

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

R. BRUCE JOSTEN
EXECUTIVE VICE PRESIDENT
GOVERNMENT AFFAIRS

1615 H STREET, N.W.
WASHINGTON, D.C. 20062-2000
202/463-5310

December 5, 2007

The Honorable Richard Durbin
Chairman
Subcommittee on Financial Services and
General Government
Committee on Appropriations
United States Senate
Washington, DC 20510

The Honorable Sam Brownback
Ranking Member
Subcommittee on Financial Services and
General Government
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Chairman Durbin and Ranking Member Brownback:

On July 12, 2007, the U.S. Chamber of Commerce, along with a coalition of more than 60 business associations and organizations, sent a letter to the Committee on Appropriations stating our strong opposition to language in the "Financial Services and General Government Appropriations Act, 2008" that would bar funding for Executive Order 13422. A copy of that letter is attached. The Chamber the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region.

As you move forward, the Chamber continues to oppose defunding Executive Order 13422, and urges you to ensure that such language is not included in the final bill.

Executive Order 13422 was signed by President Bush on January 18, 2007, in an effort to increase the quality, accountability, and transparency of the federal government. Specifically, Executive Order 13422 expanded the scope of Executive Order 12866—the regulatory planning and review order issued by President Clinton—to subject not just agency rules to OMB review, but also, for the first time, provide significant guidance documents.

In an effort to inject some commonsense into agency rule-making, Executive Order 13422 requires that an agency: (1) state why a rule is needed; (2) give an accurate accounting of costs and benefits of an individual rule and the aggregate costs and benefits of all rules issued by the agency that year; and (3) create a Regulatory Policy Officer within each agency to ensure that the executive order is implemented by the agency. Such requirements will effectively prevent federal agencies from continuing to circumvent regulatory review and planning requirements by issuing guidance documents with binding language in lieu of a proposed rule requiring public notice and comment.

The House version of the legislation, H.R. 2829, passed with an amendment by Rep. Brad Miller barring funding for Executive Order 13422 and preventing this order on good

government from being implemented. By removing such language from the final bill, you can ensure that Executive Order 13422 is implemented, and that accountability and transparency become part of the regulatory process.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Bruce Josten". The signature is fluid and cursive, with the first name "R." being particularly prominent.

R. Bruce Josten

Cc: Members of the Senate Subcommittee on Financial Services and General Government,
Committee on Appropriations

Attachment