



U.S. MERIT SYSTEMS PROTECTION BOARD

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General Counsel

April 6, 2020

President Donald J. Trump
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

RE: Small Business Regulatory Enforcement Fairness Act Compliance Report

Dear Mr. President:

Pursuant to Section 10 of Executive Order 13892, the Merit Systems Protection Board ("MSPB") hereby submits this report to you regarding MSPB's compliance with the Small Business Regulatory Enforcement Fairness Act of 1996 ("SBREFA"), P.L. 104-121.

Section 10 of SBREFA requires that MSPB demonstrate its civil enforcement activities, investigations, and other actions comply with the law, including section 223 of SBREFA. The provisions of SBREFA pertaining to civil administrative enforcement activities, investigations, and other actions apply to agencies that regulate "small entities," as defined by 5 U.S.C. §§ 601(3)-(6). SBREFA, § 211, *et seq.* MSPB's jurisdiction, however, is limited to agencies of the Federal Government, which are not included within the definition of "small entities." *See* 5 U.S.C. §§ 601(3)-6); 5 U.S.C. § 1204(a)(1). MSPB is not empowered to regulate "small entities," including the conduct of civil administrative enforcement activities, investigations, or other actions. 5 U.S.C. § 1204(a)(1). Accordingly, all civil enforcement activities, investigations, and other activities conducted by MSPB are in compliance with SBREFA.

Sincerely,

A handwritten signature in black ink, appearing to read "Tristan Leavitt".

Tristan Leavitt

General Counsel

Acting Chief Executive and Administrative Officer