

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

April 26, 2016

The Honorable David Vitter
Chairman
Senate Committee on Small Business
& Entrepreneurship
Washington, DC 20510

The Honorable Jeanne Shaheen
Ranking Member
Senate Committee on Small Business
& Entrepreneurship
Washington, DC 20510

Dear Chairman Vitter and Ranking Member Shaheen:

The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting, and defending America's free enterprise system, supports the "Prove It Act of 2016" and the Committee's efforts to ensure small business impact analyses are properly conducted during the federal rulemaking process.

The bill would provide an additional procedural process in circumstances where the Chief Counsel of the Small Business Administration (SBA) Office of Advocacy disagrees with a federal agency certification that a proposed rule would not have a significant economic impact on a substantial number of small businesses under the Regulatory Flexibility Act (RFA).

This very situation arose during rulemaking for the EPA and U.S. Army Corps of Engineers proposed definition of "Waters of the U.S." (WOTUS), and the consequences to small businesses across the country are significant. During the WOTUS rulemaking, the agencies certified the proposed definition would not have a significant impact and no analysis under the RFA was required. The Chief Counsel of the SBA Office of Advocacy disagreed and wrote a public letter imploring the agencies to withdraw the proposed rule and conduct a full regulatory analysis. The agencies failed to do so, and in fact never even responded to the Chief Counsel's letter. Had the Prove It Act of 2016 been in place during the WOTUS rulemaking, the final rule might have been a more informed and less harmful final product.

For these reasons, the Chamber supports the Prove It Act of 2016. We thank the Committee and Senator Ernst for their leadership on this very important issue.

Sincerely,



R. Bruce Josten

cc: Members of the Senate Committee on Small Business & Entrepreneurship