



The Daily Dish

## July 10th Edition

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Each year the federal government is making a [staggering \\$100 billion](#) in improper payments. Fraud, clerical errors and insufficient IRS enforcement have all combined to create the massive number. This came to light Wednesday during a congressional hearing. “Nobody knows exactly how much taxpayer money is wasted through improper payments, but the federal government's own astounding estimate is more than half a trillion dollars over the past five years,” Rep. John Mica said. Medicare led the pack with \$50 billion of wrong payments.

House Republicans of the Energy and Commerce Committee have [threatened to subpoena](#) the EPA over its new carbon rule revealed earlier this year. The EPA has responded through a statement stating, “As you know ... the ongoing nature of this action raises particular concerns regarding the confidentiality and independence of agency deliberations.” The House committee is not buying the excuse though and will continue to pursue the documents.

### *Eakinomics: As Will Rogers Said.....*

“I don't make jokes. I just watch the government and report the facts.” In this spirit, let me report that the Environmental Protection Agency (EPA) has asserted its right to garnish the wages of Americans. That is right. The EPA — not the Internal Revenue Service, not the Justice Department — and without a court order has [proposed](#) going directly to your employer and taking your wages. Specifically, July 2 — just before a holiday, “shocker”— the EPA declared it has the power “to garnish non-Federal wages to collect delinquent non-tax debts owed the United States without first obtaining a court order.” In English, this means that if the EPA has fined you, and you have disputed the fine, it can simply take your paycheck.

Could this happen? Yes. Consider the recent, controversial [rulemaking](#) defining “the Waters of the United States.” Many stakeholders worry that rule’s ambiguous parameters and non-transparent findings process could lead to many farmers, ranchers, small businesses and others being swept up in the rule’s scope. The combination of the massive increase in the scope of fines and the ability to garnish puts the EPA in a position well beyond a protector of the environment.

That said, the really amazing thing is not what the EPA proposes. It is that the EPA thinks this is no big deal. Specifically, it skipped the usual process — a proposed rule, comments, a final rule, etc. — and simply published a final rule. Amazingly, it simply said it took this path because the EPA sees this “as a noncontroversial action and anticipate no adverse comment.” Although they do note that: “If we receive adverse comment, we will withdraw the direct final rule and it will not take effect.”

There are two lessons from this episode. First, it *should* be controversial, the EPA *should* receive comment and the rule *should* be withdrawn. The second lesson is more subtle. The Obama White House has indicated its willingness to use the regulatory apparatus as a substitute for legislation. In that environment, every agency feels empowered and this kind of rule is the result.

***From the Forum***

[Curbing the Provider Shortage: More Coverage for Telehealth Services](#) by [Angela Boothe](#), AAF Health Policy Analyst