



JFROBOL@aol.com
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To: John Morrall@EOP
cc: shawne.carter@sba.gov
Subject: Comments Regarding Federal Regulations Including Federal Regulations Affecting S

Suggested Regulatory Reform Improvements:

Name of Regulation: This suggestion relates to all Major Rules Issued since the effective date of the CONGRESSIONAL REVIEW ACT.

Agency Regulating: All Agencies that issue Major Rules.

Citations: GAO/T-OGC-98-38 and GAO/T-OGC-98-55

Authority: CONGRESSIONAL REVIEW ACT

Description of Problem: Many Major Rules may be unlawfully enforced because the rule was not filed in accordance with the Statute. (See page 2 of GAO/T-OGC-98-38)

This matter was considered by some of the Staff of the Committee to which these reports was addressed. If Rules that were not filed in accordance with the ACT are nullities, could anyone who suffered financial damage file suit to recover from the Government? If so, the Taxpayers liability could run into the Billions.

Problems with interaction between OMB and GAO are also discussed in these GAO Reports.

Proposed Solution: GAO and **OIRA** should initiate a join investigation of this matter and cooperate on finding a solution. If the Agency were required to submit its reports to Congress and GAO for ORIA review it should improve the Quality of the reports.

GAO and ORIA have both suffered from lack of resources. SBA, Advocacy has been hampered by the inability to communicate with Congress and the GAO. The recent MOR between Advocacy and OIRA should help in this regard.

Estimate of Economic Impact: I have no basis for making such an estimate but I believe it could be many Billions per year.

I have an extensive file on this subject and would be willing to provide additional information to OIRA if it would be helpful. Advocacy also has extensive files related to this problem.

James F. Boland
6150 W. 33 S.
Idaho Falls, Idaho 83402
208-522-3228

jfrobot@aol.com

Member of *SRA*
Delegate to the WHC on Small Business in 1995.



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