N/A
Cost per \$1 million savings (\$) ⁽⁴⁾	Efficiency	\$3,792	\$854	\$1,524	\$625	\$710	N/A	N/A	\$1,658	\$1,369
Budgetary Resources	Budgetary obligations incurred					Budget Requests ⁽⁵⁾				
	FY 2007 Actual	FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Enacted	FY 2013 Request			
Administrative resources (\$000) ⁽⁵⁾	\$9,858	\$9,133	\$10,660	\$9,318	\$8,309	\$9,120	\$8,900			
N/A - Not applicable										
<p>(1) Beginning in FY 2008, the measure was revised from the number of agencies with in-house expertise to staff with in-house expertise.</p> <p>(2) This measure is new beginning in FY 2012.</p> <p>(3) This measure is being dropped beginning in FY 2012.</p> <p>(4) Public Law 111-240 establishes a separate appropriations account for Advocacy beginning in FY 2012. Beginning in FY 2011, Advocacy's efficiency measure of the cost per \$1 million in regulatory savings is based on Advocacy's actual direct costs, not including the indirect and overhead costs that were included in this calculation prior to FY 2011. SBA provides additional administrative support to Advocacy, but Advocacy has no control over the allocation of such agencywide costs or their calculation. Advocacy believes that it should base this efficiency measure on its own appropriations account in order to reduce variations in this indicator due to factors over which Advocacy has no control.</p> <p>(5) Prior to FY 2011, Advocacy's administrative resources included overhead and indirect costs that Advocacy shared with other SBA offices. Beginning in FY 2011, amounts reflecting Advocacy budget requests and budgetary obligations incurred will reflect only amounts requested for or incurred by its own new appropriations account.</p>										

Explanations for Variances

As indicated in the preceding chart depicting Advocacy performance indicators, significant variances occurred between Advocacy's goals for FY 2011 and actual results. One goal, that for publishing 25 research and data publications, was met exactly and no variation occurred. Explanations for the variances in Advocacy's remaining four goals are as follows.

Regulatory cost savings to small businesses (113% over target). While Advocacy is pleased to have substantially exceeded its goal for this important metric, it is impossible to predict with any degree of accuracy when federal agencies will publish final rules that reflect cost savings resulting from Advocacy's intervention, and it is equally difficult to predict the amount of savings likely to be achieved before action on a rule begins. Cost savings rely on externalities (i.e., regulatory agencies make the actual decisions that reduce burdens on small entities, not Advocacy), so significant variations from established goals can and do occur.

Regulatory staff with in-house Regulatory Flexibility Act expertise (89% over target). Interest in RFA compliance continued to be strong in FY 2011. Advocacy attributes this to its aggressive outreach efforts, the Administration's emphasis on regulatory review as provided for in Executive Order 13563, and the President's memorandum to all department and agency heads, *Regulatory Flexibility, Small Business, and Job Creation*, in which the importance of compliance with the RFA and its purposes is emphasized.

States considering legislative/executive regulatory flexibility action (50% under target). Advocacy did not meet its goal of achieving 10 such instances and attributes this shortfall to the fact that the office did not have a full complement of regional advocates during part of FY 2011. Also, the Chief Counsel and Advocacy management determined in FY 2011 to drop this performance indicator because more than 40 states now have regulatory flexibility programs, and the marginal benefits of this activity no longer warrant a separate performance goal and metric.

Research publications and data reports used in university curricula (100% under target). Advocacy's Chief Counsel and management determined in FY 2011 to drop this performance indicator because it had not produced information useful to either management or stakeholders. It has been difficult to determine what schools actually use Advocacy research products, and for that matter what actually constitutes use in the curricula. Accordingly, Advocacy has dropped this metric and has redirected its economic research outreach efforts as described in the office's FY 2013 planned performance.

Verification and Validation

Advocacy management has adopted verification and validation documentation in conformity with the standards used by SBA's Office of Performance Management. This documentation is reviewed annually and is on file with that office. It is also available on SBA's Budget and Performance website.

Office of Advocacy Organization

